LEGISLATIVE COUNCIL

Thursday, October 26, 1967

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

ASSENT TO BILLS

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

Crown Lands Act Amendment (No. 2),
Local Government Act Amendment (No. 2).

QUESTIONS

BUSH FIRES

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

Leave granted.

The Hon. H. K. KEMP: On checking the answer given yesterday to my question regarding bush fires, I cannot but feel that in the gist of the reply there is a complete misunderstanding of this subject. Normally, by this time of the year a heavy drive is being made on bush fire publicity with the idea of inducing people to clean up any fuel lying around. I notice in the Estimates that $500 is allotted for bush fire prevention publicity and that $50,000 is allotted for the Bush Fire Research Committee's demonstrations and research programme. These amounts are the same as were allotted last year. However, there is very little evidence at all of any money being spent. The only publicity that has come to my notice has been more or less personal publicity statements by the Premier regarding bush fires generally and by the Minister of Agriculture, and these were cast in general terms covering the whole State. Over the State generally there is little bush fire danger, with not much fuel in the paddocks where usually there is grass land, and very little crop land that can burn. The position in the hills is different and now dangerous and acute much earlier than usual, the normal publicity campaigns that have been prosecuted in past years are not necessary for the rest of the State but are more than ever necessary in the Adelaide Hills and the lower South-East. That is why I ask, in general terms: can something be done while it is still possible to do it? This country is still open for controlled burning.

The Hon. S. C. BEVAN: This comes within not my jurisdiction but that of the Minister of Agriculture. Yesterday I told the honourable member that I would refer this matter to my colleague and obtain a reply. I can only give the same answer today: the matter has been referred to the Minister of Agriculture and, while awaiting a report from him, I cannot give the honourable member the answer for which he has asked.

DROUGHT ASSISTANCE

The Hon. V. G. SPRINGETT: Has the Chief Secretary an answer to a question I asked on October 24 about overall losses in this State arising from the drought?

The Hon. A. J. SHARD: I have had inquiries made. It is quite impossible to make any reliable assessment of the loss to the State arising from the drought. The more obvious loss, of course, is in the reduced volume of cereal yields below what would be expected in a normal season. Then there is the reduced stock-carrying capacity with the resultant lower incomes from wool and meat. In addition to losses from reduced volume there will be further adverse effects arising from the poorer quality of farm products. A recent estimate of such losses was about $85,000,000 but the situation is deteriorating every day and a current estimate could be in excess of $100,000,000 loss to the rural community. There will be further adverse effects on the whole State economy because of the reduced purchasing power of the farmer and grazier.

TRANSPORT STUDY

The Hon. C. M. HILL: Can the Minister of Roads say when the final report of the Metropolitan Adelaide Transportation Study will be completed and made available to the public?

The Hon. S. C. BEVAN: I answered this question yesterday by saying that I could not indicate when the report would be finalized and made available to the public. The study is not yet finalized. When it is, it will be submitted to the printer before it can be made available for the public. I expect that the printing of the report and the maps accompanying it will mean that some time will elapse before the report is obtainable from the printer. Until it is available, I cannot indicate just when the general public will have access to it.

ELIZABETH FIELD 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 Elizabeth Field Technical High School.

HOSPITALS ACT AMENDMENT BILL

Read a third time and passed.

FISHERIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 25. Page 2973.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I realize that the Government requires this measure to be passed through the Council fairly quickly because the crayfishing season commences on November 1. I am sure we all appreciate the urgency of this measure. The continental shelf, particularly the portion off the South-East coast, on which our crayfishing industry is based, has always carried a large crayfish population and has supported a thriving industry.

Whereas before the Second World War the industry was based primarily on local consumption, since 1945 its productivity has increased remarkably, particularly in the ports from Port MacDonnell to Kingston. I am sure we all realize that the crayfishing industry earns a large dollar export income; I believe it is about $3,500,000 at present. The crayfishing industry today is very efficient, because it uses good boats, excellent gear and skilled operators.

Those of us who know the industry fairly well realize that this State can be justly proud of it. For some time the fishermen have requested that restrictions be imposed in order to preserve the future of the industry. It is common knowledge that the catch taken, particularly from the viewpoint of unit effort, has been decreasing over the last few years. To illustrate this point I have a table showing the total catch of crayfish in pounds, the average number of pots pulled each fishing day, and the average catch in pounds. In 1949-50 the average daily catch of a fisherman who was pulling 43 pots was 23 lb. a pot pulled, but at present the average catch a pot pulled is 5 lb.; we see a descending scale between 1949-50 and the present time. The crayfishing industry is greatly concerned that many grounds, which were previously very productive, can no longer be worked economically. I refer particularly to a large reef area extending north of Kingston which was extremely productive a few years ago but which is worked in a limited fashion at present and is not very productive.

If some immediate action is not taken by restricting the number of boats fishing in the area, serious damage will occur to this important industry. As pressure in the industry increases, we are finding some over-exploitation of the industry in South Australia. We see, for example, boats that previously were working probably 40, 50 or 60 pots, in order to make a living today are working 120, 150 and some of them 200 pots. This does not lead to efficiency in the industry. People working 200 pots today are not working efficiently. They are trying to get more and more pots out to maintain their catch level. As a result of the inefficient working of their gear some damage is being done to the industry. I believe the industry also needs close study, as very little research work has been done over the years in South Australia.

It may well be that we shall have to come down in the future to the artificial restocking of the areas. I believe the female crayfish spawns about 500,000 eggs, of which only about three reach maturity and get on to the crayfishing grounds. It is possible that the grounds could be artificially restocked by breeding crayfish and taking them out and placing them on the breeding ground. The South-East is capable of carrying a large crayfish population. I can remember that 20 to 30 years ago, around the coast of the South-East, one could fill a bag with crayfish in water ankle deep, but today that would be impossible. At present, there are about 200 or 300 boats fishing on the South-East coast. If they have an average of 100 pots each, one can see the number of pots used in this area. The whole of the continental shelf does not necessarily carry crayfish. The crayfish population is limited to the reef areas, which are not as extensive as some people think.

There is a great need for this legislation, not only to bring stability to the industry but to examine the conservation of what one might call the capital resources of the industry. Western Australia, which has an industry four times the size of South Australia's and which has grounds of much greater size than South Australia's, has already introduced legislation restricting the entry of new boats into the industry. Victoria and Tasmania have also introduced restrictions. Regarding the question of measurement of crayfish, the measurement in South Australia is an overall one, whereas in other parts of the Commonwealth it is a carapace measurement. I strongly

approve of the carapace measurement instead of the overall length measurement. I consider that the licensing of boats and a restriction on the number of boats entering the industry is the first step necessary to preserve this vital industry in the State, although the restriction on the number of boats alone will not solve the problem.

I believe that a limit on the number of pots a boat can set should be introduced as soon as possible. Clause 6 of the Bill provides for the making of regulations regarding the number of crayfish pots that may be carried by each boat. I am sorry that this is not being introduced this year because I think a pot limit and a restriction on the number of boats go hand in hand. If the Bill had been introduced earlier this might well have been done, but I believe at this stage it is not practicable to introduce pot limits. However, I believe this to be an integral part of a conservation scheme in an attempt to bring some stability to the crayfishing industry. We all realize that this is an extremely fruitful industry, but the crayfishing grounds are limited and I think control is necessary if the industry is to survive.

The total catch of the crayfishing industry in Australia is about 26,000,000 lb.; two-thirds of that quantity is caught in Western Australian waters and one-third in southern waters, the latter providing a catch of about 9,000,000 lb. a year. The size of the catch in South Australia has steadily increased, as is indicated by the annual catch in 1959-60 of 3,500,000 lb. and in 1961-62 of 4,000,000 lb., while the present catch is about 6,000,000 lb. a year. Those figures have been achieved by increased effort, but that increased effort has been accompanied by a reduction in return from the catch from each unit. Most people probably realize that most fishermen on the grounds are doing well financially but are worried because, despite the increase in effort, there has been a lower return from each unit. If some controls are not introduced, the industry could be lost to South Australia.

I believe this calls for something more than limiting the number of boats operating and the number of pots permitted to each boat, but I believe this is the correct first step. My only criticism of the legislation is that it was not introduced earlier. I have always advocated this type of legislation as a means of preserving the crayfishing industry in this State.

Many more important points, such as research and the provision of better facilities, must be considered. I urge that this and any future Government should attend to this question as quickly as possible.

At present any person using a crayfish pot needs a licence. Clause 5 provides that any person who does not have a permit—that is, his licence endorsed—cannot use more than three crayfish pots or three drop nets from any boat. The clause reads:

Section 53 of the principal Act is amended by inserting therein after paragraph (*a*) thereof the following paragraph:—

(*a*) not being the holder of a permit duly endorsed on a licence pursuant to section 15*c* of this Act to take fish of the species known as "crayfish", uses more than three crayfish pots or more than three drop nets from any boat at any one time in taking any such fish:

I take that to mean that the restriction is on the person and not on the boat, and if that is the position I am quite happy with the clause. As I read it, it seems to me that the person holding an amateur fisherman's licence is allowed three crayfish pots and three drop nets. I should like the Minister to confirm that. Apart from that, I have much pleasure in supporting the Bill.

The Hon. S. C. BEVAN (Minister of Local Government): I thank honourable members for considering this Bill so expeditiously. As the Leader has said, it is a pity that this legislation could not have been introduced earlier. However, it was necessary to make fairly extensive inquiries into the industry. This Bill is more of an interim or trial measure to enable us to see how the legislation will work, and it may be necessary to introduce further amending legislation later. Regarding the Leader's query about amateur fishermen, the limit is imposed on the person and action would be taken against that person if he did not comply with the provision.

The Hon. R. C. DeGaris: If there are two fishermen in a boat, can they have six pots, or would the limit of three pots apply to the boat?

The Hon. S. C. BEVAN: As I understand it, the limit is on the person and not on the boat. I thank honourable members for their co-operation. It is necessary, as I understand it, to have the Bill proclaimed before the commencement of the season on November 1.

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

MENTAL HEALTH ACT AMENDMENT BILL (CRIMINAL DEFECTIVES)

Adjourned debate on second reading.

(Continued from October 25. Page 2971.)

The Hon. V. G. SPRINGETT (Southern): A few weeks ago amending legislation was passed to the Mental Health Act dealing with needed controls and improvements in psychiatric rehabilitation hostels. The Bill before us has as its concern a specialized group of people, namely, those people who have come within the ambit of the law but who, because of their mentally disturbed state, are not dealt with in the way that would otherwise be the case.

These people come under several groups: first, those whose sexual capacity or deviation makes them a risk to society or, at the very least, a disturbing influence in society; secondly, people who have committed crimes but who, because of their insanity, do not normally realize what would be the effect of their crime and what the sentence of the law would be for what they have done (they do not realize this, and therefore they are specially protected); thirdly, the group of people whose mental state is such that they are unable to appreciate the legal processes involved for them after their crime, and who, therefore, do not come to full trial at all; and, fourthly, people who whilst serving a sentence for a crime have become or are found to become mentally abnormal and are moved to be treated in a special institution beyond the capacity of an ordinary person.

All modern thought in enlightened countries is directed to the restoring of lawbreakers back to the community as useful citizens. There is often a gap between this ideal and the result achieved. All penal measures have to serve the good of both the offender and society. Mentally afflicted lawbreakers have compounded problems. Their first disability is not their crimes but their minds. To serve these two objectives the public seeks an assurance and a satisfaction on two almost directly opposed principles. On the one hand, they want maximum security for the benefit of society and, on the other hand, they want certain freedoms in which to allow the develment of mental care of these people.

In Australia, because of our different States and their different laws, we have a problem that some other countries do not have. If a person escapes from the custody of a criminal mental institution and goes to another State there is no existing legislation to secure his return to his own State. There is at the moment, I understand, a gentleman's agreement, which is something in this direction. In the Glenside Hospital in this city there is a maximum security section, and to it are sent those criminal persons whose mental state I referred to earlier. Admission to this maximum security region can be under emergency order, or if longer time is available other routine processes are followed. Prisoners in this block serve out their sentence and, if at the end their mental state still requires similar control, it can be achieved in the same block; because not all the inmates in this block are criminal patients; some are there simply because safety demands it. Because of the fears of the general public, which are understandable but not always justifiable, there is a tendency not to make full use of certain less secure sections of the hospital to assist in the patient's rehabilitation. I understand there have been two or three escapes in the last five years.

This Bill makes it possible for an escaped prisoner to be returned forthwith after he has been recaptured to the place from which he has escaped. This is achieved in the following way. Clause 4 strikes out section 43 of the principal Act, which limited this recapture to three months. The prisoner had to be recaptured within three months of escaping: a form of open season. Now, there will be no time limit. Clause 5 strikes out section 54 (2) of the principal Act, which was amended in 1945 to make provision for the controlling of trial leave for persons in criminal mental institutions. It also strikes out a section of the Act concerned with the recapture of escapees and instead it will now be possible for a person still to be apprehended and returned whence he came, irrespective of a time limit. If a patient is on trial leave or absent with the permission of the authorities but nevertheless still under sentence and he overstays his leave of absence or disobeys his parole conditions, he will, under this new legislation, be deemed to have escaped and be dealt with by being sent back whence he came.

The purpose of this is first, to allow some degree of flexibility within the framework of the system, to give an opportunity for the patients to have the benefit of graded and progressive care and, secondly, to safeguard the public and make sure that they are not worried by a fear that patients can just escape and roam at large without a guarantee that they will be recaptured and returned whence they escaped. Thirdly, the knowledge of recapture and return might conceivably curb the over-enthusiasm of potential escapees. Fourthly, the problem of interstate escape and capture

procedures requires appropriate legislation. I know this Bill does not really deal with that but it opens up the next step and I am told that there is a goodwill transfer existing even now without legislation so that each State tends to receive back its own unfaithful ones. I hope that ere long full interstate legislation will be introduced, making full interstate escapee exchange possible. Obviously, that will not be easy to achieve. The schedule to the Bill is self-explanatory and covers the needs of the case. I support the Bill.

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

CITRUS INDUSTRY ORGANIZATION ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It is designed to make certain alterations and additions to the Citrus Industry Organization Act. Since the Citrus Organization Committee was established by that Act, the Adelaide market has become the most stable market in Australia for the sale of citrus fruit, and the citrus industry has been organized far more efficiently than before the committee was established. To enable the orderly marketing of citrus fruit to continue, certain amendments to the Act have become necessary and desirable. The main objects of this Bill are to overcome certain difficulties that have been experienced with regard to the definition of "marketing" contained in section 5 of the Act, to enable the committee to take action with regard to diseased fruit and to provide for representative members of the committee to be elected from certain zones instead of on a State-wide basis. It also provides different requirements for election to and voting for the committee, and gives the committee's inspectors wider powers.

Clause 4 provides for several additions and alterations to section 5, which is the interpretation section of the principal Act. Paragraphs (*a*) and (*b*) of clause 4 alter the existing definitions of "grower" to provide clearly that all parties to partnership and share-farming agreements under which citrus fruit is grown or produced for sale are "growers". Paragraph (*c*) of this clause replaces the existing definition of "licensee" with definitions of both "licence" and "licensee"; there is at present no definition of "licence". Paragraph (*d*) is the first of several amendments designed to alter the existing references in the Act to "marketing" as one operation consisting of sundry steps and to treat "marketing" as a series of operations. It simply provides that "marketing" will no longer "mean" the processes set out in the definition, but will "include each step taken in relation to such processes". By characterizing "marketing" as having component parts all ancillary to the whole, the existing Act makes it almost impossible for a person, for instance, packing citrus fruit in South Australia for sale by wholesale in another State to be compelled to be licensed to pack citrus fruit. Such a person could, in a prosecution for packing without a licence, claim that the activity he was engaged in was marketing, that is, every process from the harvesting of fruit to its sale by wholesale. Thus, because there was an interstate element in his marketing activity, he could claim a defence based on section 92 of the Commonwealth Constitution.

If packing and selling are referred to as separate processes, instead of components of the one process, the interstate element in such a person's selling ability will have far less relevance to his packing activity. Thus the effect of paragraph (*d*) and other amendments in the Bill should be to compel such a person to have a licence for packing. A definition of "partnership" is inserted by paragraph (*e*); this is necessary because of the altered definitions of "grower".

Paragraph (f) provides a definition of "quality", which is mentioned in paragraph (*d*) of subsection (2) of section 22 of the Act but was not previously defined. It also provides definitions of "register of growers" and "registered grower", also not previously defined. Paragraph (*g*) alters the existing definition of "representative member"; this is necessary because of the amendments to section 9 of the Act proposed by clause 7. The expanded definition of "sell" in paragraph (*h*) closely follows that in section 4 of the Dairy Industry Act.

Paragraph (*i*) defines "the prescribed day", "zone" and the various zones referred to in clause 7. Clause 5 retains the provision in section 6 that nothing in the Act shall apply in relation to the harvesting by a grower of his own crop of citrus fruit, but adds an exception regarding section 22 of the Act, the powers conferred on the committee by that section and any order made by the committee pursuant to any of those powers. A

consequential amendment of section 22 is provided by clause 15 (*a*). These amendments will enable the committee to prevent, where necessary, the harvesting of diseased fruit. The definition of "marketing" contained in section 5 of the Act includes "harvesting", so that the proposed amendments simply enforce this concept of marketing.

Clause 6 provides for the addition of "or any product thereof" after "citrus fruit" wherever it occurs in section 7 of the principal Act. The Act is inconsistent in several places where it refers only to citrus fruit, where "products" clearly are intended to be referred to as well. Clause 7 provides for the reconstitution of the committee, by inserting new subsections in lieu of the existing subsections (1), (2) and (3) of section 9.

The new subsection (1) provides that the committee as presently constituted shall continue in office until a prescribed day. The new subsection (1a) provides that on and after the prescribed day the committee shall consist of eight members, five of whom are each to be appointed after election by growers in a particular zone. Subsection (1b) is concerned with the change from the present to the new committee, and subsections (2) and (2a) deal with vacancies in the offices of members. Subsection (3) provides that only a grower who grows at least 300 trees, or who is a party to a partnership or share-farming agreement under which, or who is a nominee of a body corporate by which, at least 300 trees are grown for the production and sale of citrus fruit, is eligible to become a representative member of the committee.

At present there is a danger that all the representative members of the committee could be very small growers. A holding of 300 trees is a smaller than average holding; allowing for a proportion of immature and old trees, it represents a yield of about 900 cases of fruit a year, or a gross return of a maximum of $1,400. Figures supplied by the committee indicate that there are 1,522 citrus holdings in the State, having between them some 1,642,147 trees; thus, the average holding is over 1,000 trees. Accordingly, the requirement of 300 trees for membership of the committee is more realistic than the present requirement of 50 trees.

Subsection (3a) provides that a representative member of the committee must be a registered grower in the zone he represents, and subsection (3b) provides that not more than one party to a partnership or share-farming agreement may be a member of the committee at the same time, unless such a party is also a registered grower in another capacity. In respect of the 1,522 citrus holdings, there are 824 partnerships; thus partnerships, especially family partnerships, are common, and in some instances have several members. It is desirable to have as many citrus holdings as possible represented on the committee, and thus undesirable for two or more members of a partnership to be members of the committee at the same time.

Clause 8 amends section 11 of the Act, which provides for the election of representative members. Paragraphs (*a*) and (*b*) merely point to the amendments proposed by paragraph (c), which provides new subsections in lieu of subsections (3) and (4) of section 11. The new subsections (3) and (3a) are machinery provisions. New subsection (4) provides for the election of the representative members of the new committee. It is provided in subsections (4a) and (4b) that a grower may vote only in the zone in which he is a registered grower, and that not more than one party to a partnership or share-farming agreement may vote, unless such a party is also a registered grower in another capacity. Subsections (4c) and (4d) provide for the determination of which member of a partnership is entitled to vote.

At the last elections held for the committee, 2,367 ballot papers were sent to growers registered in respect of the 1,522 citrus holdings; it is not desirable that several people who are partners with respect to the same property should have one vote each, whereas a person who is a grower on his own account on a property of equal size should have only one vote. Paragraph (*d*) of clause 8 is a machinery provision providing for the case where the number of persons nominated is equal to the number to be elected. Clause 9 repeals and re-enacts section 12 of the principal Act, relating to grower companies, but, when read with clauses 7 and 8, does not affect the substance of section 12.

Clause 10 repeals and re-enacts section 13 of the Act, relating to the register of growers. The new section 13 provides that there is to be a separate part of the register for each of the five zones; if a grower has a citrus holding of at least 50 trees in two or more zones his name is to be shown in such part of the register as the committee decides. Provision is made for the names of nominees of partnerships and bodies corporate to appear in the

register. Section 14 of the Act, relating to the terms of office of members of the committee, is repealed and re-enacted by clause 11. Representative members are to hold office for three years, except that, to ensure that not all of the members will retire at any one time, two of the representative members of the new committee are to hold office for two years. The other appointed members are to hold office for the term specified in the instruments of their appointment. The other provisions of the new section 14 are the same as the existing provisions.

Clauses 12 and 13 convert into decimal currency the references to the old currency in sections 15 and 20 of the principal Act. Clause 14 makes certain amendments to section 21 (1) of the Act. The powers of the committee contained in paragraphs (*a*) and (*b*) of subsection (1) are more closely specified, by reference to the definition of "marketing", but without relying solely on a reference to a process called "marketing"; a reference to citrus products is added to paragraphs (*b*), (*c*), (*f*) and (*i*).

Clause 15 amends section 22 of the Act, relating to marketing orders. Paragraphs (*a*) and (*b*) of the clause give the committee power to prohibit the buying as well as the selling of citrus fruit, whereas the existing paragraph (*b*) of subsection (1) contains only the power to prohibit selling. These amendments bring the committee's powers into line with those of the Potato Board (section 20 (1) (b1) of the Potato Marketing Act). Paragraph (*a*) also gives the committee power to prohibit, either absolutely or except as specified in the order, the harvesting of citrus fruit, enabling the committee to control the harvesting of diseased fruit where necessary. Paragraph (*c*) enables the committee to fix minimum prices, as well as set prices, at which citrus fruit may be sold. For the committee to provide a stable market for citrus fruit it should have the power to fix minimum prices, but it is not necessary in every case for it to fix seller's margins.

Clause 16 converts into decimal currency the reference to the old currency in section 23. Clause 17 clarifies section 24 (1) of the Act by inserting after the passage "such information" the passage "or returns". The clause also makes an amendment relating to decimal currency. Clause 18 repeals section 26 of the principal Act, which prohibits a licensee from refusing citrus fruit delivered to him pursuant to the Act. This section has never been and is never likely to be invoked, as the committee will not require delivery to a licensee who is not willing to accept the fruit. Clause 19 generally enlarges the powers of inspectors under section 27 of the Act, incorporating in a new section 27 the powers of inspectors under the Fruit and Vegetables (Grading) Act which are necessary if the Act is to be implemented effectively.

Paragraph (*b*) of subsection (1) of the new section 27 gives an inspector the power to enter any vehicle by which citrus fruit or products are being conveyed to make inspections. Paragraph (*c*) gives him the power to open packages containing citrus fruit or products, although he must first call on the owner or person in charge of the citrus fruit or products to open such packages. In paragraphs (*d*) and (*e*) he is given the power to take samples of citrus fruit and products, and, if he has reasonable grounds for suspecting that, with respect to such citrus fruit or products, there is or has been a contravention of the Act, the power to detain the same for such time as is necessary to complete his inspection of it. He is given powers in paragraph (*f*) with regard to false marks on citrus fruit or products, and paragraph (*g*) enables him to give directions regarding compliance with the Act.

Subsections (2) and (3) provide that an inspector detaining fruit or products for examination, or taking any action with regard to false marks on fruit or products, shall give notice of such detention or action to the owner or person in charge of such fruit or products. Subsections (4), (5), (6), (7) and (8) provide for duties of persons in relation to inspectors, and for offences in connection with inspections. Subsection (9) enlarges the present definition of "inspector" to include "a member of the Police Force". Clause 20 converts into decimal currency the reference to the old currency in section 28. Clause 21 amends section 30 of the Act relating to offences in connection with the marketing of citrus fruit.

The existing section 30 (1) provides that a person shall not "do any act, matter or thing included in the marketing of citrus fruit" without a licence. The committee at present wishes only to provide licences for persons who pack, sell by wholesale or process citrus fruit. Hence paragraph (*a*) of clause 21 provides only that a person shall not carry on these activities without a licence unless authorized in writing by the committee, although it also provides that regulations may be made prohibiting persons from carrying on other activities without the appropriate

licences. Paragraph (*b*) makes an amendment to subsection (2) of the section relating to decimal currency. Paragraph (*c*), in order to avoid a reference to a composite activity called "marketing", replaces the passage "included in the marketing of" with the passage "in relation to".

Clause 22 amends section 34 of the principal Act relating to regulations. Paragraph (*a*) enables regulations to be made regarding information and returns to be made to the committee by growers. Paragraph (*b*) is an adaptation of section 28 (11) of the Dairy Industry Act, and enables regulations to be made regarding the prevention of decay and infection in fruit. Paragraphs (*c*) and (*d*) provide for inspectors of the committee to have the power to require any persons, and not only persons transporting fruit, to answer questions relating to citrus fruit. This is in line with the powers of inspectors under regulations made under paragraph (a) of section 24 of the Potato Marketing Act.

Paragraph (e) provides for regulations relating to the terms and conditions under which citrus fruit may be bought by the committee; some control is desirable if the committee is to undertake the marketing of fruit.

Paragraph (*f*) is also an adaptation of a section of the Dairy Industry Act: section 28 (2). It provides for regulations discriminating according to time, place and circumstances, recognizing that different fruitgrowing areas have different problems, and that some controls may be required during only some periods of the year. Paragraph (*g*) relates to decimal currency. Clause 23 contains provisions relating to polls on the continuation of the Act, which are similar to those relating to elections contained in clause 8 of the Bill.

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

PACKAGES BILL

In Committee.

(Continued from October 24. Page 2910.)

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

The Hon. S. C. BEVAN (Minister of Local Government): When the Committee last sat certain queries were raised but I was not in a position to answer them. It was stated that clauses 22 and 23 had a bearing on clause 21. Progress was reported at that time to enable honourable members to examine the section in order to check items that were tentatively covered. I now have further information for honourable members. Clause 21 provides the authority to use the term "net weight when packed" in appropriate circumstances. The underlying principle to determine where "net weight when packed" can be used is that it must be demonstrated that an article will lose weight in excess of 4 per cent.

It is proposed that the following articles will be prescribed by regulation to be marked "net weight when packed": whole hams, bar soaps, soap powders (excluding detergent powders), glauber salts, washing soda, yarn, and tobacco. It is possible that this list will be added to, but only if it can be demonstrated that an article which is proposed should be added loses more than 4 per cent of its weight. As matters stand at the moment, it is possible for any packer to mark his package "net weight when packed" irrespective of whether it does in fact lose weight, and in these circumstances it has been decided by all States to act to restrict the use of this term to those cases where it has been proved to be appropriate. This action has been taken to protect the consumer and the reputable packer from improper practices.

Honourable members have questioned section 49 of the Weights and Measures Act, and it is true that this section will require amendment at a later date. It must be realized that the present Bill will not become effective until 12 months after it is proclaimed, and both consumers and the industry must be protected during the transition period. Hence it would not be appropriate to amend section 49 until clause 21 of the present Bill becomes operative. Honourable members have asked where articles marked "net weight when packed" will be checked. Generally this would be done at the point of packing, but it would be possible where a percentage loss is prescribed (clause 21 (4)) to make test checks at the point of distribution. However, as far as this State is concerned, it is anticipated that most of the checking will be done at the point of packing.

I would also point out that fresh fruit or vegetables will be exempted by regulation from marking provided it is packed in accordance with the laws of the State relating to the sale of fresh fruit and vegetables. Bread is not covered by this Bill as it is governed by the provisions of the Bread Act.

Clause passed.

Clauses 24 to 26 passed.

Clause 27—"Selling an article not marked with an approved brand, etc."

The Hon. R. A. GEDDES: I move:

To strike out paragraphs (*a*) and (*b*) and to strike out "and (*c*)".

In my second reading speech I pointed out that the Bill provided that the packer, or the industry packing modern products, should be policed. A check should be kept to see that such a person or organization does not take advantage of the gullible public. Part IV deals exclusively with the sale of articles of the type handled by a storekeeper. I previously expressed the opinion that it is unjust that a storekeeper should be held liable for having on his shelves packets of soap bearing the wrong name or not bearing the correct weight when such packets were prepacked at another place. I also said that I thought about 99 per cent of consumer goods bought by housewives were prepacked. It is unjust for the large supermarket operator to be held responsible for such goods. It would be equally difficult for the small grocer who buys in bulk from organizations such as "Four-Square" for delivery to the country. Further, clause 27 (4) (*a*) provides a defence for the person charged if he can prove:

that the commission of the offence was due to a cause that he could not reasonably have foreseen or for which he could not reasonably have made allowance.

Paragraph (*b*) reads:

that he took all reasonable precautions and exercised all due diligence to avoid the commission of an offence in respect of the article to which the proceedings relate.

I think those provisions are unnecessary and unjust.

The Hon. S. C. BEVAN: As honourable members are aware, I am always generous in these matters and easy to get on with, and I have no objection to the amendment.

The Hon. R. C. DeGARIS: The Hon. Mr. Geddes's amendment takes out paragraphs (*a*) and (*b*) and leaves the subclause reading that it is a defence for the person charged to prove that he purchased the article from another person and sold or delivered it in the same state as when delivered to him. Can the honourable member tell me whether each of these paragraphs on its own constitutes a defence or whether the defence must be the three of these matters combined? I want to be clear that we are not taking away some of the things that can be a defence.

The Hon. R. A. GEDDES: I see what the Leader is worrying about. However, why should a storekeeper have to prove the matters that are set out in paragraph (*a*) and paragraph (*b*)? He has purchased goods or packaged articles in good faith, and they are on his shelves. I am dealing with the retailers, the people who sell articles, and I do not think it is fair or just that a retailer should have to prove that he has taken all reasonable precautions and exercised all due diligence.

The Hon. R. C. DeGARIS: I am still not clear on this matter, and I should like the Minister—

The Hon. S. C. Bevan: I am not moving the amendment.

The Hon. R. C. DeGARIS: I should like an interpretation of subclause (4). I think the Hon. Mr. Geddes should have a look at the advisability of substituting "or" for "and" between paragraph (*b*) and paragraph (*c*), for that would not then remove the two defences that are provided in paragraph (*a*) and paragraph (*b*). I am a little concerned that we may be taking out two paragraphs each of which constitutes a defence. I am not quite clear whether these three things in total constitute the defence or whether each paragraph on its own could constitute a defence.

The Hon. SIR ARTHUR RYMILL: This is a point that has been worrying me, too. This subclause sets out a statutory defence to this particular charge. However, it is not the only defence, and any other defence that might be available is not removed by this subclause. However, it seems to me from the way the subclause is worded that to make use of this statutory defence a person undoubtedly would have to prove the whole three matters. Is it the intention of the legislation that he should have to prove all three of these matters to avail himself of this statutory defence, or is it intended that any one of those three things should be a defence in itself?

It seems to me that the wording of each paragraph can be exclusive of each of the others, and it may be the intention that any one of these matters can be a defence in itself. Looking at them separately, each of the first two matters appears to be a reasonable defence in itself. The defence set out in paragraph (*c*), the one the Hon. Mr. Geddes wishes to leave in, seems to me to be the weakest of the three. Can the Minister say what the intention of the Government is in this matter?

The Hon. S. C. BEVAN: I have already said that I do not oppose the amendment. The Hon. Mr. Geddes moved the amendment for a specific purpose, and he has explained it. The clause as it stands means that, if action is taken under it, the person against whom the action is taken will have to prove all these three paragraphs as a defence.

The Hon. Sir Arthur Rymill: Is that the intention?

The Hon. S. C. BEVAN: Yes. I do not know whether the mover of the amendment appreciates its extent but, if it is carried, the person charged will have to prove only paragraph (*c*).

The Hon. R. A. GEDDES: The Hon. Mr. DeGaris suggested that "and" be deleted and "or" be substituted. If that happened, a storekeeper could open a package, remove some of its contents and sell it. The purchaser could return and say, "This soap packet is only half-full." The storekeeper could then say, "I am sorry; I did not realize that." He had taken all reasonable precautions under paragraph (*b*) and he could get away with it if "or" was there instead of "and". If he was charged with selling short weight, his defence would be under (*a*) or (*b*), with "or" replacing "and". It would be a perfect foil for the storekeeper if he wanted to be unscrupulous.

The Hon. Sir ARTHUR RYMILL: I understand that this is a measure uniformly agreed on between the States and introduced for the mutual protection of, for instance, manufacturers selling from one State to another, so that they will all know where they stand and how they can package their goods. This appears to be important, because it is altering the whole substance of the defence under this apparently uniform legislation. I should like a little time to consult some of the people who understand this. I suggest that the Minister report progress to enable us to get the necessary information.

Progress reported; Committee to sit again.

HARBORS ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It deals with two matters. Clause 3 amends section 78 of the principal Act, which enables the Minister to grant licences for the construction of wharves and other works to owners and occupiers of land adjoining the foreshore, by making it clear that the power extends to the grant of licences in respect of land adjoining any place within the limits of the jurisdiction of the Minister, an expression defined in section 43 as including "harbours". The Murray River has been declared a "harbour" since 1914. The power granted by section 78 has been exercised for a number of years in relation to land adjoining the Murray River, but recently the department has been advised that section 78 in its present form may not extend to the Murray River. Hence the amendments made by paragraphs (*a*) and (*b*) of clause 3. Paragraph (*c*) of clause 3 is designed, by the insertion of a new subsection in section 78, to validate licences already granted.

The other amendment is made by clauses 4 and 5. By section 144 of the Act, the Governor is empowered to make regulations relating to the licensing of surveyors of the hulls and cargoes of vessels, while section 168 makes it an offence to act as such a surveyor without a licence. Both sets of provisions are repealed, so that it will be unnecessary for such surveyors to be licensed in the future. Only in Western Australia are marine surveyors required to be licensed. In New South Wales the provisions for licensing were repealed in 1960 and the three remaining States have never licensed such surveyors. While it may have been useful to require licences in the early days when the condition of cargoes for export had to be watched carefully, this work is now largely performed by officers of the Department of Primary Industry and surveyors of the Department of Shipping and Transport. It is considered desirable under modern conditions to remove the licensing requirements completely, and this clauses 4 and 5 do.

The Hon. C. D. ROWE secured the adjournment of the debate.

INDUSTRIAL CODE BILL

In Committee.

(Continued from October 25. Page 3003.)

Remaining clauses (189 to 213), schedules and title passed.

Bill reported with amendments.

Bill recommitted.

Clause 5—"Interpretation"—reconsidered.

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

To insert the following definition:

> "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 apologize to the Committee for confusing the issue yesterday; I was trying to put before it matters so complicated that they are not understood by people engaged in the industry. The Citrus Organization Committee is another instance of the operation of these factors. My purpose is not to ask for a new departure but merely for the *status quo* to be preserved

in this industry, which has a high labour component. I wish to avoid placing a heavy strain on it.

The Hon. C. R. STORY: I voted against this amendment when it was previously before the Committee. When I did so I believed many people were not under a Commonwealth award in the industries referred to by the Hon. Mr. Kemp. However, after some research, I find that many people are under Commonwealth awards at present. After looking through the list of names of people who have not been cited for a considerable time, I believe the union has not pursued this matter very vigorously if people do not know they are already under an award. Some of the people are close to the Hon. Mr. Kemp's area; the list comprises people mainly in Forest Range, Lenswood, Gumeracha, Montacute, Mypolonga, Norton Summit, Lyndoch, Watervale and Angaston. Some very important names are mentioned in this document: not many have escaped—Sir Thomas Playford is cited under this award. In addition to this award we must remember that operating in the Upper Murray, and also the Pastoral Industry Award.

Not many workers are not covered in some form. Can the Minister say whether an industry which is cited in a Commonwealth award will be caught under a State award? I understand that the Commonwealth award has precedence. Secondly, can the Minister say whether managers and overseers working in the industries mentioned by the Hon. Mr. Kemp will be exempt under the State Code? They are exempt under the Commonwealth provisions.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): When the Hon. Mr. Kemp was speaking yesterday he had great praise for the Australian Workers Union, the union concerned; he said it was a responsible organization. This same union would be looking after the people in the State sphere as in the Commonwealth sphere. It is not possible for a person dealt with under a Commonwealth award to be dealt with under a State award; the Commonwealth award takes precedence of any State awards covering the same industry. Managers and overseers can be exempted from an award; if honourable members want to do something in this respect it can be specifically provided in regard to agriculture. There is nothing to stop that provision being put into the Code, although I do not think it is necessary. This matter could be handled by the A.W.U. It is a matter of the employers and the union getting together and agreeing what they wish to be put into the award. These matters can be decided by agreement and the things on which the employer and the union agree to differ can be taken to arbitration. This is done substantially in the State jurisdiction. This is conciliation and arbitration as it should work.

This morning's *Advertiser* contains a report of what has happened on this Bill, but there may be bigger headlines in tomorrow's press if honourable members do not accept the assurances I gave yesterday. I ask honourable members not to accept the amendment. The Commonwealth Pastoral Award was amended about 18 months ago and honourable members have praised it because of its reasonable provisions. I believe that, through the Industrial Court of this State and the responsible attitude of employers in the industry, an award complementary to the Commonwealth award could be brought down to give reasonable conditions to these workers.

The Hon. C. R. STORY: I exhort honourable members not to support the amendment, because by doing so there will be a definition of "agriculture". This will be necessary if I am to get further amendments passed. If honourable members support the amendment they will not be committing themselves to the honourable member's other amendment, which is the operative part.

The Hon. A. F. KNEEBONE: I am protecting myself in relation to subsequent amendments. I thought Mr. Kemp's intention was to move the whole of the amendment he moved yesterday. For that reason I opposed it. This puts me in an awkward position. If I could be assured that I would not be hoist with my own petard, I would accept the amendment.

The Hon. F. J. POTTER: All honourable members should support the amendment because, after all, it is only a definition. The real test of whether we want the definition or whether we want agricultural workers or only a limited section of them excluded comes in the amendment the Hon. Mr. Kemp foreshadows to clause 11 and the one the Hon. Mr. Story foreshadows to clause 25. We need the definition for both subsequent amendments. The Committee could agree to the amendment, and a test could be made at a later stage. I support the amendment.

The Hon. H. K. KEMP: The Minister has admitted that the A.W.U. has penetrated long distances into these districts and industries. I

mentioned that the other day. I respect that body and have been able to work with it. The A.W.U. has stated that it is not interested in penetrating further into individual landholding work in the area with which I am concerned. That has been a more or less unofficial working agreement operating in those districts, but now that is thrown aside and the Government is seeking the full application of the Industrial Code throughout the State as applying to agricultural workers. The crux of the matter is that we have been working in agreement with the unions concerned; many Bills have been cited, but the position now is that the Minister is seeking to extend the authority of the Trades Hall to every individual in the area. I think the matter should be carefully considered because the Minister has confirmed what I put before members recently, and if this is not a repudiation of an agreement then it comes very close to it.

The Hon. A. F. KNEEBONE: I am afraid that I cannot get through to the honourable member at all. If he is accusing me of repudiating an agreement, I think that is just adding insult to injury. I regret that the honourable member cannot grasp what I am saying, but I do not think that is my fault. It is beyond my comprehension how it can be said that I am repudiating an agreement, because I have never in my life done that. I think my word is as good as my bond, and it has been accepted by employers and people on the other side over many years. I regret that that statement has been made by the honourable member.

This does not alter the fact that, despite what the honourable member is saying on this matter, the majority of people in industry and in agriculture are covered to some degree. As I explained the other day, this provision is intended to tidy this matter up. If honourable members look through the names of people who are respondents to an award, it will be found that many of them do not now own properties. The people who acquired those properties are free from the award. For the sake of tidiness in industry it is necessary that people working on one property should be employed under the same conditions as those on an adjoining property.

The Hon. R. A. Geddes: But a State award would not necessarily be the same as a Commonwealth award in that case, would it?

The Hon. A. F. KNEEBONE: No, not necessarily, but it is reasonable to assume that, when the same people reach agreement on conditions of employment within an industry and then approach a court for arbitration on the few matters on which agreement cannot be reached, the State award will probably be in similar terms to the Commonwealth award. In the majority of cases, when there is any variation to the Commonwealth award it is taken to the State court. That court would usually place in the State award a condition similar to one in the Commonwealth award. That happens in every other industry, and I do not see why it should be any different in the agricultural industry.

Amendment carried.

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

In the definition of "industry" after "gain" first occurring to insert "except agriculture".

I have pointed out the difficulties facing the industry. In this amendment I am not asking for anything more than the maintenance of the *status quo* that has existed for many years.

The Hon. A. F. KNEEBONE: As the honourable member has said, this is the whole point of the exercise. I have stressed to the Committee that there is no ulterior motive behind this provision, and I cannot explain it further to the honourable member, who at one stage said, "I do not intend to sit down until this amendment has passed." That was during the honourable member's first speech, and subsequently I spoke for hours trying to instruct him on industrial matters, but apparently I have not succeeeded in changing his attitude. When that comment was passed, I interjected by saying, "You had better sit down because you cannot get a motion passed while you are still on your feet." That has been the attitude of the honourable member all along, and it seems that I cannot convince him.

I have looked at the awards concerned but cannot find the honourable member's name on any of them. As the result of the honourable member's continued stubbornness and determination, my view now is that he is expressing a personal point of view on this subject. I hate to have to say that, but I cannot come to any other conclusion because I have explained as patiently as possible what happens in both Commonwealth and State industrial commissions. The honourable member will apparently not accept any of my explanations. However, I hope I have been able to convince enough honourable members opposite and that they will not be as stubborn but be influenced by my explanation. I trust that honourable members will accept the situation that a need exists for appropriate industrial regulation in both State and Commonwealth awards.

The Committee divided on the amendment:

Ayes (7)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, Sir Norman Jude, H. K. Kemp (teller), C. D. Rowe, and V. G. Springett.

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

Majority of 4 for the Noes.

Amendment thus negatived; clause as amended passed.

Clause 33—"Representation of parties"—reconsidered.

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

In subclause (3) to strike out "either" and insert "any".

This is a minor amendment that we overlooked previously.

Amendment carried; clause as amended passed.

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

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

In paragraph (*a*) of subclause (1) to strike out "their" twice occurring and insert "its".

This is a necessary consequential amendment.

Amendment carried; clause as amended passed.

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

The Hon. F. J. POTTER moved:

In subclause (1) before "commission" to insert "Full"; and to strike out "or a committee".

Amendment carried; clause as amended passed.

Clause 25—"Jurisdiction of commission"—reconsidered.

The Hon. C. R. STORY: I move:

To insert the following new subclause:

(2*b*) Notwithstanding anything contained in subsection (1) of this section, the commission shall not have jurisdiction over any industrial matter concerning an employee in the industry of agriculture who is employed as a manager or overseer.

I wish to stop at that point because it is difficult to define the last portion. I have used the wording of the Commonwealth Pastoral Award, which states that it shall not apply to members of the employer's family, managers, overseers, and various other people. There is no reference to salary: that would have to be defined at so much a week, month, or year. I have been advised by the Parliamentary Draftsman that this would be the easiest way to define the whole thing.

The Hon. A. F. KNEEBONE: I do not think this amendment is necessary, because the wording is taken from a Commonwealth award, which is similar to a State award. The only difference is that the one award is Commonwealth and the other State. The same people are negotiating. My fear is that it may be difficult to define "overseer". "Manager" may be all right, but what is an overseer? He oversees what?

The Hon. F. J. Potter: He oversees somebody else's work.

The Hon. A. F. KNEEBONE: Not necessarily. What can he be?

The Hon. C. R. Story: I imagine that is defined in the Commonwealth award.

The Hon. A. F. KNEEBONE: We could drive a horse and cart through it, as I see it.

The Hon. C. R. Story: In the case of a body corporate the boss would be not the owner but the manager, and the overseer would be the next one down the scale. He might be the boss's son.

The Hon. A. F. KNEEBONE: Anyone can be an overseer. One man may oversee one section and another man another section. This amendment is not necessary. The same people would be negotiating a State award as would be negotiating a Commonwealth award. I cannot see the commission regarding those people as managers or overseers. I may be jumping at shadows but I have seen it happen that people have become shareholders in a business in order to bypass the law or an award. They have taken, for instance, just one share in 20,000 shares in the business and then have said that they are partners in it, and thus do not come under an industrial award. That is the fear I have about "overseer", unless it is clearly defined. Could he be a leading hand?

The Hon. F. J. Potter: The term must be familiar to the Commonwealth commission, as it has been used in its awards.

The Hon. A. F. KNEEBONE: I appreciate the Hon. Mr. Story's difficulty and sympathize with him. The problem is to limit the application of the word "overseer" so that it does not apply to almost everybody working on a station or property. I confess I am in a quandary about it. Under the old Industrial Code there was a provision regarding the wages boards that no determination should be made for the payment of salaries, wages or remuneration to people acting in managerial positions. That is the type of provision that might have helped the honourable member

in the drafting of his amendment. "Managerial position" may be broad but it does not go quite so far as "overseer", which is a wide term. Can the honourable member tell me something about an overseer?

The Hon. A. M. WHYTE: I support this amendment, which is in line with the wording of the Commonwealth Pastoral Award. The Minister indicated that it was his desire and the purport of the clause merely to include those people not already covered by an award; it is not the Minister's intention to cross the path of the Commonwealth body. Anyway, he would not have that power, as the Commonwealth award has precedence of any State award. I see nothing wrong with including "overseer", which I do not think is hard to define. He is generally a person entrusted with the actual carrying out of the manager's orders.

The Hon. R. A. Geddes: And he usually is paid a little more for that responsibility, is he not?

The Hon. A. M. WHYTE: Yes. There would be no possibility of this "cheap labour" about which so much play was made yesterday.

The Hon. A. F. Kneebone: But what if a person oversees a certain number of people?

The Hon. A. M. WHYTE: That may be difficult, because of fluctuation in numbers. However, an employer would not dispense lightly with an overseer, who is usually employed on a salary rather than a weekly wage. To determine how many men he should control would not be possible.

The Hon. R. C. DeGARIS: I thank the Minister for the manner in which he has handled this matter; his attitude has been a credit to this Council. Some honourable members have been concerned only with trying to exclude from the Code's provisions a manager or overseer in the agricultural industry; I am sure the Minister understands their concern. In practically every section of the agricultural industry there is a fine relationship between the employer on the one hand and managers and overseers on the other hand; I do not think they would want any changes. Many fringe benefits, such as housing, and the supply of milk and meat, are involved in this relationship. Managers and overseers are often asked to work through the night for a week or a fortnight, but they are then told, "You can take a week or a fortnight off".

I believe there is a doubt in the Minister's mind; he is happy to accept that a manager should be excluded, but he is concerned about the definition of "overseer". The Hon. Mr. Story has said the word is used in the Commonwealth award. An overseer is second-in-command to the manager; he has definite responsibilities, is on an annual salary, and works in a semi-managerial capacity. It would not be possible to classify employees as overseers simply to avoid this Bill's provisions.

I agree that the Australian Workers Union is a very responsible union, but the employers also are very responsible. I have no doubts concerning the interpretation of "overseer"; therefore, I am happy to support the amendment.

The Hon. A. F. KNEEBONE: I thank the Leader for his explanation. The proposition that came to me earlier was for the inclusion of the words "manager or overseer remunerated by annual salary".

The Hon. R. C. DeGaris: They are all so remunerated, anyway.

The Hon. A. F. KNEEBONE: An annual salary can be paid on a weekly or fortnightly basis. I can envisage a situation where two properties are owned by a pastoral company, but there is only one manager for those properties. Consequently, the second-in-command, the overseer, could be the top man on one of the properties. Also, I can envisage a situation where the only people employed on a property are the manager and one assistant.

The Hon. R. A. Geddes: They are small fish.

The Hon. A. F. KNEEBONE: I might be shooting at shadows, but I would appreciate it if the honourable member would amend his amendment to provide for an annual salary.

The Hon. R. C. DeGaris: I think every overseer is on an annual salary.

The Hon. Sir ARTHUR RYMILL: I am a director of a few pastoral companies. In the back country the word "overseer" is very familiar, as the Hon. Mr. DeGaris has said. The overseer is the manager's second-in-command. Nearly every pastoral property has a manager; under him is the overseer, and then there are the other employees. Some of these people are not paid an annual salary; they are paid a substantial salary, but it may be a weekly amount. If they are paid an annual salary, they are never paid annually. If we use the words "annual salary" we should qualify them by adding "whether paid weekly, fortnightly or monthly" or "paid a salary with reference to an annual amount", all of which is clumsy. Whenever an annual salary is referred to in the drafting of a document, the term must be qualified. This applies to annual rentals, too. I suggest that the wording should be "an employee in the industry of agriculture who is employed as

a manager, overseer or other person employed in a managerial position". This would then imply that the overseer must be in a managerial position. I can understand the Minister's difficulty because, although the term "overseer" is very familiar on pastoral properties and on the larger grazing properties in the settled areas, I have not come across it in connection with horticulture.

The Hon. C. R. Story: It is in our award.

The Hon. Sir ARTHUR RYMILL: The Pastoral Industry Award applies not only to pastoral properties but to other properties. Therefore, the wording I have suggested would overcome the difficulty without making necessary a reference to an annual salary, which the overseer might well not receive.

The Hon. L. R. HART: The Committee is not trying to use this amendment so that an employer may evade the provisions of an award. Indeed, if one endeavoured to employ a person as an overseer at a lesser rate than that paid to some other persons employed under his direction on the property the overseer's services could not be held. Fringe benefits are enjoyed by people in managerial positions. Often the overseer lives with the manager or owner of the property and, as a result of that association, he is able to gain much knowledge in the running of a property. An overseer may not work long hours but he works irregular hours, so it is difficult to apply an award to him. Overseers are employed in various industries. As the Hon. Sir Arthur Rymill said, the word "overseer" is commonly used in the pastoral industry; indeed, that term is also used in other industries. Normally only one overseer is employed on a property.

The Hon. R. A. GEDDES: I know what a manager is, I know what an overseer is, and I also know what a jackaroo was, because I used to be the jackeroo under both of them. What is the purpose of putting this provision into the Code? Managers and overseers employed in the pastoral industry are covered by the Federal award. I heard by interjection that the overseer position applied in the horticultural industry; therefore I presume that the amendment would assist in that direction, but that industry is covered by the Commonwealth award.

The Hon. C. R. STORY: In the Commonwealth Act, provision is made for exempting both classes of people but in the Bill there is no provision for this.

The Hon. A. F. Kneebone: That's not in the Commonwealth Act; it's in an award.

The Hon. C. R. STORY: Yes. In the Commonwealth award the word "overseer" is used. This should be put into our legislation.

The Hon. A. F. KNEEBONE: I thought the Hon. Sir Arthur Rymill had convinced the Hon. Mr. Story that his amendment could be improved. Will Mr. Story consider amending his amendment?

The Hon. C. R. STORY: I seek leave to amend my amendment by inserting after "overseer" the words "or in any other managerial position".

Leave granted; amendment amended.

Amendment, as amended, carried.

Clause as amended passed.

Bill reported with further amendments. Committee's reports adopted.

PUBLIC SERVICE BILL

Second reading.

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

That this Bill be now read a second time.

It arises out of the development of the South Australian Public Service during the last half century. Although there had been a few pieces of legislation before 1874 mainly dealing with retirement from the Civil Service, the first Civil Service Act was passed in 1874. Various amendments and other special enactments followed from time to time until the basic Act on which our current practice is largely built was passed in 1916. This Act, No. 1259 of 1916, provided for the first time for a Public Service Commissioner who commenced duty on January 1, 1917, just over 50 years ago. The 1916 Act also provided for a Public Service Reclassification Board, but it was an *ad hoc* tribunal and on completion of its function of classifying the service its charter expired.

The 1916 Act provided for the introduction of proper standards for admission to the Public Service, for promotions, on merit, on the recommendation of the Public Service Commissioner, for compulsory retirement at age 70, and for recreation, sick, and long service leave. Although most of its provisions have been varied as to content by a multitude of amendments since that date, it is still the 1916 Act that provides the framework for the administration of the Public Service today. The major variation to the 1916 Act was made in 1925 when provision was made for a continuing board, originally known as the Public Service Classification and Efficiency Board, later changed to the Public Service Board. The board at first consisted of the

Public Service Commissioner *ex officio*, and the other two members were full-time public servants who were given this additional part-time function of members of the board. The original functions of the board were threefold:

1. To classify the Public Service, i.e., to fix salaries for all the permanent positions in the service.
2. To hear appeals against recommendations for promotion made by the Public Service Commissioner.
3. To be responsible for the efficiency of the Public Service.

At this stage I think I should point out that the Public Service as defined by the then Public Service Act excluded such organizations as the Railways Department, the Police Force and the teaching staff of the Education Department, as well as certain other particular positions. This broad pattern has been maintained ever since and it is proposed to continue it in this Bill. In 1948 the Classification and Efficiency Board was replaced by a Public Service Board and simultaneously the Public Service Commissioner ceased to be *ex officio* Chairman of the board, but he was then, and has been continuously up to the present time, appointed by the Government of the day to be Chairman of the board. As one of the functions of the board was to hear appeals against recommendations for promotion made by the Public Service Commissioner, provision was made in 1948 that when the board was sitting in this appeal jurisdiction the Public Service Commissioner would be replaced on the board by a so-called "fourth member". This "fourth member" has acted as Chairman and has usually been a stipendiary magistrate, although this is not a statutory requirement. The other two part-time members of the board, with the "fourth member", constituted the board for these appeals.

In 1916 when the first Public Service Commissioner was appointed the number of officers coming within the scope of the legislation was 1,631. As at June 30, 1967, the comparable figure was 8,686. It is not surprising, therefore, that in recent years a view has been strongly advanced that the existing system of a single full-time Commissioner and a part-time board is inadequate to meet the demands and pressures of a large modern Public Service. This Government, soon after its election, indicated that it was prepared to introduce legislation to bring the administrative machinery of the Public Service up to date and this Bill is the result of that undertaking. Although there are naturally matters included in the Bill that may be the subject of differences of opinion, I am sure that most of its provisions will be acceptable to the Council as a whole. South Australia has always been well served by its Public Service, and Governments of all political persuasion have gone on record on many occasions to pay tribute to the devotion and loyalty of civil servants. Those few actions that have occurred at rare intervals contrary to this general rule have only served to highlight the high standing in which the Public Service is justifiably held by Parliament and people alike. I again take this opportunity to pay tribute to the general efficiency of the Public Service and the unbiased manner in which the service as a whole, and heads of departments in particular, have sought to give full effect to the policy of the Government.

Because of the size of the Bill, which is a consolidation of the existing legislation, it is not my intention to analyse each clause in detail but I should like first of all to emphasize the principal changes made by the Bill, apart from consolidation, and then to go into a little more detail regarding the principal divisions of the Bill. The first major change is that to which I have already referred, namely, the replacement of a single Commissioner and part-time board by a full-time board of three commissioners. Since the part-time board was first established in 1926 the Public Service Association (which at that stage was the only major organization having a significant number of members in the Public Service) has had the right to nominate one of the members of the board. However, today there are several industrial organizations that have large numbers of members employed in the service, and the special position of the Public Service Association cannot, in the opinion of the Government, be maintained any longer. Consequently, the Bill provides that each of the three commissioners shall be appointed by the Governor without any one of them specifically representing any group of employees. (It will be noted that as a transitional measure the existing Public Service Commissioner becomes Chairman of the new board.) In making this change the Government does not desire to imply any criticism of the way in which the Public Service Association has acted in the past, but merely points out that the changed circumstances today justify a different approach. It will be seen later that some of the functions previously discharged by the board will go to separate tribunals and on

these tribunals provision is made for representation by any organization recognized as having a significant number of members in the Public Service.

The full-time board is necessary because of the growth of the service, and as a consequence the demands made on the two part-time members have made it hard for them not to neglect their ordinary Public Service appointments, and have required them to devote much of their private time to board business. Also, the many important decisions required in the day-to-day administration of the service are such that it is unfair to expect a single Commissioner to carry the burden of these decisions alone. A full-time board of three has existed in the Commonwealth, New South Wales and Victorian Public Services for many years, and a similar arrangement is being considered in the other States.

Because of the growth of the service and consequential large number of appointments and promotions necessary, the time of Ministers and of Executive Council has been taken up to a great extent dealing with what are, as far as the Government is concerned, routine matters. Accordingly, the Bill proposes to place on the board the responsibility for some of those matters that hitherto have required attention by Ministers. (It had been intended to place on the board the responsibility for making the actual appointments (apart from very senior appointments) but, as the Constitution still contains a provision that these appointments shall be made by the Governor in Executive Council, it is not possible to incorporate this provision in the Public Service Act at this stage.) Nevertheless, the many base grade formal appointments (totalling about 2,000 during 1966) will in future be handled by the board. The Government will keep control of the size of the service and general policy matters by means of its control over the Estimates and by the retention to it of the responsibility for authorizing the creation of new positions in departments.

As the Public Service Board will be taking over the responsibility of recommending officers for promotion, it will no longer be appropriate for the board to hear appeals against such recommendations. Accordingly a separate Appointments Appeal Committee of three persons is proposed, consisting of a special magistrate as Chairman, and an officer appointed by the Governor. The third member of the committee will be selected by the appellant from a panel. The members of this panel will be nominated by the recognized organizations and it is expected that normally an appellant will select from the panel the nominee of his particular union. The committee, so constituted, clearly has all the attributes of independence so necessary in these matters.

A somewhat similar tribunal is provided to hear disciplinary matters. Although the conduct of the Public Service as a whole is of a very high standard, there are the occasional disciplinary matters that must be attended to. Minor offences will be dealt with by the head of the department but his powers of punishment are restricted to an admonition. The more serious charges will be dealt with by the board, with a right of appeal from the board's decision to a disciplinary tribunal. This tribunal will consist of a judge or special magistrate as Chairman, an officer appointed by the Government from some department other than that in which the offending officer is employed, and a third person selected by the offending officer from a panel. This panel will consist of persons nominated by the recognized organizations already referred to.

The present Act recognizes only the Public Service Association and the anomaly exists that an officer who is not a member of the Public Service Association cannot be represented in any proceedings concerning his employment by an officer of his own union. The Bill proposes to change this so that any organization registered in the Industrial Court that has a significant number of members employed in the Public Service may apply to the board and become a recognized organization. All such organizations will have the right to make nominations to the Appointments Appeal Committee and to the disciplinary tribunal and be heard generally on matters affecting their members.

The Bill gives effect to the Government's election promise that it would increase the recreation leave eligibility of public servants from three weeks to four weeks, and as previously announced it provides that eligibility for leave at the rate of four weeks each year will commence to accrue as from January 1, 1968. Although no change has been made in the basic eligibility for sick leave, which is 12 working days for each year of service, the Bill proposes to abolish the arbitrary limitations on the way in which this may accumulate and to remove the ceiling of 160 working days on accumulation. As this leave is only available in cases of sickness supported by medical certificates, the Government feels that there is no logic in the existing limitations.

Similarly, the rate of earning of long service leave has not been altered. The qualifying period remains at 10 years of continuous service, which gives an eligibility of 90 days' leave on full pay and a further nine days for each additional year of service. This basis has been in operation for over 20 years. However, the Government believes that there are occasions when an officer's service is terminated for reasons substantially beyond his own control before he has completed the 10-year qualifying period and that it would be reasonable to grant pro rata leave in such cases, provided that he has completed at least five years of service.

To accord with the alterations made to the Superannuation Act earlier this year, provision is made for persons to retire voluntarily at the age of 60 years (55 for females) if they so desire, but the compulsory retiring age remains at 65 years for males and 60 years for females. It is unlikely that this provision will be availed of to any great extent in the next few years, but as more officers take advantage of the opportunity to contribute for a superannuation pension at the earlier age, then it is logical that the Public Service Act should recognize this trend.

No reference is made in the Bill to the question of employment of married women. The Government does not consider that marriage of itself should have any bearing on the rights of a woman to continue in her employment so long as she is capable of performing her duties efficiently. Consistent with the modern practice and as a natural corollary to the transfer of functions to the board, provision has been made for the board to delegate its powers in appropriate circumstances. This provision has been in the existing Act for the past 40 years and there is no evidence that it has been misused; on the contrary, its judicious use has been effective in speeding up administrative proceedings. Similarly, a permanent head may delegate certain of his powers to a subordinate officer. Such delegations will, however, require the approval of the board.

Because of their special status, it has been deemed appropriate to exclude permanent heads of departments from the normal promotion appeal system, and provision has been made accordingly. The Government desires to acknowledge the assistance given by interested organizations in deciding the content of the Bill. The Public Service Association, as the organization most affected, devoted much time and thought to the problems associated with the Bill, and the Government has been happy to have the advice of this and other groups whose members work under the provisions of the Public Service Act. Although it was not to be expected that the Bill would give effect to all of their suggestions, the Government has willingly acceded to many of the proposals made by the bodies concerned. I am sure that the Bill represents a significant step forward in the administration of the South Australian Public Service, and I commend it to members.

I turn now to a more detailed expansion of the principal Divisions of the Bill. Because of its size I do not propose to deal with each clause separately. This measure deals with three fairly distinct classes of persons: First, there are those who are permanent officers of the Public Service, and here it represents the substance of their terms and conditions of employment. Secondly, there are those who for one reason or another cannot, or do not wish to be, permanently appointed as officers in the Public Service and who are in the Bill referred to as temporary officers. The terms and conditions of employment of these persons are fixed partly by the application of portions of this Bill to their employment and partly by determinations of the board. This flexibility is necessary to encompass the substantially varying conditions under which these people are employed. Thirdly, there are those who are employed in the service of the State otherwise than under this Bill, but in relation to certain aspects of whose employment, for example, leave and retirement, the provisions of this Bill are or may be applied.

The Bill is divided into five Parts:

Part I—Preliminary: This Part is generally formal, but at clause 8 contains a definition of the Public Service which follows the definition in the former Act.

Part II—The Public Service Board: This Part provides for the appointment by the Governor of a full-time board of three commissioners of whom one is nominated by the Governor as chairman, and provides for the powers and functions of the board. Clause 16 gives the commissioners security of tenure during their term of office; they are substantially removable only on an address from the Parliament.

Part III—The Public Service: This Part, which consists of 10 Divisions, relates to the organization and structure of the Public Service.

Division 1 reiterates in somewhat more detail the principles enunciated by section 25 of the former Act, that is, that the creation and abolition of departments is essentially an administrative act. This re-affirms a principle which seems necessary and logical, since the whole organization and structure of the Public Service is inextricably connected with the departmental system of organization. Adherence to this principle does not, of course, preclude persons not subject to the proposed Act being employed by departments. At clause 26 provision is made to vest the powers and functions of a permanent head who, under the Bill, must be an officer, in any person not being an officer who, for administrative purposes, is required to be head of a department, for example, the Chairman of the Public Service Board and the Auditor-General.

Division 2 provides for the Governor to create and abolish offices by proclamation and thus assures the control of the executive government over the size of the Public Service, since the number of offices created at any given time is basic to the size of the service. Division 3 generally deals with salaries and allowances and distinguishes between permanent heads whose salaries are fixed by the Governor and all other officers whose salaries are fixed by the board. Division 4 deals with first appointment of officers to the service as distinct from the appointment of officers to vacant offices. The period of probation required to be served by a newly-appointed officer may be extended for any period not exceeding two years. The provisions of the former Act relating to appointment without probation are followed again in this Division.

Division 5 provides for the filling of vacant offices but does not apply the appeal system to the filling of the offices of permanent heads. In relation to the remaining offices in the Public Service, it does provide an appeal system but differs from the previous Act in that all officers who applied for appointment may appeal, the grounds of appeal being efficiency as defined in clause 47 (3) of the Bill, seniority no longer being an element in the appeal. This definition of efficiency includes, in certain cases, not only aptitude for the position that is applied for but also aptitude for further promotion. The Appointments Appeal Committee constituted by clause 50 provides for a chairman who shall be a special magistrate and one member appointed by the Governor and one member drawn from a panel nominated by the recognized (industrial) associations. The function of the Appointments Appeal Committee is to consider appeals against nominations for appointment by the board.

Division 6 relates to disciplinary offences and has been redrafted, having regard to an opinion on the operation of the former disciplinary provisions given by the Crown Solicitor. The offences are somewhat the same but the procedure has been rendered more orderly; briefly, the procedure now provided for is that:

(*a*) an officer is charged by the permanent head or his delegate or, in the case of an alleged offence by a permanent head, by the Minister; and in appropriate cases the permanent head (or Minister) may admonish the officer;

(*b*) the permanent head (or Minister) is also empowered to accept a plea of guilty, dismiss the charge or refer the matter to the board;

(*c*) the board may hear the charge and impose all or any of the punishments provided by clause 64, subject to the approval of the Governor in the case of certain punishments involving dismissal;

(*d*) there is then a general right of appeal to a tribunal consisting of a chairman (who shall be a special magistrate or judge), an officer appointed by the Governor, and an officer selected by the appellant from a panel nominated by recognized (industrial) organizations.

Division 7 provides for, in effect, retrenchment of officers when the amount of work has for any reason diminished. In addition, certain powers to recommend to the Governor compulsory transfer or retirement are vested in the board in cases where for any reason an officer has become inefficient. Division 8 relates to the grant of the four types of leave of absence available to officers: (*a*) annual recreation leave; (*b*) sick leave; (*c*) long service leave; and (*d*) special leave. The principal changes which have been effected by the present Bill are the increase of annual recreation leave entitlement from three weeks to four weeks a year with effect from January 1, 1968, and the consequent provision that "grace days", that is, certain holidays that were taken during the Christmas period, will count as recreation leave. The method of granting leave has been clarified and in fact follows the administrative procedure adopted in relation to the grant of leave over a very considerable period.

The provisions proposed in relation to sick, long service and special leave are, in general, unchanged. However, the limitation on the accumulation of sick leave has been eliminated, and provisions relating to the grant of long leave pro rata after five years' service have now been included. Division 9 relates to arrangements which may be entered into between the Governor and the Governor-General of the Commonwealth in relation to the performance of Commonwealth functions by State officers and vice versa. Division 10 relates to the retirement of officers and differs somewhat from the former Act. It provides a right to retire at any time after age 60 years and provides that an officer must retire at 65 or at the latest 66. For female officers, the corresponding ages are 55 years, 60 years and 61 years.

Part IV relates to temporary officers and generally re-drafts and sets out in some more detail the existing provisions relating to temporary officers. Part V relates to a number of miscellaneous matters which could perhaps best be dealt with specifically. Clause 115 preserves the operation of the War Service (Preference in Employment) Act, 1943. Clause 116 relates to recognition of certain registered industrial organizations as recognized associations for the purposes of this Act. This provision is related to the forming of panels provided for by clauses 51 and 69 of this Act. Clauses 117, 118, 119 and 120 substantially re-enact provisions that existed in the former Act. Clause 121 is a new provision requiring an officer to disclose the fact of his bankruptcy to the board. This replaces a provision under the previous Act (section 63) which provided for the disciplining of an officer whose bankruptcy was in issue unless that officer satisfied the authorities that he had not been guilty of "fraud, dishonourable conduct or extravagance". This disciplinary aspect is now covered by Division 6 of Part III, so provision is made here merely for reporting the fact of bankruptcy to the board. Subclause (2) is a new provision that seems desirable.

Clauses 122, 123, 124, 125 and 126 substantially re-enact provisions which occurred in the previous Act. Clause 127 applies the portion of Division 8 of Part III relating to long service leave to certain persons in the employ of the State otherwise than as officers. This parallels a provision in the former Act to the same effect. Clause 128 permits the retirement provisions contained in clauses 107 and 108 to be applied by proclamation to persons otherwise employed in the service of the State. Clause 129 permits the Minister of Education and the Railways Commissioner to employ over-age persons as temporary officers. This parallels a provision in the previous Act. Clause 130 gives powers to the authority responsible for fixing salaries of persons employed in the State otherwise than in the Public Service to vary those salaries retrospectively. This clause again parallels a provision of the former Act. Clause 131 is a general regulation-making power. Clause 132 is a general financial provision.

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

SHEARERS ACCOMMODATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 25. Page 3006.)

The Hon. L. R. HART (Midland): We must accept that every Act of Parliament from time to time needs revising, and that is possibly the reason for this Bill. However, it extends the scope of the principal Act considerably. During the reign of the present Labor Government much industrial legislation has been put before us. In most of it there has been a tendency to bring many more people within its scope, and that is just what this Bill does: it brings within the scope of the Act another category of person. Many small producers not brought in under the old Act fear that this will increase their costs considerably, in some instances, because of the requirements of the Bill. We should be careful about that. We should not be loading another cost on to an industry at a time when its economy is at its lowest ebb for 25 years or more.

At present we are concerned with the ravages of drought. A considerable area of the State is suffering from drought and there are moves afoot to provide drought relief for many people. However, we are providing drought relief on the one hand and, on the other, are introducing legislation that will result in increased costs for those very people. I regret that. We wonder what is the reason for the Labor Party's haste in introducing this Bill now. It is evident that the Labor Party is not at all confident of its chances at the next election.

The Hon. D. H. L. Banfield: That is the joke of the year.

The Hon. L. R. HART: It believes that this is the last opportunity it will have to introduce this type of legislation. If that is not so, why are we having to deal with it at this late stage in the session?

The Hon. D. H. L. Banfield: Do you want it delayed again? Don't you want the employees to enjoy the benefits of it?

The Hon. L. R. HART: Why do we have to deal with it now when we are being inundated with important legislation?

The Hon. D. H. L. Banfield: It is the same old story—"Now is not the time for better conditions."

The Hon. L. R. HART: If the honourable member believes that this is an appropriate time to introduce increased costs for a section of the community to which the Government will have to hand out charity within the next few months, the honourable member's thinking is different from mine.

The Hon. D. H. L. Banfield: Thank goodness for that!

The Hon. L. R. HART: I entirely agree. The honourable member's interjections are typical of his lack of appreciation of the difficulties under which many industries are labouring.

The Hon. D. H. L. Banfield: So are some of yours.

The Hon. L. R. HART: He apparently believes that, because a person owns a few tangible assets from which he derives, in many cases, a meagre living, that person should come in for special treatment. When I say "special treatment", I mean that the honourable member believes such a person should incur certain taxes.

The Hon. D. H. L. Banfield: These conditions were agreed to by the employers. What are you talking about?

The Hon. L. R. HART: It is true that these conditions were agreed to by the employers, but we can point a gun at any person's head and get him to agree to certain things. I agree that that happened but the same employers have resisted this type of thing for many years; they realized that when a Labor Government came into power there would be pressure in this direction.

The Hon. D. H. L. Banfield: Are you against these improved conditions?

The Hon. L. R. HART: No.

The Hon. D. H. L. Banfield: Fair enough!

The Hon. L. R. HART: But I am against loading an extra cost on to a section of the community that at present cannot bear it and will not be able to bear it for two or three years.

The Hon. D. H. L. Banfield: Even though they agreed to it?

The Hon. L. R. HART: They did not agree willingly.

The Hon. D. H. L. Banfield: But they did agree to it.

The Hon. L. R. HART: It has not been agreed. The Labor Party a few minutes ago agreed to some amendments in the Industrial Code Bill, but it did not like them.

The Hon. A. F. Kneebone: I did not agree to them.

The Hon. D. H. L. Banfield: They were imposed on us.

The Hon. L. R. HART: Look at *Hansard* tomorrow and see how the voting went on some of the clauses. I heard some voting today that will not be recorded in *Hansard*. Are members of the Labor Party going to call "No" and then say afterwards that they agreed to the legislation? Why did they say "No"? Because they knew that on principle they should have opposed it but they were not prepared to have a division. However, I do not want to pursue that.

The Hon. D. H. L. Banfield: It will be interesting to see how you vote on this.

The Hon. L. R. HART: These people that the honourable member says have agreed to this legislation have done so, admittedly, but reluctantly, and that is what we find with most legislation these days. It inflicts penalties on some people and we cannot say that they agree to the particular legislation placed before them.

The Hon. D. H. L. Banfield: You would not agree to any of it.

The Hon. L. R. HART: I agree to some of it. I have helped the Government this afternoon. I have worked in this shearing industry for many years.

The Hon. D. H. L. Banfield: And you were glad to get out of it because of the conditions.

The Hon. L. R. HART: As a matter of fact, I was a member of the Australian Workers Union.

The Hon. D. H. L. Banfield: Financial?

The Hon. L. R. HART: I should have kept my ticket and framed it. I pay tribute to the A.W.U.

The Hon. D. H. L. Banfield: The honourable member also paid his fees, didn't he?

The Hon. L. R. HART: Having worked in the industry I know its problems and requirements, and I also know that shearers' demands are largely governed by the state of their pockets. On one run of which I was in charge, the first shed we went to was in such a state that I was ashamed to ask men to work there, but I had no complaints from the shearers. However, by the time we got to the end of the run we found that the last shed had most of the conveniences any shearer would want, and I had all the trouble in the world, simply

because the shearers were in a position to complain. I point out that they did not complain when their pockets were low, but that is human nature. In most of the other States the Acts governing shearers' accommodation also cover other types of accommodation, particularly that for itinerant workers.

The Hon. S. C. Bevan: In a shearers' accommodation Act?

The Hon. L. R. HART: In some States the one Act covers shearers' accommodation and other categories of accommodation. I wish now to refer to the regulation-making provisions in this Bill. It is typical of the present Government that regulations specifying certain conditions are to be brought in. We find provisions for regulations in three places in this legislation; they relate to buildings, cooks and beds. The principal Act has been operating since 1905 and there has never been any need to bring in a regulation, but suddenly we find that conditions are to be imposed on the industry by regulation.

It has been the usual practice for the employer to hand over to the shearing team its accommodation, clean and ready for occupation. Further, it has been the practice for the shearing team to keep this accommodation clean during its occupancy. I wonder whether regulations will be brought in requiring the employer to keep the accommodation clean while the team is occupying it. This worries people in the industry.

In connection with the provision for the lighting of shearers' quarters, I should like the Minister to explain what "power lights" are. I can think of any number of satisfactory kinds of lighting other than electric light that cannot be regarded as "power lights". Consequently, I do not think the provision should be confined to electric light and power lights. Regarding clause 3, I point out that a person may have six shearers employed but he may be providing accommodation for only two of them. In this case, is he bound by the provisions of the Bill?

Can the Minister explain why shearers shearing in a city, town or township should be exempted from the provisions relating to accommodation? Possibly the answer is that in cities, towns and townships the buildings would come under the Building Act and council regulations. I could take the Minister to places where the shearing shed is in a town but the accommodation is outside the town.

The Hon. Mr. Whyte has foreshadowed an amendment that extends the period before which this legislation comes into operation to two years. I hope the Government will accept this amendment because the industry is going through a difficult period at present.

The Hon. A. J. Shard: I think the Government is going to accept it.

The Hon. L. R. HART: I am pleased to hear it.

The Hon. A. F. Kneebone: I shall explain this matter to the honourable member.

The Hon. L. R. HART: Much accommodation will not comply with the legislation, which will affect a large part of the State that has not previously been covered. Much accommodation that does not at present comply with the provisions of this legislation is not substandard; it is probably very good, but it does not comply with the amendment Act. Section 6 (2) (viic) of the principal Act, which is not being amended by the Bill, states:

> Each dining room shall be provided with a sufficient number of seats made of sound timber and with a dressed surface:

I think this provision is redundant. With the tubular steel furniture of today there should not be a provision that the diningroom shall be provided with timber seats. The other matter I wish to refer to has been dealt with by the Hon. Mr. Gilfillan, who has an amendment on file. It is the matter of a drainpipe from the bathroom or washroom and its location in regard to the sleeping quarters. Sleeping quarters may be 30ft. away from the washroom but the drainpipe may come back toward the sleeping quarters. That provision should be tidied up. I accept the Bill in principle, and I support the second reading.

The Hon. A. M. WHYTE (Northern): I fully endorse the remarks made by the Hon. Mr. Hart. It is a pity that this legislation has been introduced at this time. I say this despite vigorous interjections by the Hon. Mr. Banfield that employers always say that "now" is the wrong time to bring in legislation that has anything to do with workers. This is not so, as I believe that the pastoral industry has bent over backwards over past years to improve accommodation provided for shearers, one reason being that they are hopeful of getting a better type of shearer and more shearers. This matter has been of some concern to all pastoralists and graziers.

In most instances shearers' accommodation is very good. The Minister mentioned packing cases and packing case tables. Whoever compiled that statement is far out of touch. I do not think any such quarters could be found in the State. People in the industry have made

strong endeavours to bring shearers' accommodation up to specifications or at least up to a very high standard. Very few shearers would deny this. The grazing industry is now facing one of its greatest crises, and this legislation could cause an extra loading. At present, it is almost uneconomic to produce wool. This, coupled with the drought conditions throughout the State, has placed the industry in extreme difficulties. No honourable member on either side of the Council would disagree with this.

Other honourable members have analysed this matter closely, and the Hon. Mr. Gilfillan has a good amendment providing that the effluent from the bathroom, not the bathroom, must be a certain distance from the living quarters. In view of the economic conditions, I intend to move an amendment to give extra time for alterations to be made to shearers' quarters. The Bill provides that "a bed that complies with the regulations" must be provided. If the employee and employer associations could come to some agreement on the accommodation, if the accommodation complied with the regulations and if it met with the approval of a qualified inspector, this would fill the bill, instead of specific distances and areas being stipulated. I support the second reading.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): I appreciate honourable members' expeditious consideration of the Bill to complete the second reading debate. I shall have more to say on the time allowed for the upgrading of accommodation when the Bill reaches the Committee stage. If honourable members read the principal Act in association with the Bill they will see that if the accommodation was built before 1942 an extra 12 months is allowed for property owners to do something they have been exempted from doing since 1942. The Hon. Mr. Hart has made the point that because of the widening of the application of the Act some people here may be affected; I appreciate that that may be so.

The Hon. Mr. Whyte said that although this Bill did not upgrade conditions to any undue extent any further loading on the industry, wool prices being as they are, could affect the industry. Although that may be so, I remind honourable members that this Bill is being introduced following the approach of people from all sides of the industry. Substantial agreement was reached by the people concerned on all points except one, about which one of the employers' organizations was not quite happy. However, I think one honourable member is taking some action regarding that point.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Exception."

The Hon. G. J. GILFILLAN: I move:

In new paragraph (*a*) of section 3 to strike out "three" and insert "four".

This clause widens the provision to include sheds where no fewer than three shearers are for the time being employed. According to the definition in the principal Act, "shearers" include all people working in the shed other than those normally employed on the property. I am sure that many people associated with the industry would not approve of this provision, for it could bring in not only the small crutching sheds but possibly all sheds.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): As I should like time to consider this amendment, I ask that progress be reported.

Progress reported; Committee to sit again.

PLACES OF PUBLIC ENTERTAINMENT ACT AMENDMENT BILL

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

ADJOURNMENT

At 5.57 p.m. the Council adjourned until Tuesday, October 31, at 2.15 p.m.