LEGISLATIVE COUNCIL

Thursday, October 12, 1972

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

ASSENT TO BILLS

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

Appropriation (No. 2),

Daylight Saving Act Amendment.

QUESTIONS

CITY PARK LANDS

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

Leave granted.

The Hon. R. C. DeGARIS: I direct this question to the Chief Secretary, as Leader of the Government in the Council. No doubt all honourable members have received a letter advocating the inclusion of the city of Adelaide park lands under the National Parks and Wildlife Act, 1972. Will the Chief Secretary say whether the Government has considered this novel suggestion?

The Hon. A. J. SHARD: To my knowledge, it has not come before Cabinet. This matter is under the control of the Minister of Environment and Conservation, to whom I will refer the question, and I will bring down a reply as soon as possible.

KARATTA PRIMARY SCHOOL

The Hon. M. B. CAMERON: I seek leave to make a statement prior to asking a question of the Chief Secretary, representing the Minister of Education.

Leave granted.

The Hon. M. B. CAMERON: Great concern is being expressed in a part of Kangaroo Island about the possible closing of the Karatta Primary School. If that school is closed, as I understand will be the case, some grade I pupils will have to travel up to 80 miles a day on a school bus. A letter I have received from the Kangaroo Island Welfare Clubs Association states:

I know that long bus journeys are no good to young children. I was teaching grades II and III at Kingscote Area School in 1950 before the Parndana school was built and I well remember the state in which some of those children sometimes arrived at school. One child was bus sick regularly and had to be put to bed in the rest room for an hour or so. You can imagine the effect on her education. The association is all in favour of taking older students to Parndana Area School, but not the little ones. I understand that all the parents say they will leave the district rather than send their children on the long journey to Parndana. Imagine the fuss the trade union movement would make if any of its members were asked to work a 10-hour day, yet that is what the Education Department is asking of six and eight-year-olds.

The PRESIDENT: Order! The honourable member is debating his question.

The Hon. M. B. CAMERON: Will the Chief Secretary take up this matter with the Education Department because of the great concern of the people in that district?

The Hon. A. J. SHARD: Yes.

JUVENILE COURTS ACT AMENDMENT BILL

Read a third time and passed.

FOOTWEAR REGULATION ACT AMENDMENT BILL

Read a third time and passed.

RIVER TORRENS ACQUISITION ACT AMENDMENT BILL

Read a third time and passed.

PREVENTION OF POLLUTION OF WATERS BY OIL ACT AMENDMENT BILL

Read a third time and passed.

INDUSTRIAL CONCILIATION AND ARBITRATION BILL

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

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

That this Bill be now read a second time.

The present Industrial Code deals with two matters of the greatest importance to wage earners and industry in South Australia: the provisions concerning the State industrial arbitration system and those which concern the working conditions that must be provided in factories, shops, offices, and warehouses. The Government considers that these two related but different matters should be dealt with by separate measures. This view is in accordance with the recommendations of the Select Committee on Occupational Safety, Health and Welfare in Industry and Commerce which presented its report to the House of Assembly in April of this year. This Bill, therefore, is intended to replace the industrial arbitration provisions of the present Industrial Code. As

well as providing for the repeal of the relevant sections of the Industrial Code, the Bill provides for the repeal of two Acts of the nineteenth century, the Trade Union Act of 1876 and the Masters and Servants Act of 1878.

It is of fundamental importance to the welfare of this State that good industrial relations be maintained between employer and employee, and the Government considers that this can best be achieved by the maintenance of a system of conciliation and arbitration. It is suggested that one of the reasons why our system of conciliation and arbitration has at times failed to live up to its expectations is that, in the past, too much reliance has been placed on arbitration and too little on conciliation. Clearly, a result that is arrived at by agreement between the parties is usually a better result than one that is imposed on the parties by a third party.

We believe that good industrial relations will be best achieved by agreements initially arrived at between trade unions and employers and that only when genuine attempts to reach agreement have been unsuccessful should arbitration be necessary. The overriding principle, expressed in this measure, that the Government considers to be fundamental in the resolution of industrial disputes is that at all times the Industrial Commission or the Chairman of a conciliation committee should make every endeavour to settle claims by amicable agreement. The emphasis is in fact seen from the very title of this Bill, which places the word "conciliation" before the word "arbitration".

There are still a substantial number of wage earners in the State who do not have the protection of industrial awards. In fact, the last survey made by the Commonwealth Statistician in 1968 indicated that nearly 13 per cent of wage and salary earners in this State were then not subject to any award. The Bill enlarges the range of employees who can obtain the benefits of an award and also ensures that all employed persons in the State, whether subject to an award or not, will be entitled to annual leave and sick leave. I will explain these two major changes more fully.

The Industrial Commission is given jurisdiction to make an award in respect of any person employed for remuneration or reward. This is done by widening the definition of industry by not repeating the present limitation that industry must be "by way of trade or for purposes of gain". This will permit persons employed by non-profit organizations to obtain the benefit of an award. They, however, may be excluded from the provisions of the award if the Minister considers this would be in the public interest. A significant new provision in the Bill is that the definition of "employee" has been extended to take in a class of persons who though, in strict law, may be "independent contractors" in actual fact are, in their day-to-day avocations, hardly distinguishable from employees in the popular sense of the term. Taxi-drivers, owner operators of trucks, office cleaners, building subcontractors and others are brought within the definition of "employee" for the purposes of this Bill.

The policy of the Government that all wage earners in this State, whether or not they are subject to awards, should be entitled to a minimum standard of annual and sick leave is given effect to by this Bill. Clause 80 provides that every employee under a State award shall be entitled to a grant of cumulative sick leave at the rate of not less than 10 days on full pay each year. Clause 81 provides that every full-time employee whose wages or conditions of employment are not governed by a Commonwealth or State award or industrial agreement shall be entitled to 10 days fully paid sick leave a year; however, in this case sick leave not taken will not accumulate. Provision is made for regulations to be made prescribing the conditions under which such sick leave shall be granted. Clause 82 provides that the general standard of annual leave determined by the Full Industrial Commission shall be granted to every full-time employee whose wages or conditions of employment are not governed by a Commonwealth or State award or agreement. This standard is to be published in the *Government Gazette*. Leave or payment in lieu of leave is to be paid at the rate of the employee's average weekly earnings for the previous 12 months or at the award rate (if any) or his current weekly earnings, whichever is the highest. These provisions will not, however, apply to employees of the Government or Government instrumentalities who already receive superior annual leave and at least as favourable sick leave entitlements.

The granting of annual leave and sick leave benefits will mainly affect persons who are not members of unions, so it cannot be said that the Government is concerned only with trade unionists. We do, however, consider that it should be possible for the Industrial Commission and conciliation committees to grant preference in employment to members of registered trade unions. This power has been given for many years to tribunals established

under the Commonwealth Conciliation and Arbitration Act and the Acts of all of the other States. Preference to unionists has always been part of the Labor Party's industrial policy and similar provisions have been included in previous Bills. This is not compulsory unionism as some persons have previously asserted, but merely gives a discretion to the Industrial Commission, on application and after hearing argument, to include such provision in awards subject to such conditions as it considers fair and reasonable.

The situation that arises when civil proceedings are taken in what is essentially an industrial matter is also dealt with in this Bill. All honourable members who have had experience in this field will be well aware that such civil proceedings rarely resolve, but often make worse, the industrial dispute. The question has not been easy to resolve and the solution offered in clause 145 is in fact based on one of the earliest legislative approaches to this problem, namely, the Trades Disputes Act, 1906, of the United Kingdom.

In brief, acts or omissions when done in furtherance of or in contemplation of an industrial dispute that would give rise to an action in tort will under this measure not so give grounds for such an action. The acts or omissions excepted from this provision are such acts or omissions that cause death or physical injury, direct physical damage to property, or constitute libel or slander. Even if these acts or omissions are done in contemplation or furtherance of an industrial dispute they will still be actionable at the suit of a party who suffers from them.

It is hardly necessary for me to emphasize that the consideration given here applies only to the civil liability of the associations and persons mentioned in the clause. The criminal liability of such persons is untouched by this provision. In the past, I regret to say, debate on provisions of this nature has engendered rather more heat than light, but on this occasion I look forward with confidence to a mature consideration of this provision by this Council.

The Government is concerned at the fate of workers whose livelihood will be affected by the introduction of automation or technological change. We consider that employers have responsibilities and obligations to their employees so affected and, in particular, as management plans technological change, those workers to be made redundant should be given sufficient notice to enable them to find suitable alternative employment. Accordingly, clause 83 empowers the Industrial Commission or a conciliation committee, upon appropriate application, to insert in an award provisions relating to such obligations, duties and responsibilities of employers and for notice of termination of service which shall be of not less than three months. Advice of such notification is to be given by the employer to the Secretary for Labour and Industry, who in this measure is referred to as "the permanent head".

Following numerous representations from persons and bodies in the community concerned with the interests of female wage earners, the Government has by the equal pay provisions of the Bill removed the restrictions now placed on the power of the Industrial Commission to grant equal pay to women. The old Industrial Code expressly provides that the equal pay provisions do not apply to work essentially or usually performed by females, but on which male employees may also be employed. Clause 78 does not retain this limitation. Furthermore, this Bill does not repeat the present requirement that the Industrial Commission must consider whether female workers are doing the same range and volume of work as males and under the same conditions when determining whether females perform work of the same or like nature and of equal value. These changes will allow the Industrial Commission a complete discretion in deciding whether female employees, in all areas of work, including those areas which are traditionally or mainly performed by females, should be granted equal pay. In order to expedite equal pay claims in the Industrial Commission, the Bill provides that such claims may be heard by a single member of the Commission, either a Presidential member or a Commissioner and not, as at present, the Full Commission.

The Bill gives the Industrial Commission jurisdiction to hear any question as to whether the dismissal of an employee was harsh, unjust or unreasonable. If the commission, on hearing such a matter, finds that an employee has been harshly, unjustly or unreasonably dismissed, it will have the power to direct the employer concerned to reinstate the dismissed employee in his former position on terms not less favourable than those which he had previously, and also will have the power to order that the employer should pay to the dismissed employee full wages for the period between his dismissal and reinstatement. These are the major alterations which have been made to the industrial arbitration provisions of the present Industrial Code. Many sections have been reworded and consolidated and a considerable amount of rearrangement has been

effected. However, many of the clauses repeat existing sections of the Industrial Code, some with minor drafting alterations. In dealing with the Bill in detail I will therefore explain only the clauses which differ significantly from existing provisions. For the benefit of honourable members, a comparative table has been prepared showing the equivalent numbers of the sections and subsections of the relevant parts of the Industrial Code to the clauses and subclauses of this Bill.

Clauses 1 to 3 are formal. Clause 4 repeals the Acts set out in the schedule to the Bill and provides for the old Trade Union Act to have effect for one year only after this Bill becomes law. Clause 5 and 7 contain the necessary transitional provisions. Clause 6 contains the definitions. The definitions of "council" and "employer" have been changed from the present Act, and the defiition of "declared industry" is new. I have already explained the other principal alterations. Clauses 8 to 14 provide for the constitution and composition of the Industrial Court. The Government considers that, in view of the importance of the Industrial Court and Commission, the President should have the status and salary of a Supreme Court judge and clauses 9 and 11 so provide. The only other alteration to the present provisions is contained in clause 13, in which provision is made for the appointment of more than one industrial magistrate, should this be necessary.

The jurisdiction and powers of the Industrial Court dealt with in clauses 15 to 19 are also left substantially unchanged from the present provisions, although by clause 15 the jurisdiction to hear and determine claims for sums due under awards to employees is vested in the court and extended to claims for amounts due under Commonwealth awards and to applications under section 12 of the Long Service Leave Act.

Clause 17 provides that the Industrial Court may state a case for the opinion of the Full Court on any question of law. The present powers of the court in interlocutory matters are also modified in this clause. Clauses 18 and 19, which deal with the procedure relating to claims for sums due to employees and the enforcement of orders, provide that an Industrial Magistrate shall hear claims for amounts of less than $1,000 and a judge may hear claims for a greater amount; otherwise, they are substantially similar to the present provision. The constitution and composition of the Industrial Commission is continued unchanged by clauses 20 to 24, except that clause 24 provides for the commission sitting as the Full Commission to be composed of either two Presidential members and one commissioner or a Presidential member and two commissioners at the direction of the President. Full Commission matters that do not involve substantial matters of law are to be heard by one Presidential member and two commissioners.

Clauses 25 to 34 deal with the jurisdiction and powers of the Industrial Commission. In clause 25, in addition to the power relating to dismissal of workers to which I have already referred, there is a new provision that where a dispute arises that involves employers and employees in their capacities as such and that dispute does not appear to be an industrial dispute within the meaning of the Act the Full Commission may declare it to be an industrial dispute for the purposes of the Act. Subclause (2) contains the over-riding principle that the Government considers to be appropriate for resolving industrial matters to which I have already referred—that at all times the Industrial Commission shall make every endeavour to settle claims by amicable agreement.

Clause 26 expressly provides that a Presidential member or commissioner may call a voluntary conference of the parties involved in an industrial matter in which mediation is considered desirable in the public interest. Clause 27 provides for compulsory conferences. Clauses 28 and 29 give the Industrial Commission the same powers it presently exercises. However, the present limitation on the power of the commission to give its awards retrospective effect has been removed. In addition, the commission has been given power to include in any award provisions setting out the procedure to be adopted in the settlement of any industrial dispute. This is similar to a power given to the Commonwealth Conciliation and Arbitration Commission.

The present requirements for applications to the Industrial Commission are continued by clause 30. Clause 31 retains the requirement that the Industrial Commission shall not fix award rates at less than the living wage. The period of operation of any award of the Industrial Commission is, by clause 32, expressed not to exceed two years instead of the present maximum of three years. Clauses 33 and 34 are the same as the corresponding provisions of the Industrial Code. The present provisions relating to the living wage and variations to the living wage are repeated with one minor amendment in clauses 35 to 39.

Clause 40 is a new provision to empower the President to make necessary arrangements for hearing cases and allocating commissioners to industries. The other provisions relating to proceedings before the Industrial Court or Commission as contained in clauses 41 to 47 are similar in substance to those in the present Code. Clauses 48 to 52, regarding the appointment of an Industrial Registrar and his staff and inspectors and their powers, are substantially similar to the present provisions.

No alterations in principle have been made to the present law in clauses 53 to 77, which concern conciliation committees, although clause 55, setting out which conciliation committees take precedence of others if more than one committee is created, which would apply to particular employees, is included in the Act for the first time. A provision of this nature was previously included in the Rules of Court, which it is felt was not the appropriate place for such matter. The jurisdiction of conciliation committees is similar to that of the Industrial Commission except that an employee who is on an annual salary cannot be subject to an award of a committee.

In clause 74 the same requirement as applies to members of the commission is applied to chairmen of conciliation committees, namely, that they shall endeavour at all times to have the parties resolve their differences by amicable agreement. I have already outlined the significant way in which the provisions of the Bill relating to general conditions of employment alter the present law. They are contained in clauses 78 to 83. Clause 78 deals with equal pay, clauses 80 and 81 with sick leave, clause 82 with annual leave while clause 83 contains provisions relating to automation.

Clauses 79 and 84 to 89 do not differ substantially from the present law. Clauses 90 and 91 enable sheltered workshops and hospitals conducted by religious orders and certain other non-profit organizations to be exempted in certain respects from provisions of awards. Clause 92, which is formal, is repeated from the present Act. The various provisions relating to appeals from the Industrial Court and Commission and the Industrial Registrar, and references of matters to the Full Industrial Commission, are contained in Part VII of the Bill, comprising clauses 93 to 106.

Clause 93 provides that the Full Court shall be constituted of not less than two judges, and appeals to the Full Court constituted of two judges only shall not be allowed unless upheld by both judges. Clause 94 provides for an appeal to the Full Court from an order or decision of the court constituted by a single judge but not where that order or decision related to an appeal from an Industrial Magistrate. Clause 95 provides for an appeal from any decision of an Industrial Magistrate to the court constituted of a single judge. Appeal to the Full Commission against an award or decision of a conciliation committee, or chairman of a committee or the commission comprised of a single member, whether Presidential or not, is provided by clause 97.

Clauses 98 and 99 substantially repeat existing provisions with a few modifications. Clause 100 provides that the Full Commission may stay the operation of an award appealed against but, in addition, provides that the comparable provisions of the prior award, modified if necessary, may be restored, and on dismissal of the appeal the provisions of the new award shall be restored retrospectively to the date from which they would have operated but for the appeal. Further, if no prior award or comparable provisions existed, the Full Commission may make an interim award in relation to the provisions under appeal.

Clauses 104 and 105 deal with appeals from acts or decisions of the Registrar. The Full Commission may grant leave to appeal and hear and determine appeals from acts and decisions of the Registrar, the Full Commission in these appeals, which largely concern questions of law, being constituted of two Presidential members and one commissioner. The provisions relating to industrial agreements that are contained in clauses 107 to 114 vary the provisions of the present Industrial Code only by the requirement in clause 109 that the term of operation of industrial agreements, as with awards, shall not be more than two years.

Clauses 115 to 143 deal with the registration of associations both of employees and of employers. Clause 115 expands the meaning of "employee" by enabling retired employees to continue membership of their association and also by permitting any person undergoing a course of training to be an employee eligible to join the appropriate association. The matter of the registration of South Australian branches of unions registered federally has now been clarified by a reference in clause 117 as well as in other appropriate clauses in Part IX to a branch or part of such an organization. In recent cases before the Full Commission it has been argued that if there was any defect in the rules of an association when first granted registration, even though that may have been

40 years ago, the association has never been validly registered. To put beyond any doubt the validity of registration of all existing registered associations, clauses 118 and 138 have been included in the Bill.

Clause 119 permits the Registrar to adjourn an application for registration for the purpose of allowing the applicant to amend its constitution, whereas at present an adjournment is restricted to amendments to rules other than the constitution. The Industrial Court, and not the Full Commission as at present, is by clause 133 given the jurisdiction to consider applications for cancellation of registration, and the Bill provides that such action may be made only by an association seeking its own deregistration or by any of its members and not by other associations or their members. Clause 134 is new and arises following the implications of the Commonwealth Industrial Court's judgment in *Moore v. Doyle*. This new clause provides for a two-year moratorium period during which associations can adopt such steps as are necessary to put their affairs in order, at the same time being free from a wide variety of legal attacks that could easily frustrate the achievement of such aims.

Clauses 135 and 136 transfer the jurisdiction from the commission as at present to the Industrial Court when considering matters relating to union rules. Various drafting and procedural amendments have also been made to clarify some of the sections in this Part. Apart from some drafting and procedural amendments to clarify some of the clauses in Part IX, clauses 115 to 138, to which I have not specifically referred, repeat the present provisions. Clauses 139 to 143, include provisions concerning the incorporation of associations which, although they have not been specifically provided for in the past, appear to be necessary.

Part X of the Bill deals with miscellaneous matters. Clause 144 repeats sections 2 and 3 of the Trade Union Act, 1876, by providing that any member of a registered or unregistered association shall not be liable to criminal prosecution for conspiracy, and agreements or trusts of such associations shall not be rendered void or voidable by reason merely that the purposes of the association are in restraint of trade. I have already referred to clause 145, which removes certain liability in tort for acts or omissions done in contemplation or in furtherance of an industrial dispute. Clause 146 will enable the Minister to publish an industrial gazette if it is considered desirable to do so. Large parts of the *Government Gazette* now contain awards that are of no interest to a considerable number of subcribers to that *Gazette*. The present provisions in relation to strikes and lock-outs are retained by clauses 147 to 153 except that the penalties have been brought into line with other penalties in the Bill.

Clauses 154 to 175 deal with offences and include several minor alterations to present provisions. No change has been made in the penalties presently applying except that provisions for imprisonment have not been retained. Clause 154 simplifies the present law without altering it. Clause 156 provides that in every case where the complainant in proceedings under the Act is a registered association any fine imposed shall be paid to the registered association. Clauses 157, 158 and 159 are similar to present provisions except that clause 157 includes a new provision prohibiting an employee from being dismissed because he is involved in an industrial dispute, and clause 158 now requires a dismissal to be for a substantial reason.

Provision is made in clause 160 that time sheets in the building industry shall be verified each day by the employee concerned; apart from that, the clause repeats a present provision. Clause 161 is substantially the same as the present provision except that, in addition to the copies of the legislation already required to be kept, a copy of the Workmen's Compensation Act must also be kept and made available to employees in any place where 20 or more employees are required to work or report. Clauses 163 to 175 are similar in substance to existing provisions. The President of the Industrial Court is empowered to make rules by clause 176, and clause 177 provides a general regulation-making power.

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

FRUITGROWING INDUSTRY (ASSISTANCE) BILL

Adjourned debate on second reading.

(Continued from October 11. Page 1965.)

The Hon. R. A. GEDDES (Northern): I support this short Bill. It is really a machinery Bill designed to give the State the necessary authority to pay out Commonwealth Government moneys that will be allocated to the State in due course, so that the fruitgrowers who are producing canning apricots, peaches and pears and fresh apples and fresh pears and who are prepared to pull or destroy their trees completely and undertake not to replant for at least another five years will, in

those circumstances, receive a grant to allow them to replant in another side of the fruit-growing industry. I understand the present thinking is that the maximum grant to be paid to any grower will be $500 an acre. That will, of course, depend on many factors—the age of the trees, the productivity of the trees, and the financial or economic position of the grower himself, all of which will be evaluated by the Minister or his department. In view of that, not many people will receive the maximum benefit of $500 an acre for their trees.

Nevertheless, it is thought that all growers who have to apply for this type of Government assistance will be able to receive some support from the Government. I understand that the Commonwealth, which is the author of the scheme and the source of the money, is providing a total of $4,600,000 for distribution to all the States of the Commonwealth—$2,300,000 to the canning industry and $2,300,000 to the fresh fruit industry. I have been told that so far no allocation has been made to this State. In fact, the second reading explanation states:

This agreement is still in the course of negotiation and, although these negotiations have reached an advanced stage, it is desirable that formal authority be given to the Government to enter into the agreement . . .

It seems wrong to me that we should be providing help for controlling this industry when so much of the world is hungry and underfed, because of its education and population problems in addition to the great snag of economic ability to pay.

The canning industry, particularly in the Riverland areas of this State, has been doing a remarkable job over many years in trying to purchase from the grower as much of his product as possible, and then canning it and trying to find markets for it. I pay a tribute to Mr. David Andary of Berri who, for many years, has been well aware of the plight and problems of the canned fruits industry, both from the manufacturers' side and from the producers' side. I know full well of the efforts he has made to try to get the Commonwealth Government to realize the need for assistance to the industry. Much credit for that lies in his court.

I hope the great nations of the world can find a solution to the economic and population problems of our northern neighbours, particularly India. There is no possible way of controlling Mother Nature in connection with the way she produces years of plenty and years of hardship. I do not doubt that it will not be many years before the canning industry is clamouring for more of a certain variety of fruit, because markets have changed and because this Bill has resulted in under-production through trees being pulled to prevent over-production. We have seen a similar kind of situation in the wheat industry; quotas were introduced in that industry because of over-production. Those quotas were worked out by man, using a mathematical formula, and until this year the seasons have been such that there has still been over-production.

As the Hon. Mr. Kemp said yesterday, this Bill makes it necessary for a grower to prove to the department that he is in financial difficulties or that the trees he wants to pull are in a specified condition or state of production. At present some Acts of Parliament say that, if a producer is not viable, he can be assisted. However, no Act of Parliament provides for assisting a man who is able to keep his head above water to the extent of 25 per cent, but is not viable to the extent of 75 per cent. That situation produces many anomalies not only in this Bill but also in connection with the Rural Assistance Act.

Although the intentions behind this Bill are good, nevertheless a producer has to be beyond the point of no return before financial aid can be given to him. I therefore believe that some form of rural lending authority is necessary; that authority could make long-term loans to growers at reasonable rates of interest. In that way a grower could virtually regard his loan as capital, and he could make the finance work for him as he wished on his property. In its Budget this year the Commonwealth Government allotted $20,000,000 for starting a form of Commonwealth rural lending authority. One can only hope that more will soon be known about that matter not only in connection with horticulture but also in connection with other forms of primary industry. In all forms of primary industry the escalating costs of production and costs of living take their toll, particularly when a producer is selling on a world market that does not always pay a price commensurate with cost of production. One wonders what the cost of production of wool really is, and what will happen in this period of rising wool prices. Clause 5 provides:

(1) The Government of the State may enter into an agreement with the Government of the Commonwealth where that agreement provides for a scheme of assistance for the reconstruction of the fruitgrowing industry.

(2) The Government of the State may enter into an agreement with the Government of the Commonwealth amending the agreement.

(3) The Premier may execute any agreement referred to in this section for and on behalf of the Government of the State.

Should subclause (3) not refer to "The Premier or his Deputy", rather than simply "The Premier"?

The Hon. T. M. Casey: The agreement is at the Premier-Prime Minister level.

The Hon. R. A. GEDDES: Can the Minister say what will happen if the Premier is sick?

The Hon. T. M. Casey: What about the situation that will occur if the Prime Minister is sick?

The Hon. R. A. GEDDES: The Bill does not refer to the Prime Minister. Clause 6 provides:

(1) The Government of the State may do all things necessary, convenient or expedient to carry out or give effect to the agreement.

(2) The Minister shall be the authority within the meaning of the agreement.

Clause 6 (2) does not specify which Minister shall be the authority referred to. Will the Minister of Agriculture explain how the machinery of this Bill will operate? As I have said, it is a sad day when we have to introduce legislation to control the production of foodstuffs, but this Bill seems to be the only possible solution. I support the second reading.

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

METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 11. Page 1853.)

The Hon. R. C. DeGARIS (Leader of the Opposition): When a Bill of this kind is debated, usually there are one or two honourable members who have made a thorough study of the subject and are familiar with the Bill and the principal Act; as a result, their specialized knowledge enables them to lead the debate. In relation to this Bill, the Hon. Mr. Story is such a person, but the influenza virus that has substantially reduced the number of honourable members in this Chamber has also affected the Hon. Mr. Story. So at relatively short notice I have to do the best I can to lead this debate.

No person understands the problems facing abattoirs in South Australia better than does the Hon. Mr. Story, and I hope he is able to return to the Council to contribute to the debate, at least before the second reading stage has been completed. When he was Minister of Agriculture, the Hon. Mr. Story took an active interest in the organization of South Australia's abattoirs, and I regret that he did not have more time as Minister to implement the research and work that he did. One of the most effective studies undertaken at Gepps Cross was instigated by the Hon. Mr. Story when he was Minister; I refer to the McCall report, which is available to the Government and which was well known to the Hon. Mr. Story as Minister. While on the subject of the influenza virus and the medical complications stemming from it that have reduced the numbers in the Council in the last few months, I mention that I am pleased to see that the Hon. Mr. Kemp is back with us. He was the first honourable member to be affected, but he is now totally recovered and is once again playing an active part in the Council.

I am pleased that the Chief Secretary referred recently to the illness of the Hon. Mr. Kemp. I should like to welcome him back to active duty in the Council, because on agricultural matters generally there are few people in Parliament with more knowledge than he has; his strength in debate and knowledge are important to the operations of the Council. It is fair to say that on most points there is some variation of opinion in the Council but, on horticultural and agricultural matters, the Hon. Mr. Kemp's opinion is sought and respected by all honourable members; I am sure that I speak both for the Government and for the Opposition members and, once again, I support the sentiments expressed by the Chief Secretary.

The second victim of the virus has been the Hon. Sir Arthur Rymill, and I am sure that every honourable member regrets that he has been so ill. However, present reports are that he will be out of action for another two or three weeks, and I know that I once again express the views of all honourable members in wishing him a speedy return to the Council. This House cannot afford to be without the debating strength and the knowledge of men of this calibre; this also applies to the Hon. Mr. Story in relation to the Bill now before us. I hope that I can, in leading this debate, make a worthwhile contribution.

Before I continue the debate I wish to refer to the subject of information being made available to Parliament. I know that several times in the last few years I have referred to this same topic. This is not particularly a criticism of the present Government, but I point out that there is a tendency in all Parliaments to shield information from the scrutiny of Parliament and the public. I know that certain information must be confidential to Cabinet

and the Executive, but the growth of the power of the Executive and the fact that information is slow in coming to us places members in a difficult position in attempting to debate with maximum efficiency the measures that come before us.

I am pleased that the Government has decided to allow the continued adjournment of the Environmental Protection Council Bill so that the Jordan report may be studied before the debate is resumed. This should not have been necessary, because the information should have been made available to Parliament when the Bill was introduced. The same comment applies to the Bill now before us. We are asked to debate and pass a Bill in relation to the Metropolitan and Export Abattoirs Act, but the only factual information we have is contained in the Minister's second reading explanation. There are two recent and important reports in regard to this matter. I have already referred to the McCall report, which was commissioned by the Hon. Mr. Story when he was Minister of Agriculture. Since then, Mr. Gray has conducted an investigation and has made recommendations to the Government, but none of the information contained in these two reports is available to Parliament.

I feel strongly that information which leads the Government to introduce legislation and information upon which the legislation is based should be available to Parliament, and honourable members should have that knowledge in order to debate a measure satisfactorily. This is an important question and it becomes of growing importance to the future of Parliament as time goes by. Since I have been in Parliament the complexity and scope of legislation has increased tremendously, and Parliament cannot do justice to debates without having available to it the information which is available to the Executive.

As one reads the Minister's second reading explanation of this Bill one becomes aware of a degree of padding that gives little information on the proposed reorganization of the abattoir. The second reading explanation states:

> The benefits that will be obtained from such a rationalization are—(*a*) improvements in the quality and wholesomeness of meat offered for sale for human consumption; and (*b*) the creation of soundly-based commercially viable abattoirs effectively serving the needs of all sections of the community.

This is what I mean by a degree of padding, because it gives little information to the Council on the proposed reorganization. In his second reading explanation the Minister also said that the Government was concerned at the considerable number of cattle being exported from the State for slaughter in Victoria. Every honourable member knows that this is true and that some of this meat is returned to South Australia after the cattle have been slaughtered.

As I see it, the Bill will do little to overcome this situation unless we find finance to increase our killing capacity. The drift of cattle to other States for slaughter and return to South Australia will not be halted if our costs remain as high as they are now. One must recognize that a simple change in the structure of the board will not overcome this problem, because the costs at the abattoir are, I believe, as high if not higher than those of abattoirs elsewhere. A significant proportion of our slaughtering will still be done in Victoria, even if the Bill is passed. I should like to see information tabled comparing the killing and service charges in South Australia with those of abattoirs in, say, Victoria, which is our main competitor in this field. The second reading explanation goes on to say:

> The effect of this Bill is to enable the board to operate as a financially viable business, ultimately economically self-sufficient and having slaughtering fees that are competitive with charges in other States. The need for this reorganization is so well recognized in the industry generally that it calls, at this stage, for little elaboration. In addition, to provide some clear and apparent evidence of the proposed reorganization, it is provided in this Bill that the Metropolitan and Export Abattoirs Board will, in future, be known as the South Australian Meat Corporation. This change of name has necessitated many formal amendments to the principal Act, and in the consideration of the clauses of this measure I shall refer only in general terms to those clauses that are purely consequential on this change of name.

I have referred briefly to the question raised in this part of the explanation. The Bill appears only to change the name of the Metropolitan and Export Abattoirs Board to the South Australian Meat Corporation. This will not achieve a great deal in relation to reorganization of our abattoir. How closely will the Government follow, in this reorganization, the excellent report furnished by Mr. McCall? I direct that question to the Government. How closely will it follow that very excellent report on what was needed to reorganize the abattoir? Has this report been shelved completely? That is another thing we do not know. What does the Government propose in the future organization

of the abattoir? Once again, we have little information.

On many occasions recently in legislation (and one area that comes to mind concerns consumer protection) we have seen changes being made and achieved piecemeal so that one cannot see the full picture; it comes in little pieces and one cannot fit the pieces together until several Bills have been passed by Parliament. I raise my voice in protest against this approach to legislation. We should be seeing the full reorganization, what is required and what the Government intends to do, when considering such Bills. It is most difficult in these circumstances to see the final picture.

This approach has been occurring, I think, increasingly over the past two or three years. It is just another facet of the point I made earlier in this debate. As the Bill is a large one containing 86 clauses, and as I have not quite completed my research on some matters I would like to touch on in the various clauses, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

ADVANCES TO SETTLERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 11. Page 1969.)

The Hon. H. K. KEMP (Southern): The purpose of this Bill has been explained, and there is no doubt that it is most desirable. The only point in question is that raised by the Hon. Mr. Whyte yesterday regarding the necessity for the final clause. We must admit that, in the past few years, the administration of these settlers assistance Acts has not been, to say the least, very sympathetic. To give the power of complete variation of the adjustment which has been questioned, the adjustment of the sum of money allowed for the erection of a house, is going a good deal too far.

On the other hand, the projected amendment foreshadowed by the Hon. Mr. Whyte to confine the power to increases only is not going quite far enough. I do not think power should be left in the hands of the Executive to vary without coming back to Parliament, and I give notice that, in the Committee stage, I shall be moving for the deletion of the terminal clause of this Bill.

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

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 11. Page 1967.)

The Hon. C. M. HILL (Central No. 2): This relatively short Bill makes a further alteration to the Industries Development Act, so that in the future the Treasurer of the State will be in a position to some extent to give guarantees to institutions concerned in sporting, cultural, or social activity. Previously, the intention of the Act was that the Industries Development Committee had to make certain recommendations and the Treasurer would guarantee loans to industry or commerce where that industry or commerce was undertaking activities of a profit-making nature.

Apparently, for some reason, the Government believes there is a need for assistance to be given not only to profit-making industries but also to institutions concerned not with the making of profit but with the furtherance of sporting, cultural or social activity. In altering the Bill to give effect to this plan, the Government has placed some checks in the new legislation, because the committee is required to report to the Treasurer that there is reasonable prospect that the institution whose application is under consideration will be capable of earning some income, and indeed will be capable of earning income sufficient to meet its liabilities and commitments.

There is the further check that the purpose of the guarantee will be in the public interest. That is an additional point the Government is writing into this proposed legislation. I see no reason to oppose the Bill. In these modern times institutions sometimes wish to approach the Government for financial help and the Government, because of its responsibilities, believes it would like to help but is unable to do so by extending direct monetary assistance; however, it has sought a means by which it could guarantee lending institutions, such as banks, so that those institutions might stretch themselves to the limit required by organizations to fulfil their needs.

Perhaps when he replies, or in the Committee stage, the Chief Secretary will confirm my belief that this Bill deals only with the question of guarantees. I recall when the Act was amended in 1971, and when the Industries Development Corporation was set up, that the corporation was introduced so that it could deal as a principal in the matter of assistance to industry. As I recall, the corporation was established so that it could lend moneys and borrow moneys and actually take a share

interest in certain undertakings and, generally speaking, be a principal in the transaction. That is a different kettle of fish altogether from a situation in which the Government acts simply as guarantor to a bank or some other lending institution that advances capital to an applicant.

The Hon. A. J. Shard: We are only the guarantor. That is my understanding of the matter.

The Hon. C. M. HILL: I am pleased that the Chief Secretary believes that. However, I point out that in certain sections of the Act—

The Hon. A. J. Shard: I will make sure, but I understand we are only the guarantor.

The Hon. C. M. HILL: That is my understanding of the matter, too. This is an important point about which honourable members will want to be certain before they finally give their blessing to the measure. I have some doubts about this, because clause 5 amends section 16g of the Act. I can recall that the new corporation, to which I have referred, was written in by amendment and, indeed, that it is provided for in provisions preceding section 16g. I thought it might have been interwoven in some way in the measure now before honourable members.

Certainly, the picture is different if the Government acts simply as a guarantor in the matter. That is an entirely different set of circumstances from lending the people's money for the purposes being sought in the Bill. In this respect, I refer to sporting institutions and those involved in cultural and social activities. The latter have a wide ambit indeed.

That is the only doubt I have after reviewing the legislation. Probably the Government has some applications with which it cannot deal at present, and this Bill will permit them to be considered. If the Government uses the legislation soon, I believe the people who are assisted by such guarantees will be able to complete their plans and undertakings and that people generally will benefit by this Bill, which, I am sure, this Council will support.

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

ADJOURNMENT

At 3.34 p.m. the Council adjourned until Tuesday, October 17, at 2.15 p.m.