LEGISLATIVE COUNCIL

Tuesday, February 10, 1976

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

ELECTRICITY

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to the question I directed to him recently on electricity supplies in South Australia?

The Hon. D. H. L. BANFIELD: My colleague states:

The newspaper warning that there is a power crisis in South Australia was grossly exaggerated. The margin of spare generating plant is lower than had been planned because the first new generator in Torrens Island B power station is behind schedule owing to delays in oversea manufacture. However, the possibility of power rationing during a heat wave is very low. It would occur only if an excessive amount of plant had to be taken out of service for maintenance on a day of very high power demand. The Electricity Trust has plans to install the following generating plant:

(*a*) The first new generator in Torrens Island B is now undergoing commissioning trials. Its capacity is 200 000 kilowatts.

(*b*) The second similar machine is under construction and should be commissioned before the end of the year.

(*c*) Two similar machines for installation in Torrens Island B are on order and foundation work for their installation has been started.

(*d*) It is proposed to install at least 500 000 kW of plant in a new northern power station. A study of environmental factors has been in hand for some time. When this is completed tenders will be called for the plant.

These plans cover the addition of 1 300 000 kW of new generating plant, which will more than double the existing capacity in South Australia of 1 185 000 kW.

LAND COMMISSION

The Hon. C. M. HILL: I seek leave to make a short statement before directing a question to the Minister of Lands.

Leave granted.

The Hon. C. M. HILL: A report has been published entitled *The Respective Roles of the Land Commission and the Private Sector in Land Development in South Australia.* It is compiled by Dr. B. L. Bentick, M.Comm. (Melb.), Ph.D. (Yale). The report was initiated by the Urban Development Institute of Australia (South Australian Division) Incorporated. The foreword was dated November 9, 1975. The report contains important recommendations for changes in the Land Commission and in the policies of that commission. Can the Minister say whether the Government and the commission have had time to study the report and whether the Government intends to introduce any changes to the commission and its activities as a result of the report?

The Hon. T. M. CASEY: As the Land Commission is now under the control of the Minister for Planning, I will refer the honourable member's question to my colleague and bring down a reply.

INCINERATORS

The Hon. R. A. GEDDES: Last week I asked the Minister of Agriculture a question regarding suitable types of incinerator for use in rural areas. Has he a reply?

The Hon. B. A. CHATTERTON: There are no statutory specifications for the term "properly constructed incinerators", although it naturally implies that incinerators are to be built and maintained in such a manner that they are capable of preventing the escape of sparks and burning embers. However, in recognition of the absence of approved standards for "fire safe" incinerators, the Bushfire Research Committee has developed guidelines which recommend that incinerators should:

(1) be soundly constructed of fire-resistant material and have a flue or chimney at least 1 metre long.

(2) while in use, have no unscreened external openings greater than 5 millimetres of more than one dimension leading directly to the fire.

(3) use screening for draught and flue openings that has an aperture size of not more than 5 mm of any dimension, and not less than 3 mm of any dimension.

I have with me more detailed guidelines that the honourable member might like to study at his leisure. I point out that these relate to down-draught incinerators, which, I understand, are favoured by the Bushfire Research Committee because they are less likely to permit escapes of sparks during reloading and burn more cleanly than the conventional up-draught type.

The guidelines were developed primarily for adoption by certain district councils that allow burning only in "approved incinerators" during the summer months, and I believe that appliances built to these recommended standards are also available through retail outlets in Adelaide. I must emphasise that, despite the advantages offered by such incinerators, they are in no way exempted from the general provisions of the Bush Fires Act, and most certainly cannot legally be operated on days when broadcast fire bans have been imposed.

EDUCATION

The Hon. JESSIE COOPER: Has the Chief Secretary received from the Minister of Education a reply to my recent question regarding the setting up of a special investigatory committee in the matter of education?

The Hon. D. H. L. BANFIELD: The Minister of Education reports that the honourable member seems to have misunderstood the nature of the special classes being provided by the Further Education Department. They are in the nature of a "brushing up" in certain areas, and their existence in no way implies a criticism of the education provided in our secondary schools. That many students leave our schools with less than a high level of achievement in written work or the manipulation of numbers is, of course, cause for regret, but it is by no means something new. It often arises from lack of motivation on the part of the student, which motivation takes effect only when the student is immediately presented with the prospect of job hunting. The new trends in teaching are, of course, designed to motivate the student wherever possible. It cannot be reasonably expected that they will always be successful. There are certainly no grounds for the sort of investigation that the honourable member contemplates.

SHACKS

The Hon. A. M. WHYTE: I seek leave to make a statement before asking a question of the Minister of Lands.

Leave granted.

The Hon. A. M. WHYTE: Following a meeting held by the Whyalla Shack Owners Association on January 28, I was asked to put a series of questions to the Minister regarding the situation of shacks and shack owners. The questions relate to the appointment by the Government in 1974 of a committee known as the Shack Site Review Committee to carry out a study of all waterfront holiday

shack sites in South Australia. I understand that the findings of that committee, under the chairmanship of Mr. M. G. Butler, have been concluded. Will the Minister say whether, if the report is available, it will be made public, and can he obtain a copy of it for me? Secondly, before the last State election the State Government released a report on December 24, 1974, stating that existing shacks on waterfront Crown lands would be allowed to remain. It now appears that the Government has had a change of heart and has proceeded to classify all shacks as "acceptable" or "non-acceptable" and will issue miscellaneous leases for a terminating number of years. Will the Minister say why shack site leases are to be terminated and what will happen to those areas once all shacks have been removed? Thirdly, on February 5, 1975, the Whyalla shackowners wrote to the Director of Lands asking for his permission for the association to clear up an area of rubbish near Point Lowly. A copy of that letter indicates that the association offered to arrange by its own efforts for a proper rubbish dump together with appropriate signposts. As it received no reply, it wrote again on December 5, 1975, but it has not received a reply to either letter. Because the unsightly rubbish remains and is increasing, can the Minister say when he or the Director of Lands will reply to the association's proposals?

The Hon. T. M. CASEY: Because the honourable member's questions were lengthy, I doubt whether I can clarify all the points he has raised. As I indicated last week, the Government's policy has never changed regarding the allocation of shack sites. I repeat that the Government's policy is for shack sites to remain. Because it is an inter-departmental committee, I assure the honourable member that its findings will not be made public; they will be forwarded to the Minister. Several interim reports were made available to the Minister while the committee carried out its investigations. It based its assumptions on the planning authority's recommendations regarding where shacks should be built and should not be built. It was recommended that shack sites should be classified as acceptable and non-acceptable; that is about as far as we can go on that matter.

As the honourable member probably knows from reading the papers, a Mrs. Calf has been giving information to country newspapers, and the information is quite incorrect. She claimed that the Government would phase out shack sites; that has never been indicated by me, the previous Minister, or any other Minister. I read a newspaper article this morning attributed to this lady; she said that the Government would issue miscellaneous leases for one year in lieu of annual leases. I have never heard of anything so ridiculous in all my life. She claimed she had spoken to Ministers of the Government, but she has never spoken to me in this connection. When she came to see me with a deputation recently, I was happy with the deputation, as were members of the deputation on that occasion. Apparently Mrs. Calf could not do any good with the metropolitan newspapers so she decided to carry her banner into the country areas and try to hoodwink the public there. I take a dim view of these tactics. If I have omitted any points in my reply to the honourable member's questions, I will take up the matter as soon as possible.

The Hon. A. M. WHYTE: One of the areas of uncertainty is that already some shacks are declared acceptable and some are not; yet the Minister says that none of these shacks will be required to cease operation and be moved from the site. I just wondered what was the need for these terms "acceptable" or "unacceptable". Some have already been labelled in that way, yet the Minister says there is no intention that the shacks shall be removed.

The Hon. T. M. CASEY: As a Government, we have been looking at the shack site problem for some time, and we believe that annual licences are not sufficient incentive for people to up-grade shacks in certain areas; therefore, we are looking closely at the possibility of introducing miscellaneous leases over a longer term. I think this will give the people a better lease over the shack sites than those they have had previously. The honourable member must realise that in this day and age, when we are learning more about environmental and ecological control, certain areas of our coastline are being ravaged by people who are recognised as being the greatest polluters of all, and if we are going to maintain these areas—

The Hon. R. C. DeGaris: Who are these greatest polluters of all?

The Hon. T. M. CASEY: I am using the expression in broad terms. I am referring to mankind in general. In fairness to future generations, we should be looking at the environmental and ecological problems with which we will probably be faced in the future. These are the initial steps the Government thinks it right and proper to take at this stage. It could be that in future years some of these areas will be acceptable. I do not know. On the other hand, however, areas now classified as acceptable may become non-acceptable in years to come. That is another aspect to be looked at. As it is Government policy not to remove people from these shack areas (which has been indicated by certain people), we intend to give the shack owners a longer term under a miscellaneous lease.

AGRICULTURE DEPARTMENT

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

Leave granted.

The Hon. M. B. DAWKINS: Last week I asked the Minister about the transfer of the Agriculture and Fisheries Department to a new building. The Minister was good enough to give me a reply to that question. I concluded my question by asking him whether, in view of the difficult financial situation regarding the building of new towns, the new location for the department was regarded as permanent and, if it was not, for how long did the Minister plan to house the department in the new Grenfell Street building. Can the Minister now reply to that question?

The Hon. B. A. CHATTERTON: I cannot give the honourable member a reply to that question. I infer that the honourable member was asking when the transfer of the department to a new site at Monarto was planned. I cannot give him an answer to that question as it depends upon the Government's plans for the development of Monarto and the time table for that is, of course, still under consideration until we hear the views of the Commonwealth Government.

FOWL PLAGUE

The Hon. J. R. CORNWALL: I seek leave to make a brief statement prior to directing a question to the Minister of Agriculture.

Leave granted.

The Hon. J. R. CORNWALL: I notice in today's *Australian* that the Victorian poultry industry will remain quarantined from the rest of Australia, New Zealand, Samoa and Papua-New Guinea for a further six weeks. I understand this is because of a third outbreak of fowl plague in

that State. Can the Minister say whether the continuing outbreaks of fowl plague in Victoria are being monitored by South Australia? What steps is South Australia taking to keep its own poultry industry free from this disease?

The Hon. B. A. CHATTERTON: There has been a third outbreak of fowl plague in Victoria. We regard this with great concern because of the serious threat to poultry stocks within South Australia and to our export markets. We are in constant touch with the Victorian Agriculture Department, and there is a total prohibition on processed poultry, eggs, and chicken by-products from Victoria. This prohibition is being strictly enforced. The Agriculture Department is undertaking a survey of the South Australian poultry industry to ensure that there is no disease situation to give us any cause for alarm in South Australia. The other thing that is being done is to ensure that there is a strict enforcement of the ban on the feeding of swill (this ban came into force recently) to poultry as well as to pigs. There is already an eradication plan that was agreed by Agricultural Council some time ago and, under that plan, we contribute to a part of the cost of the eradication programme in Victoria.

STATE TRANSPORT AUTHORITY

The Hon. C. M. HILL: I seek leave to make a statement prior to directing a question to the Minister of Lands, representing the Minister of Transport.

Leave granted.

The Hon. C. M. HILL: On April 18, 1974, the names of members of the State Transport Authority were gazetted. The names of those gazetted were Messrs. Flint, Shannon, Fidock, Young, Rump, and Barnes. On May 10, 1974, the periods of appointment for members, other than the Chairman, were gazetted. Messrs. Shannon and Rump were appointed for two years, Messrs. Young and Fidock were appointed for three years, and Mr. Barnes was appointed for four years. On October 17, 1974, it was published in the *Government Gazette* that Mr. J. W. Spencer was appointed as a member of the authority. On November 20, 1975, the State Transport Authority Act Amendment Act was assented to, giving the authority new power to employ persons who, ". . . . shall be employed on such terms and conditions as the authority determines, subject to any directions of the Minister, and the provisions of the Public Service Act, 1967-1975, shall not apply to or in relation to persons so employed". On November 28, 1975, there was an article published in the *Advertiser* under the heading "Surprise Resignation by T.L.C. Secretary", as follows:

The Secretary of the South Australian Trades and Labour Council (Mr. J. E. Shannon) has resigned. The surprise announcement was made yesterday by the Chairman of the State Transport Authority (Mr. A. G. Flint), who said Mr. Shannon had been appointed to a full-time position with the authority . . . Aged 61, he was re-elected two years ago for a five-year term . . . Mr. Shannon said he had spoken to the Minister of Transport (Mr. Virgo) and submitted his resignation as a member of the State Transport Authority, a position he had held part-time since its inception.

There was also another long article about this matter in the *News* of the same day, November 28, 1975. My questions are these: (1) What is the remuneration of the members of the authority? (2) What is Mr. Shannon's exact title and role in his new position? (3) For what period of time is his contract? (4) What is his salary and other remuneration, if any, in his new position?

The Hon. T. M. CASEY: I will refer the honourable member's questions to my colleague and bring down a reply?

WOOMERA

The Hon. C. J. SUMNER: I seek leave to make a short statement prior to directing a question to the Chief Secretary, representing the Premier.

Leave granted.

The Hon. C. J. SUMNER: In the *Advertiser* of yesterday there was a report about the problem that the people of Woomera are having in ascertaining what the Federal Government's intention is with respect to that town. The report stated that the town was dying in the face of uncertainty about its future, that there was a deterioration of facilities and a running down of the town, one of the chief complaints, as reported, being that there was a complete lack of information about Woomera's future. As one who has recently had the opportunity to visit Woomera and speak with some of the people there, I can fully understand the feelings that those people have relating to the uncertainty about the installations and the town itself. As we all know, uncertainty of that nature affects the motivation of the residents; it affects their views about employment opportunities; and, of course, it affects any planning that the residents may wish to do for the future. First, has the Government had any discussions with the Australian Government relating to the future of Woomera and, if so, what was the substance and the result of those discussions? Secondly, will the Premier, as a matter of urgency, approach the Minister for Defence, conveying to him the concern of the people of Woomera about its future, and attempt to initiate discussions to resolve the uncertainty?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's questions to my colleague.

BRIGHTON SENIOR CITIZENS

The Hon. C. M. HILL: I seek leave to make a statement prior to asking a question of the Minister of Lands, representing the Minister of Transport.

Leave granted.

The Hon. C. M. HILL: I have been approached about a problem facing those who travel to the Brighton Senior Citizens Club by bus. At present, one bus stop is situated along Brighton Road, travelling north from Seacliff towards Glenelg, outside the institute library at Brighton, and the next stop is at Dunrobin Road. The club is situated between those two stops. A constituent has suggested that an approach should be made to the Minister requesting a special form of stop, such as a request bus stop, at the corner of Murray Street, on the western side of Brighton Road, to meet the convenience of such people. I bring the matter forward for the Minister's consideration. Can this suggestion be looked at by the Minister to help the worthy people who visit the Brighton Senior Citizens Club?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and bring down a reply.

CORRECTIONAL SERVICES

The Hon. C. M. HILL: I understand the Chief Secretary has a reply to a question I asked on February 4. The Minister is most kind in giving us advice that replies are available but, with the greatest respect, I would suggest that the title of the question should also be conveyed to us on the advice.

The Hon. D. H. L. BANFIELD: I am prepared to help the honourable member shave each morning if that will assist him in any way. Subsequent to the Auditor-General's Report to Parliament in relation to the accounting activities of the Correctional Services Department for the year ended June, 1975, the Public Service Board examined the Auditor's report on accounting weaknesses and the report of the

Director of Correctional Services on the difficulties being experienced in the accounting and administrative areas of his department. As a result of those reports and discussions, the Public Service Board approved the creation of a new position: Senior Administrative Officer. The position was called initially early in October, 1975, and recalled in the middle of November, 1975. The officer recommended took up his duties on February 9, 1976. The matter has been satisfactorily resolved to the extent that the Auditor-General is satisfied that the Director of Correctional Services has taken the necessary action towards improving the accounting and administrative areas. However, until the next visit of an auditor from the Auditor-General's Department, it will not be possible to say whether or not the accounting has reached the standard required.

ART GALLERY

The Hon. C. M. HILL: My question is directed to the Chief Secretary, representing the Premier. Has a decision been made as to who will be the new Director of the Art Gallery; if not, when can an appointment be expected; and is every possible consideration being given to existing personnel within the Art Gallery in the Government's deliberations on this matter?

The Hon. D. H. L. BANFIELD: I shall refer the honourable member's question to my colleague.

METROPOLITAN TRANSPORT

The Hon. J. A. CARNIE (on notice):

1. What basis is being used for co-ordinated development of metropolitan transport?

2. What recommendations contained in the Metropolitan Adelaide Transportation Study are being carried out by the Government?

3. What land and property has been acquired pursuant to recommendations of the Metropolitan Adelaide Transportation Study?

4. What is the value of property acquired in this way and where is it situated?

The Hon. T. M. CASEY: The replies are as follows:

1. Ministerial direction, investment control and administrative integration and operation co-ordination.

2. With the exception of the recommendations concerning freeways, expressways, the Glenelg tram and rail rolling-stock, the transport proposals in the Metropolitan Adelaide Transportation Study are proceeding.

3. and 4. These statistics are not readily available and would require considerable effort and expenditure to obtain.

SOUTH AUSTRALIAN MUSEUM BILL

Second reading.

The Hon. T. M. CASEY (Minister of Lands): I move:

That this Bill be now read a second time.

It is substantially the same as a previous Bill relating to the South Australian Museum which passed the House of Assembly in November, 1973. Unfortunately, the Legislative Council made amendments to the Bill which were unacceptable to the Government, and the Bill lapsed. I need not reiterate the general introduction to the Bill which was previously given but for the convenience of honourable members I shall reproduce the explanation of the clauses.

Clauses 1, 2 and 3 are formal. Clause 4 repeals the present Museum Act. Clause 5 contains a number of definitions necessary for the purposes of the new Act. Clause 6 continues the Museum Board in existence. The board is a body corporate and has full power to enter into contractual rights and obligations incidental to the administration of the museum. Clause 7 deals with the constitution of the board. The board consists at present of five members. In future the Director of Environment and Conservation will be an *ex officio* member of the board. Clause 8 deals with the terms and conditions upon which members of the board hold office. Clause 9 validates acts or proceedings of the board during vacancies in its membership. Clause 10 provides for the appointment of a Chairman to the board. The Chairman is to hold office for a four-year term. Clause 11 deals with the procedure of the board. Four members of the board constitute a quorum. Clause 12 provides that the Director of the museum shall attend at every meeting of the board for the purposes of giving detailed advice to the board on the day-to-day running of the museum and other matters within his knowledge and experience.

Clause 13 sets out the functions of the board. The board is to undertake the care and management of the museum and of all lands and premises vested in or placed under the control of the board. The board is empowered to carry out or promote research into matters of scientific or historical interest in this State. The board is empowered to accumulate and care for objects and specimens of scientific or historical interest and to accumulate and classify data in respect of any such matters. The board is empowered to disseminate information of scientific or historical interest and to perform other functions of scientific, educational or historical significance that may be assigned to the board by the Minister. The board is empowered to purchase or hire objects of scientific or historical interest, to sell, exchange or dispose of any such objects, and to make available for the purpose of scientific or historical research any portion of the State collection.

Clause 14 provides for the appointment of a Director of the museum. The Director and other officers of the museum shall hold office subject to the Public Service Act. Clause 15 provides for the board to make a report upon the administration of the museum in each year. A copy of the report is to be laid before each House of Parliament. Clause 16 provides for the board to keep proper accounts of its financial dealings. The Auditor-General is to audit the accounts of the board at least once each year. Clause 17 provides that any person who, without the authority of the board, damages, mutilates, destroys or removes from the possession of the board any object from the State collection or any other property of the board is guilty of an offence.

Clause 18 provides for proceedings for an offence against the new Act to be disposed of summarily. Clause 19 provides that the moneys required for the purposes of the new Act shall be paid out of moneys provided by Parliament for those purposes. Clause 20 empowers the Governor to make regulations in relation to the new Act.

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

BUILDING SOCIETIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 5. Page 2117.)

The Hon. J. C. BURDETT: I support the second reading. The Bill puts beyond doubt that building societies may carry out agreements between them and the Aboriginal Loans Commission, the societies acting as agents for the commission. The Bill operates retrospectively to legalise, if necessary, what has been done already. Honourable members on this side of the Chamber have usually been opposed to retrospective legislation. However, this Bill

merely enables something to be done that possibly could not have been done legally before, and it enables it to be done legally retrospectively.

This is quite different in principle from retrospective penal or taxing legislation. I cannot conceive how it can ever be right to make something that was previously legal illegal retrospectively. Apart from the usual back-dating of Budget Bills, and the like, I think it can hardly ever be right to fix retrospectively a higher fee than applied at the time when the thing in question was done. I think it likely that we may be dealing with this matter of retrospectivity in this kind of Statute later in the session. A person dealing with the law is entitled to deal with it as it stands at that time. However, this Bill only ensures legal validity for obviously desirable acts that have already been done. I support the Bill.

The Hon. C. M. HILL: I also support the Bill which, as the Hon. Mr. Burdett said, simply corrects a situation which has been occurring and which, to the best of my knowledge, was in train without the building societies knowing in effect that what they were doing was open to question. The building societies act as agents in other ways, such as for the Home Builders Fund. It is quite proper that in this area the situation should be put right. I also take the opportunity of saying that I hope the Aboriginal people who will borrow from the building societies will benefit considerably in the future by obtaining loans from this source for their homes.

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

HEALTH ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 5. Page 2117.)

The Hon. C. M. HILL: I support the second reading. In the main, this is a Committee measure, because it deals with certain matters which are completely unrelated but which come within the ambit of health legislation. I intend to refer to three matters which I think should be looked at closely by this Council. Some action should be taken about them in Committee to ensure that the best possible legislation passes through this Parliament.

The first of these matters is dealt with in clause 6 of the Bill. Previously, the Government expected the receipts and expenditure of local boards of health to be printed, but now it is endeavouring to do away with this need. I recall that only last year we heard considerable debate in this Chamber when the Government managed to put through legislation dispensing with the need then, as I recall, for the audited accounts of local government to be published in the *Government Gazette*. Members on this side at that time believed there was a need for such publication and that people were interested in the figures relative to local government.

In the cause of open government generally, a principle espoused by members opposite from time to time, it would not appear to be good legislation to dispense with this, thus introducing a somewhat secretive area of accounting for local government. Having been successful in that attempt last year, the Government has now come forward with this legislation, saying that it now believes that the accounts of local boards of health need not be published in the *Government Gazette*. By clause 6 it is endeavouring to dispense with that requirement.

I am opposed to that part of clause 6, and I think that the accepted previous practice of accounts being made public and being published in the *Government Gazette* should continue. The second point deals with the regulations the Government contemplates bringing down, initiated by local boards, in connection with the keeping of pigs. All the headings these regulations can cover are listed in clause 8, and they deal in general terms with the nature and condition of the buildings in which pigs should be kept, the land upon which they should be kept, the storage of materials to feed the pigs, and so on. We tend to accept that, if regulations are to be brought down when Bills come before us setting out that situation, that is the end of our worries and there should not be any further queries about the matter.

In fact, that is not the case. It has been brought to my notice that, in regulations referred to briefly by the Minister of Agriculture earlier today, regulations that came into force on January 1 concerning the feeding of swill to stock and the handling of swill have come under serious query in at least one area of South Australia. It is an area well known to the Hon. Mr. Blevins, because this has happened in Whyalla. I am sure he has already answered the call of the council up there, and I am sure he would have approached the Minister of Agriculture on the matter. It is highlighted in the *Whyalla News* of February 4 in a fairly lengthy article headed, "Exemption from pig swill ban", dealing with the question of bread from bakeries being exempted as pig swill simply because those bakeries also produce smallgoods such as pies, pasties, and cakes. There is quite a to-do in the Whyalla area on this point.

The Bill stresses the regulatory aspects of legislation, and many matters in the Bill are proposed to be carried out by way of regulation. We tend to turn to regulations in the making of legislation as an easy way out, taking the view that that is the end of the matter where serious legislation is concerned. However, regulations, as I have illustrated by mentioning the case in Whyalla, are not always the end of the problem. I hope, in the interests of the pig industry, that, when regulations are brought down by local boards in accordance with clause 8 of the Bill, local boards will maintain close liaison with those in the pig industry, bringing down sensible, workable, and realistic regulations so that objections cannot be raised so quickly in future.

The third point, and in my view the most important aspect of the Bill, is the new Part IXD, dealing with the whole subject of pest control. Some aspects of this new legislation being inserted in the Health Act deserve close scrutiny. First, there is the general aspect that in future no-one will be able to act as a pest controller unless that person is licensed. The pest controller is defined as meaning a person who carries on the business of using pesticides for the destruction or control of pests, while pests are defined as meaning any animal, plant, insect or other living thing that for agricultural, pastoral, horticultural, industrial, domestic or public health purposes is troublesome or destructive.

I believe that those definitions mean that all those who spray for agricultural purposes, and indeed all sprays for vegetables, vines, orchards, and so on, and even in the area of pesticides used as sheep dip and for other similar purposes, must come within the net of this legislation. Further, the Bill proposes to insert a new section 146w, which states:

(1) Subject to this Act, no person shall have in his possession or control, or use, any prescribed substance for the purpose of destroying or controlling any pests.

Penalty: $200.

(2) Subject to this Act, no person shall use a pesticide otherwise than in the manner prescribed in relation to that pesticide.

Penalty: $200.

That prohibits any person who is not licensed from having in his possession or using any prescribed substance whatsoever for destroying or controlling pests. That must encompass rural people, to whom I have just referred. In the domestic field, I have memories many years ago of finding a small infestation of white ants in a cellar, and I sought simply to obtain a chemical to eradicate that nest of white ants.

The Hon. B. A. Chatterton: What did you use?

The Hon. C. M. HILL: I will come to that later. I wish merely to highlight two points. First, I sought expert advice, and asked one of the pest control firms that advertise as such in the press to come and eradicate this nest. However, they would not tackle a job as lowly as that: simply eradicating the one spot to which I referred them. The only way they would do any work in my house was to do the whole house by a system of traps, carrying out periodical inspections, laying their baits, and giving me a guarantee after many months that my house was free of white ants. The cost therefore was considerable: to some people it would have been prohibitive. Yet these are the people to whom the Government now intends to give a monopoly of this work. That is a bad feature of the Bill.

I do not mind a licensing system that is designed to improve standards. However, I dislike a situation being made law in which an individual cannot at least have a go at tackling a problem himself. In reply to the Minister's previous question, I am not certain what pesticide I used on the occasion to which I referred. I received advice from another party who was in not the pest control business but the chemical field, and the job was done. In future, I would be unable to do that, and neither would any other person, who would find prohibitive the cost of going to a pest controller and having the work done under a contract system. That is an important point that should be borne in mind.

The Hon. B. A. Chatterton: Was it your own property?

The Hon. C. M. HILL: Yes, it was. I refer again to the rural person. As the Bill now provides, such a person will not be able to have any of these pesticides on his property. Neither he nor any agent of a pest controller will be able to use these pesticides unless he is licensed. This is ridiculous. How does the Government get around this situation? It intends to do it by inserting in the Bill new section 146x, which provides as follows:

(1) The Governor may by proclamation exempt a person, or a class of persons, specified in the proclamation from compliance with a provision of this Part specified in the proclamation upon such conditions as are specified in the proclamation and such proclamation shall have effect according to its tenor.

(2) The Governor may by proclamation amend, vary or revoke an exemption made under subsection (1) of this section.

This stresses another bad feature of the Bill. First, if the Bill passes in its present form, everyone to whom I have referred, unless he is a licensed pest controller, will be breaking the law if he holds or uses pesticides. The Government then says in the Bill, "We will get around that problem by making proclamations that will exclude certain people." I presume this includes the suburban councils, which will have pesticides to eradicate weeds along roadsides. The Government will probably consider exempting rural people involved in activities in which pesticides play a part.

However, Parliament does not know with certainty or any exactness who will be proclaimed out (if I can use that expression). It will have no say whatsoever in the proclamation. The matter will be entirely at the whim of the Government and, if the Government does not like a certain section of the community for one reason or another, or if it wants to be difficult with anyone, it need not proclaim that they can be exempted from the regulations, in which event the unreasonable controls to which I have referred will still apply.

What sort of legislation is this? It is the poorest kind of Bill that one could expect to pass through this Parliament. Indeed, there is no question that it borders on the dictatorial, because the Government, acting like a dictator, is saying, "You will all be adversely affected, but we as a Government will be graceful and, if we decide who should be exempted, we will simply make a proclamation through the Governor in Executive Council. We do not have to go down to Parliament with this matter. Then, some of you, if you are lucky, will be able to escape the provisions of this Bill."

If the Government wanted to introduce the best kind of legislation, and was mindful that Parliament should have the optimum say in the passing of legislation, it would pass a law affecting the very person and pesticide that it considered needed controlling. If the Government wants to license only those who advertise themselves as pest controllers, why does it not say so? If it knows that there are a certain number of pesticides that should be controlled, let it define them.

In due course, if the Government wants to widen its legislation, let it do so by regulation and control those that from time to time the Government believes, for one reason or another, ought to be controlled. By that means, Parliament would be able to approve or disallow the regulations. The Government would bring the matter before Parliament, and by this means the Government would have the law passed. If the law is assented to within the next few weeks, it will affect only those people that the Government believes should be affected.

There is no denying that it is better for the Government to control the minimum and then widen the field by regulation than to try in this Bill to make the law affect everyone and then, out of the goodness of its heart, release certain people from the pains and penalties of that law. The two different approaches to the legislative process are as different as night is from day.

I believe the Government has gone about this legislation in the wrong way. However, if it persists (because one tends to think at times that the Government shows dictatorial tendencies and disregards Parliament) surely it can give Parliament a list of people that it intends to proclaim out of the legislation upon the Bill's becoming law. Surely, too, it could give a list of pesticides that it believes ought or ought not to be controlled under the Bill. That at least would go some way toward satisfying the people at large who fear for their future, because of the way in which the Government has introduced this legislation. I hope the Government will consider the matters I have raised, and I hope honourable members will investigate those matters carefully during the Committee stage. To enable the Bill to reach the Committee stage, I am willing to support the second reading.

The Hon. J. R. CORNWALL: The Hon. Mr. Hill seems to be consistent in neither his philosophy nor his reasoning. The Government is frequently criticised because it is claimed that the Government tries to govern by regulation.

The Hon. R. C. DeGaris: You may be wrong there. We do not object to government by regulation: we object to government by proclamation.

The Hon. J. R. CORNWALL: Regarding the question of pig swill, I point out that no meat pies are made in the normal bakery. In the normal understanding of the average, reasonable man, a bakery is a place where bread, buns and yeast are baked; so, a bakery is distinct from a smallgoods shop, which handles pies, pasties and sausage rolls. Can honourable members opposite not understand the great importance of avoiding the introduction of exotic diseases into Australia through meat products?

The Hon. C. M. Hill: The people in Whyalla will not accept that as an answer.

The Hon. J. R. CORNWALL: Maybe the people in Whyalla, like the honourable member, do not understand the proposition. The viruses involved in fowl plague and foot and mouth are extremely resistant to all forms of disinfection. Surely honourable members opposite would not want to go back to their constituents and tell them that they were willing to risk foot and mouth disease being introduced here simply because a country bakery wanted to handle meat pies. It is as simple as that.

The Hon. C. M. Hill: The health inspector is in conflict with you.

The Hon. J. R. CORNWALL: Without wishing to big note myself and with very great respect to the health inspector, I would suggest that my qualifications might be ahead of his qualifications.

The Hon. C. M. Hill: I do not know what the Hon. Mr. Blevins thinks about this matter.

The Hon. F. T. Blevins: I subscribe entirely to the views of my learned friend.

The Hon. C. M. Hill: You are supporting the Hon. Mr. Cornwall?

The Hon. F. T. Blevins: Certainly.

The Hon. J. R. CORNWALL: The Hon. Mr. Hill is supporting the sort of situation that could well result in foot and mouth disease being introduced here.

Dieldrin is one of the group of organic phosphates and chlorinated hydrocarbons that was previously used extensively for controlling tick and lice in livestock. However, in recent years it has been shown to be a very dangerous substance that is easily absorbed through the skin; further it persists at dangerous levels for a long time. The residual levels pose a serious danger to human health. When this kind of knowledge becomes available, it is important that action be taken quickly. A Government should be able to say, "We now know that this substance is a danger to human health, and its use must be discontinued." Recently, I was alarmed when I went to a plant nursery and found that arsenate of lead, which is very poisonous even in small quantities, was available and was recommended by the nursery. This kind of situation must be corrected, and I am pleased to see that, under the Bill, it can be corrected rapidly. So, the Hon. Mr. Hill's objections are unjustified. I support the second reading of the Bill.

The Hon. M. B. CAMERON secured the adjournment of the debate.

FURTHER EDUCATION BILL

Adjourned debate on second reading.

(Continued from February 4. Page 2062.)

The Hon. JESSIE COOPER: I support this Bill, which provides for the administration of further education. As honourable members know, a separate Further Education Department came into existence four years ago, and it has fulfilled its functions with great credit to its officers. This Bill makes the department autonomous under the direction of a Director-General. I believe that this new set-up will facilitate the aims of the Further Education Department as expressed in its annual report for 1974. In general terms, the principles that have guided the department are expressed thus:

Access to further education should be open to all who have finished compulsory schooling, regardless of their educational attainments, geographical location, or age. Inequalities of education opportunity must be rectified.

Further education should be responsive to community needs. The department's organisation and attitudes must be flexible so that its educational programme remains relevant to the community it serves.

I wish to emphasise, as the Minister has done, the recommendations of the Karmel committee, which honourable members will remember was specifically commissioned to advise Parliament and the people of South Australia of the requirements of education in this State. In his second reading explanation, the Minister quoted the Karmel report as follows:

Further education has in the past constituted a kind of wasteland between the schools and tertiary education.

This underlines a situation that has over the last 25 years been worrying most educationists; that is, the steady development within universities and colleges of tertiary education of an attitude that the only people entitled to the facilities of these institutions were those who were doing full-length full-time degree or diploma courses. This was to a degree forced upon them by an ever-increasing demand upon the use of the finance available for education. It was to provide more education for adults which could be classified under the range of technical, craft, hobby, and general advancement of knowledge beyond that gained during the compulsory time of schooling.

Special efforts have been made recently to introduce part-time courses, as well as giving the opportunity to provide for the qualifying in adult life for entry to higher degree or diploma courses. It is for that object that the development of further education has been so actively and effectively promoted during the past three or four years. This is a specialist area and, despite opposition to the department's being given a degree of autonomy, I believe that all honourable members should strongly support the passage of this Bill.

Those honourable members who have studied the courses available through the Further Education Department will realise what a wealth of educational opportunities exist for anyone in the community who wishes to take up such diverse studies as animal care, basic print-making, marine maintenance, furniture upholstery, remedial reading, colour television servicing, home gardening, contract bridge, and panning for gold. There is a fascinating list of subjects available for anyone with one or two hours to spare each week. Clause 9 (3) has caused some dissatisfaction in certain quarters, and provides:

The Minister may establish and maintain such institutions as he considers necessary for the education and training of those who are to give instruction in colleges of further education.

However, I believe the justification for this provision lies in the recommendation of the Karmel report, which has already been quoted by the Minister and which is as follows:

Both its present importance and its likely magnitude of its expansion—

"its" being further education—

suggest the need for a department solely concerned with it . . . Both the voluntary basis of attendance and the age and economic independence of many students require different approaches to teaching and a different structure of authority from those regarded as appropriate for school-going pupils.

How often do we hear of young men and women (and the not so young) who decide to give up their present employment to go back to school in order to matriculate for entry into a degree course? I spoke this week with a young man who had made this decision and who had started school again at the age of 27. He had commenced school only a few days before our conversation and, when I asked him how he liked it, he said, "Terrific; everyone is sensible, mature, and ready to learn. The teachers are the best I have ever known with, of course, a different approach altogether as their pupils are all adult." In fact, the teachers required in this education field must be specially trained and selected.

The Further Education Department, in its report, envisages:

. . . a society in which education for occupational competence and for more effective and rewarding use of leisure time is available to every member of the community throughout their life, relevant to their needs and desires both in its content and presentation.

To that end I believe that this Bill produces scope for flexibility and autonomy sufficient to meet the ever-changing needs of the community, and I commend it to all honourable members.

The Hon. M. B. CAMERON: I support the Bill. I am not going to argue about the merits or demerits of the Further Education Department. Any organisation which adds to the wealth of knowledge of members of the community is of great value and should be given encouragement. However, it is important that there be no overlapping between various education organisations in the community. It is in this area that I have some doubt about the scope of the Bill. I understand that the Minister has indicated that the Bill is not entirely satisfactory. Although I cannot quote his exact words, I believe he wants the Bill to be dealt with, and that he will then look at it again at a later stage. That does not appear to be a satisfactory way of dealing with such a matter.

The Hon. R. C. DeGaris: It's like the Electoral Bill.

The Hon. M. B. CAMERON: Yes. It is not entirely satisfactory. If the Government wants to pass a Bill, the Bill should be clearly defined from the beginning to the end. Otherwise, Parliament is awaiting the pleasure of the Minister as to whether the Bill will be reintroduced and whether corrections are required. I am especially concerned about amendments on file. I understand that this legislation gives power to the Minister or the Government to regulate sections of the education system which are not to be included within the ambit of this Bill. I intend to move an amendment to add to the list of those sections of the education system which are not covered in the scope of the Bill. Honourable members will see an amendment on file which does this.

It has been indicated to me that certain coaching colleges will be brought into disrepute or cancelled by the Government because they are not providing what they purport to provide. I believe that this Bill will be used for that purpose, and it is an unfortunate way for the Government to go about its objective. It would be far better if those coaching colleges were the subject of a separate debate, so that honourable members could know exactly what such colleges do provide, what their faults are, and why the Government intends to bring about their destruction as education institutions.

I do not know whether the Government is willing to indicate at this stage what sections of the education system in the further education sphere will be exempted or not exempted. In order that honourable members can get this information, I have made a list of organisations which I believe should be exempt. If they are not to be exempt, I would like the Government to say why they should not be exempt from the legislation as such, rather than making members of Parliament wait for the regulations so they can see which sections will remain and which will go out.

It has been said that the Government will opt them out of the Bill by regulation. However, as all honourable members know, regulations can be dealt with by Parliament only when Parliament is sitting. The situation will shortly obtain where, if this Bill is passed in its present form, regulations can be introduced as soon as the Bill is proclaimed, but there may be a period of four months or five months during which Parliament cannot debate those regulations. That will provide the Government with an effective means of finishing off those organisations of which the Government does not approve. In clause 9 there are two subclauses which cause me some concern, because they appear on the surface to clash with the role of colleges of advanced education. While it may not be the intention of the Minister to change their role, nevertheless the board will be there and this clause needs looking at at this stage.

It may be that the Minister can explain satisfactorily why this clause should be in. Nevertheless, I intend to move an amendment to strike out that subclause. The Minister could indicate why such a wide power is required, which will allow the Minister to set up virtually any form of advanced education course, including the training of teachers, if the Minister thinks that is required. It surely would not be satisfactory for the department to move back into the field of teacher training when only just recently we have managed to separate the two organisations. One is now a separate college of advanced education system away from the department, and the other is in the department to train teachers for the department that uses the teachers.

Clause 9 (6) allows the Minister very wide powers of appointment. That is not necessary. I do not see why the Minister cannot go through the normal system of the Public Service Board rather than "appoint such officers and employees (in additon to the officers of the department and of the teaching service) as he considers necessary for the proper administration of this Act". Surely we can use the present system of the Public Service Board.

The last point on which I have some doubts is that colleges of advanced education at the moment are, under their Act, required (and I use this terrible expression because it is used in the Act) to "collaborate with", about which even Government members expressed some concern during the debate in another place. Perhaps we should find another expression to cover this term—collaborate with:

(*a*) the South Australian Board of Advanced Education;
(*b*) the Education Department, and the Department of Further Education;
(*c*) the Australian Council on Awards in Advanced Education;
(*d*) the Australian Commission on Advanced Education; and
(*e*) any other body constituted under the law of the State or the Commonwealth with which collaboration is desirable in the interests of promoting the objects of this Act.

That is very wide indeed, the requirement put upon the colleges of advanced education before they can make alterations within their system. It is important that, if there is this collaboration, honourable members notice that, if these colleges of advanced education are required to deal with the Department of Further Education, the reverse is not also true. It is important that there is no competition within the

system without a full understanding of what both organisations are offering. Apart from this point, I see no great problems with the Act except that, as I say, I was somewhat concerned that the Minister expressed doubts about the Act itself before the Act was passed, and volunteered the opinion that it would be required to be amended again; it was far from perfect. I hope the legislation will not be far from perfect when it leaves us and that the Minister will make the necessary alterations to bring this about.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from February 5. Page 2131.)

The Hon. M. B. DAWKINS: I rise to support this Bill, which, as the Minister has said, makes a considerable number of important amendments to the Local Government Act. The Bill is, to a great degree, similar to a Bill that was left in this Chamber some eight months ago because an election was called and the Council could not complete its business. The Bill, as I said on the previous occasion, is basically good and deserves support. There were one or two objectionable features, as I see it, to the previous Bill that have been removed from this Bill. I get satisfaction from that, except that they may be moved to another Bill. I commend the Government for bringing forward this Bill because it is, by and large, non-controversial and makes some worthwhile amendments to the Local Government Act. We await the time when we shall have a new Local Government Act based largely upon the valuable work done by the Local Government Act Revision Committee some years ago and probably incorporating some of the amendments that have been brought into the Act in the meantime.

One of the most important things about this Bill is that it constitutes a permanent Local Government Advisory Commission, which apparently will comprise three members, who will probably be the three members who have been the members of the recent Royal Commission into Local Government Areas. This commission will be given the powers of a Royal Commission, in the appropriate places in the Bill, and it will be a permanent body. The Minister said that this brings forward two desirable objects. He said:

The first is that a permanent advisory body will be able to apply the knowledge and expertise it gains to the questions raised from time to time by petition, particularly as it is hoped that the members to be appointed will be the members of the recent Royal Commission into Local Government Areas. This will be a more effective system than referring such questions, as now applies, to a magistrate who may be available from time to time.

That is debatable. We are referring these sorts of question from one magistrate to a commission of three, and whether it will arrive at acceptable and prompt decisions is perhaps debatable. Nevertheless, the suggested commission certainly has experience gained through the work of the Royal Commissioners in examining boundaries (I presume the same personnel may be appointed), and it is not empowered to investigate boundary measures on its own initiative. I believe that the situation with regard to the commission outlined in this Bill is very much better, in that local government revision will come from within the local areas, and there have been quite a number of desirable alterations to local government boundaries that have not been forced down from the top, as it were, but have come voluntarily as a result of the inquiries of the recent Royal Commission into council boundaries, and the boundary revisions to which I refer will be valuable in the proper and viable pursuit of local government.

The Hon. M. B. Cameron: Like Munno Para.

The Hon. M. B. DAWKINS: Munno Para is an instance yet to be resolved. A certain amount of local stirring is going on at present, and we will find out in due course what is to happen in that area. I do not wish to reiterate everything I said eight months ago when I dealt with what was basically the same Bill, but I want to refer to some of the clauses in this Bill. Some eight months ago I made the following comments:

Local government exists under a State Act. In theory at least, it does not exist at all (except as part of the State) under the Commonwealth set-up. It is part of the machinery of State Government and, as such, should be assisted. Commonwealth assistance should not by-pass the State Government under whose authority local government gets its charter.

I believe that is most important. I continued:

The Commonwealth attempt to by-pass the State in assisting local government is, in my view, fundamentally wrong, as assistance should come in no small measure from Commonwealth funds, through the State Government.

I hope that that will be the case in future. It has been said that local government should stand on its own two feet. To my mind, that statement savours of inexperience in local government. If local government is to stand on its own feet, its main revenue would be its rate revenue, and it could never become viable on rate revenue alone. A number of other areas of revenue come to mind, either Federal or State, which should be properly returned to local government areas for administration. Much taxation money is gained by the Commonwealth and State Governments, and I refer in this respect to petrol tax, road tax, motor registration, and so on. This should be returned to local government, and rightly so. Therefore, the statement that local government should stand on its own feet, if it implies that these moneys do not rightly belong to local government, is to my mind an unwise statement.

I shall refer to a few of the clauses of the Bill which were, by and large, in the previous Bill that was not passed in this Chamber because of the election. The early part of the Bill sets up in clause 5 the Local Government Advisory Commission, probably the most important part of the Bill. Clause 4 contains a provision which should earn for the Minister the commendation of this Chamber and of another place in that the definition of "urban farm land" is struck out and replaced by a definition brought to the Parliament by the member for Kavel in another place. If I remember rightly, I had a similar amendment in the process of being placed on file in this Chamber at the time Parliament rose for the election. The Minister has accepted that this definition of "urban farm land" is a good one, and he has included it in that clause. Referring previously to clause 28, I said that in his second reading explanation the Minister stated:

Clause 28 repeals the existing section 244a of the Act with regard to rating of urban farm land. The amendments provide for a compulsory remission of rates in respect of urban farm land. The amount of the remission can, however, be recovered if the land ceases to be urban farm land. The provisions in this respect are analogous to the existing provision of the Land Tax Act.

At that time I said that they were analogous to the provisions of the Land Tax Act except that the provision stipulates exactly double the time at present incorporated in the Land Tax Act, referring to a period of 10 years, whereas the comparable section of the Land Tax Act refers to five years. The Minister has also had that

matter drawn to his attention in both Houses. He has corrected the matter in this Bill, and he earns the commendation of the Parliament for accepting this point.

I refer briefly to clause 10, which adds a further subsection to section 157 to provide that the town clerk or district clerk shall be the chief executive officer of the council. That may seem a logical provision, but no doubt there are cases (and I could cite examples) where councils have become large, having a district clerk, a district engineer, and perhaps one or two prominent officers, all of whom have thought that they should have been the chief executive officer. It is necessary that, when the chips are down, someone should be the chief executive officer, and this should be spelt out. I support the Minister's suggestion in this legislation that it must be clearly stated that the district clerk or the town clerk is the chief executive officer of the council.

In clause 11, the Minister will enable a council, by resolution, to fix one day a year as a holiday for its employees. In many cases this happens now; councils in some areas have a day off for a picnic or at the end of the year when they have their breakup. This simply legalises something that should have been done long ago. Once again, it is a good provision. The Minister also provides that council minutes may be inspected by ratepayers *gratis,* and I do not oppose that. Clauses 24 to 33 amend sections of the Act regarding the maximum amount in the dollar a council may declare as the rate for the basis of annual values or land values. This seeks to do away with the system of a maximum rate. I understand that four States now have no provision for a maximum rate while two States, including our own, have such a provision. From memory, I believe the rate is 20c in the country and 25c in the city and suburban areas. I query whether this is a good move, but I do not intend at this time to oppose the suggestion that there should be no maximum rate. The matter would clarify itself in most cases by the common sense of the councillors and by the fact that they are responsible to the ratepayers if they should do anything illogical or irresponsible.

Clauses 34, 35 and 37 refer to the period during which rates are due and recoverable, and this is on the basis that it is extended from 21 days to 60 days in relation to both methods of assessment. Under this provision, rates will be deemed to be in arrears if unpaid after 60 days from the date of the notice. At present the rate notice states that the rates are due and recoverable after a period of 21 days, but in fact no fine is provided until after December 1 or March 1, according to the area in which the council operates. Previously, I opposed the effort made during the term of office of the Playford Government to shorten this period. I do not intend to do that now. I believe that if a council sends out its rate notices in September (I refer particularly to a country council) the rates will need to be paid by the end of November or early in December, and perhaps that is not as much of a hardship, especially in view of the clause relating to payment by instalment, as it was years ago when the time was extended so that people could recover their money in time to pay their rates.

The council will require rates to be paid within 60 days, although a ratepayer is given the opportunity of approaching a council within 30 days of receiving the notice if he wishes to pay his rates by instalments. The Bill provides that the council may allow him to pay four equal, or approximately equal, instalments. I believe the Minister has varied his original proposal, in that this is to be a voluntary arrangement that does not need to be followed unless a person experiences hardship in paying his rates.

It was suggested once that all council rates should be paid quarterly. As a result, councils would have been involved in much more bookwork and would have needed much more inside staff, although receiving only the same sum of money. This could have caused much unproductive work had it been made compulsory. However, if it is voluntary, it can be used in relation to certain necessary cases, and I therefore believe that it is acceptable.

Clause 38 repeals section 259 of the Act and inserts a new section, which provides for a fine of 5 per cent of the amount in arrears and, on the expiration of each additional month, as from July 1, 1976, a further fine of 1 per cent of the total amount in arrears. I do not oppose that provision. It has been suggested in the past that the fine should be 10 per cent. That suggestion overlooks completely the fact that this fine would apply over a period of one, two or three months, and not for 12 months. Because the fine is 5 per cent, people tend to think of it as being 5 per cent a year. However, as the Hon. Mr. Hill said last year, that fine, if it was paid only one month after it was due, would be equivalent to a fine of 60 per cent on an annual basis. I am pleased to see that the Minister has recognised this point raised by the Hon. Mr. Hill and also by me when similar legislation was dealt with some months ago.

There are a few other clauses in the Bill with which I should like to deal. Clause 46 will enable councils to expend any portion of this revenue for the provision of child-care centres and the establishment, management and operation of such centres. I believe that this may in some instances be a valuable provision. There are, no doubt, many councils that would have no requirement for such centres. Nevertheless, this is indeed a good provision for those districts in which such centres are needed. Another clause which was included in last year's Bill and in which the Hon. Mr. Cornwall might be interested is clause 47, which amends section 289 of the Act by adding to subsection (1) thereof the following paragraph:

(*e*) providing the salary or subsidy to or for a veterinary surgeon practising within the district.

Although most councils would have no need for such a provision, some councils in outlying rural areas would need backing for a veterinary surgeon. I therefore believe that this provision is necessary and desirable.

The Hon. C. M. Hill: Their fees would be on the high side.

The Hon. M. B. DAWKINS: That is so, and it does not matter whether the animal dies: one still has to pay the fee. However, I must say this for veterinary surgeons: they are not able to ask a patient where he is sick and, if they could, they would probably get as silly an answer as we sometimes get from the Hon. Mr. Foster. I support the provision enabling, in certain circumstances, veterinary surgeons to be assisted in this way for the benefit of the district concerned.

Clauses 48 and 49 could be summed up in one word: inflation. They provide that councils are able to recover money in respect of roadworks, kerbing, footpaths and similar works, and increase in each case the amount that can be charged for each metre of work. As much as it is regrettable, this provision is necessary because of inflation.

I refer now to clauses 65, 67 and 68, which amend provisions of the Act relating to the abandonment of vehicles and the problem of litter. Sections 666 and 783 are repealed by clauses 65 and 68 respectively, and clause 67 inserts in the Act new Part XLIv, which incorporates the substance of those provisions. The maximum penalty for depositing litter is increased from $200 to $500. As the Minister said, many councils have suffered losses in this

regard and, because of the circumstances in which we find ourselves today, this provision is not unreasonable, and I am not opposed to it in general terms.

Only this afternoon I received representations from a gentleman in the city of Adelaide regarding new section 748a (1) as it appears in the Bill as part of clause 67, and which provides:

(1) Any person who, within or outside an area—
(*a*) deposits any litter, refuse, or waste matter on any street, road or public place;
or
(*b*) deposits any goods, materials, earth, stone, gravel, or other substance on any street, road or public place,
shall be guilty of an offence and liable to a penalty of not less than $20 and not more than $500.

That does not seem to be an unreasonable provision, because I know the way in which some people today, with complete irresponsibility, deposit litter all over the place, particularly in the country. This problem is increasing. By and large, I support the clause. However, it has been brought to my attention this afternoon that some contractors handle compactors in city areas: they take many loads away from these areas each year for dumping. Although these compacted loads are generally safe enough to be transported, there are occasions on which smouldering material has been put into these compacted loaders, and it is necessary to drop these loads quickly in case of fire. In these circumstances, these people would be liable as the clause stands. I believe that it may be necessary to amend the Bill to provide for this eventuality. It is sometimes necessary for a person to deposit a load so that it does not become a menace to people. Under this clause, the person forced to do this would become guilty of an offence. I hope to talk to the Minister and the Parliamentary Counsel about this matter to persuade them that something should be done about it. By and large, this is a good Bill. Because it is basically a Committee Bill, we will be able to deal with some matters in detail during the Committee stage. I support the Bill.

The Hon. C. M. HILL secured the adjournment of the debate.

LONG SERVICE LEAVE (BUILDING INDUSTRY) BILL

Adjourned debated on second reading.

(Continued from February 5. Page 2116.)

The Hon. D. H. LAIDLAW: At first thought it seems reasonable to offer to workers within an industry, which by its nature provides short terms of employment, a scheme whereby they can obtain long service leave. I am, however, most concerned about imposing the concept of portability of long service leave on the South Australian community during a time of rapid inflation. The right to be granted long service leave to persons remaining within the industry was introduced in the stevedoring industry federally.

The Hon. N. K. Foster: Before that it was introduced on a State basis. The original legislation for long service leave for casual workers was introduced in Tasmania.

The Hon. D. H. LAIDLAW: I am not making an issue of that. It applies Australia-wide in the stevedoring industry, and in the building industries in New South Wales and Tasmania. Enabling legislation has been passed in Victoria but has not yet been brought into operation. It is to be hoped that the Government there will wait until economic conditions stabilise before—

The Hon. N. K. Foster: But it's never time, according to Tory Governments.

The Hon. D. H. LAIDLAW: The Hon. Mr. Foster should just wait. It is about time that we had responsible Government. The only trouble is that the Hon. Mr. Foster does not recognise it when he sees it.

The Hon. N. K. Foster: What?

The Hon. D. H. LAIDLAW: I am referring to responsible Government.

The Hon. J. E. Dunford: What about Mr. Fraser?

The Hon. D. H. LAIDLAW: He is doing all right.

The Hon. J. E. Dunford: You don't support all the rotten things he's doing.

The Hon. D. H. LAIDLAW: I suggest that it would be a good thing if the Victorian Government waited before it introduced a scheme that would make the cost of housing even more expensive than it is now. When this Bill was introduced in another place, it was entitled the Long Service Leave (Casual Employment) Bill. Its aim was to force employers in a certain industry to pay a percentage of weekly earnings into a fund to be administered by an independent board. When a worker produced evidence that he had remained within an industry for the required number of years, he could draw long service leave payments from the fund.

The original Bill gave to the Minister the right to apply this concept by regulation to any industry in which, in his opinion, workers tend to move from employer to employer and, through no fault of their own, are unable to accrue sufficient service with any one employer to qualify for long service leave under the existing State Act. This concept was broader than anything applying in other States where it is confined to the stevedoring industry and, to a limited extent, the building industry.

A Select Committee comprising seven members of another place recommended against granting such wide regulatory powers, and the Bill now before the Council is confined to the building industry. Honourable members should be aware that this Act would apply to all workers engaged under State awards in the building industry, other than those who have already accrued sufficient service with one employer to be entitled to long service leave under the existing State Act. It would cover persons on permanent weekly rates, who are entitled to annual leave and sick leave, as well as casual employees who are paid a premium of up to 20 per cent above award rates in lieu of these fringe benefits. It must be noted, however, that those on casual rates in the building industry already receive public holiday and sick leave pay. There are, of course, many other workers in the building industry engaged under Federal awards.

The Hon. J. E. Dunford: They got it by direct action.

The Hon. D. H. LAIDLAW: I will come to that. I understand that about 60 per cent of South Australian workers are paid acording to Federal awards, although the percentage would not be as high in the building industry. The right to portability of long service leave for time served in an industry, other than the stevedoring industry, to which reference has been made, has not been introduced into Federal awards and, as far as I know, it is not being contemplated. Therefore, if this Bill passes, it will almost certainly cause unrest in the building industry while those under Federal awards strive by peaceful or other means to obtain a flow-on of these privileges.

The introduction of this legislation would also cause unrest in other industries in South Australia that have a large proportion of casual workers, such as shearers in the pastoral industry and hotel employees in the liquor trade, who would like entitlements for service to an industry rather than have to wait for service to one employer. I am also convinced that permanent workers in other industries who have to remain with one employer for seven years to gain qualified rights and 10 years to gain absolute rights to long service leave would be demanding the better deal that is now intended for the itinerants in the building trade.

In judging the merits of this Bill honourable members must consider whether any more fringe costs should be loaded upon industry in South Australia at present. The Bill proposes that employers should pay up to 2½ per cent of each worker's pay to the fund, but it is conceded that this percentage may not be sufficient to finance the fund. Since the Government quite rightly is taking no responsibility for subsidising the fund, the percentage would probably have to be increased in future.

I am sure that most electors regard rampant inflation as the greatest evil in our society at present, and they certainly expect their Parliamentary representatives to act responsibly to help minimise inflation. This Bill would add just a few more per cent to the cost of a house, a school or a hospital and it should be examined with the utmost caution. It has been suggested that this concept of portability should be confined initially to the building industry or other industries where, by escalation clauses, the extra costs can be passed on to the consumer. I do not accept that argument.

As honourable members may be aware, South Australia already has the most generous long service benefits of any community in the world. We do not really have much to beat, because Australia is the only country in the world which has long service leave. Socially desirable as it may be, it is just one more reason why Australian manufacturers cannot compete on world markets.

Long service leave was introduced in Australia in 1957 as a result of an agreement between the Australian Council of Trade Unions and employer bodies; initially, a worker was granted 13 weeks leave after 20 years service. The object was to reward a loyal and conscientious worker who remained with one employer for a long period.

The Hon. N. K. Foster: What is a long period?

The Hon. D. H. LAIDLAW: In pursuit of this, the employer is forbidden to give pay in lieu of leave. The benefits have in recent years been increased, so that generally in the Federal sphere and in other States a worker is entitled to 13 weeks after 15 years service, but in this workers paradise of South Australia he or she gets, and the community presumably can support, 13 weeks leave after 10 years.

Unfortunately, the original objects of long service leave tend to be overlooked. Workers today resent being asked to take long service leave, and this is largely due to inflation. They want to accrue their rights until retirement and, in one factory in which I am involved, workers recently held stop-work meetings because the management asked some of them to take long service leave because of a shortage of work in the factory. I can appreciate their attitude. If they go on leave, they pay tax at their present rates, which due to inflation gets higher year by year; whereas, if they can accrue these rights until retirement or death, they will be added to their lump sum retirement benefits and they will be taxed on only 5 per cent of the value.

The Hon. Anne Levy: If the worker is dead, is the provision of those rights any good to him?

The Hon. D. H. LAIDLAW: It helps the worker's family. I am saying that the trend is unfortunate because it destroys the purpose of long service leave.

Since long service leave benefits granted to permanent workers in South Australia are more generous than elsewhere in the world, it is not surprising that casual workers in the building industry should also want a slice of the cake. However, award wages in this industry are extremely high compared to other trades. For example, in the category of tradesmen who have served an apprenticeship, a carpenter in South Australia has a weekly award wage of $153·60 or $184·30 if he is working as a casual, whereas a fitter under the Federal Metal Industries Award gets $113·20. With regard to the semi-skilled area, a builder's labourer gets $141·20, or $169·45 if engaged as a casual, whereas an assistant under the Federal Metal Trades Award gets $94·50. Admittedly, the metal industry employees in the Adelaide area receive over-award payments of about $16 a week but, after adding these on, there is still a difference of $20 in the tradesman's area and a difference of $30 in the semi-skilled area.

I quote these rates because I suggest that, if the granting of portability of long service leave to workers in the building industry is deferred or refused because of current economic conditions, they as a group are better paid than most others and are in a position to do without these privileges in the interests of the community generally. Furthermore, I can recall occasions in the past when advocates from the building unions argued strenuously for higher rates than others because of the non-continuity of employment within the industry. Now that they have achieved higher rates, they are seeking better long service leave benefits than other trades.

I also object to the retrospective aspects of this Bill which impose upon the employer an obligation to pay up to 2½ per cent of all wages paid to their workers for up to seven years past. This is a major burden to impose upon a building contractor or the subcontractors especially during this time of recession in the building industry even though the board administering the fund would be given discretion to allow payment on extended terms.

The geographical application of this Bill is one further aspect which concerns me. Take, for example, the case of a South Australian builder who wins a contract in Western Australia. This, in fact, has been quite common in recent years. He decides to send a number of his local employees to work on this job. There is no portability of long service leave applying in Western Australia. So, does he continue to pay 2½ per cent of weekly wages to the board to cover these employees working outside South Australia? If he is legally bound to do so or makes an *ex gratia* payment, he will of course be at a disadvantage with his competitors based in Western Australia. This question should be clarified.

The Select Committee apparently discussed at length whether to impose a time limit on the permitted length of absence from the building industry, after which service entitlement would be lost. No such provision exists in the Tasmanian legislation, which was taken as a guide by the Select Committee. However, the committee recommended

a period of 18 months, and this is covered in clause 31 (2) of the Bill. The reasoning is that the building industry is cyclical, and workers can be forced elsewhere through no fault of their own. I appreciate this argument, but many other industries without this scheme of portability are just as prone to ups and downs. If this 18-month period of permitted absence is adopted, employees in other industries will undoubtedly claim to have this concession flow on. An employee should work in the building industry for as long as he is absent from it in order to maintain his rights to long service leave. It is ludicrous that a bricklayer's assistant can work on a site for three months and then go elsewhere for a year but still maintain service rights within the building industry.

My final complaint regarding this Bill relates to the lack of any penalty for misconduct. Take, for example, the case of a builder's labourer who comes to work drunk and hits his foreman or, as I have seen, an employee who deliberately puts steel shavings into the gear box of an erection crane. He would presumably be sacked on the spot for misconduct. In other awards he would lose his rights to long service leave unless he has served the requisite years with one employer.

The Hon. J. E. Dunford: Not all awards.

The Hon. D. H. LAIDLAW: I accept that. In many awards he would lose his rights to long service leave in the circumstances I have outlined. Under the provisions of this Bill, however, he would retain his service rights despite this blatant misconduct. If this provision is permitted to pass, it too, will lead to unrest in other industries.

Irrespective of my criticism of certain aspects of this Bill, I do not think that it should be brought into effect in the present economic climate, because it will increase building costs. If this Bill, by some mischance, reaches the Committee stage, I shall move two amendments along the following lines: first, the Governor should not proclaim this Act until the rise in the consumer price index in the Adelaide area in two successive quarters is no greater than 4 per cent, or, in other words, an annual inflation rate of 8 per cent. This would be consistent with the stated policy of the South Australian Labor Government to introduce legislation when the economy could afford it.

My second amendment is that, when an employee has been dismissed for misconduct, the board may cancel his service entitlement with that employer. This would be consistent with the similar provisions applying in most other awards.

The Hon. J. E. Dunford: What if they took you to court?

The Hon. D. H. LAIDLAW: The amendment covers that.

The Hon. N. K. FOSTER: I am somewhat surprised by the statements made by the honourable member who has just resumed his seat. Obviously, the honourable member is in this Council this afternoon only to represent the people to whom he belongs: the employers of this State, whom he sees almost daily, and whose viewpoint he continually represents in this Council.

The Hon. Mr. Laidlaw claims to be a real captain of industry, and I would have expected him to be sufficiently honest to refer (and I did not hear any such reference) to a previous Bill dealing with this matter not long ago. Also, I should have thought that the honourable member would be sufficiently honest to inform himself, and then this Council, that a Select Committee was established to inquire into this matter. Members of the committee heard evidence from people representing both employers and employees, and I should have thought that the honourable member would also say that the committee comprised more employer representatives than employee representatives, and that some members, it could be claimed, were neutral in this matter, such as Parliamentary Counsel, people from the Labour and Industry Department and others. There were four or five such people.

The Bill now before the Council is the result of the committee's inquiries, and I should dearly like the Hon. Mr. Laidlaw, or any other honourable member who wishes to speak in the same vein, to realise that the committee's report resulted from a unanimous decision that it made. We find that this Council is presented this afternoon with a Bill incorporating the finding of that committee. The Hon. Mr. DeGaris and other members opposite have continually stated that this Council should be a House of Review, that the Council should have the opportunity to establish Select Committees to inquire into almost every matter that comes before this Chamber by way of Bills and amendments, etc. However, when a Select Committee as widely representative as the Select Committee to which I have just referred travels, as it did, to other States of the Commonwealth to try to inform itself on every aspect of the matter at hand (it went about its job thoroughly), we find that that still does not satisfy the Liberals who sit in this place.

Members opposite have decided that they will support the member of their group who is the industrial captain in this Council, and provide opposition to this legislation by way of amendments. They have decided to support his argument, the old cry, that any payment to employees in industry that does not strictly represent payment for the hours worked, in that strict and narrow sense, is too costly a system to be entertained. In fact, the Hon. Mr. Laidlaw has advanced the same argument that was advanced in Germany about 100 years ago when the first workmen's compensation Act was brought into being.

When similar legislation was introduced in Great Britain a few years later, the press in that country prophesied for a considerable period that there would be no industry in Great Britain at all: everyone would pack up and go to countries where similar provisions were not in force. We still hear the same cry today: that this matter should be adjourned until industry can afford to make such a payment. Who will be the spokesman for industry? Who will rise in 12 months, 12 years or 100 years and say, "At last we have reached the day when we can afford long service leave for casual workers in a number of industries"?

Casual workers should not be regarded as such. The Hon. Mr. Laidlaw should remember that casual workers are regarded as and employed on the basis of casual workers because it suits the industries concerned to offer that type of employment. Am I right or am I wrong? It suits industry to do this. An inquiry into the decasualisation of the building industry was instituted by a previous Federal Government. That inquiry was set up initially at the behest of employee organisations in industry. It began in 1973, and I was involved in it, including the conferences that were called between employers and employees in relation to that matter.

I am also cognisant, as should be the Hon. Mr. Laidlaw and his colleagues, that the then Federal Government established a committee headed by a judge, whose name I cannot remember but who, unfortunately, died suddenly after he had got the committee of inquiry started on this matter and other vexatious matters involved in the building industry. The inquiry was finally taken over, I think, by Justice Evatt. That situation reflects the attitude of the then Government. As a result of those conferences being

called, industrial disputes that had been especially bad in the building industry were almost non-existent for some time, until the workers and the unions in the industry felt that they were being neglected by the inquiry.

As employers were not anxious for decasualisation in the industry, one can only deduce that casual employment suits those industries which offer it. Much has been said about the stevedoring industry, which the Hon. Mr. Blevins calls the maritime industry. As to the history of that industry, the reaction of the Liberal Party in 1964 was no different, when the first legislative attempt was made to improve conditions on behalf of any casual workers in the Commonwealth. In about 1964, the Tasmanian State Labor Government introduced legislation to provide long service leave for waterside workers.

So alarmed was the then Menzies Government that, under the stevedoring industry Act, it introduced long service leave for waterside workers, providing only a skeleton of what was provided for them under the Tasmanian Act. Obviously, the Menzies Government's legislation was introduced only to invalidate the Tasmanian legislation. That is the history surrounding the commencement of long service leave for casual employees. In his amendments, the Hon. Mr. Laidlaw has included what I consider to be pain and penalty measures.

I remind the honourable member that this was the very thing embodied in the original stevedoring industry Act. This was at a time (it was for five years) when the industry was in a most turbulent state, indeed, so turbulent that, in a stupid action, a Liberal Government in 1965 brought down special legislation against the union concerned. One of the reasons for the turbulence in the industry then was the pains and penalties attached to the long service leave provisions. Surely, the Hon. Mr. Laidlaw as a captain of industry, as an executive officer of the Liberal Party both at a State and a Federal level, and as one of the architects of that black day, November 11, who now sits in this Council trying to smile with his hand over his mouth, has learnt of the necessity to leave pain and penalty provisions out of legislation. Using the extreme example of a worker throwing filings into a piece of machinery is only a back-door method of saying that a worker should be kicked out of the place, without any rights at all.

If the honourable member who preceded me puts his mind to work in some directions that will reveal some of the frustrations in industry of the employee, which brings him to this point, he may have a much better outlook on these things. There was a case involving lengthy litigation in Great Britain in the past two or three years where an employee, on his own admission, threw a spanner into the cogs, literally, which fouled up the whole process of manufacture. I suggest the honourable member read the transcript and judgment in that case. Although there was no inquiry in this country into the Ford Motor Company's dispute in 1973 in Victoria, I suggest that the Hon. Mr. Laidlaw probably sat in front of a television set deploring the type of action that the workers were forced to take against that company. I suggest he sat there in horror, as many other people did; but what the honourable member should have done, as a responsible person and as a captain of industry, was to interest himself in trying to work out why people in chain gang methods of production resorted to this type of action when they were normally well behaved and were law-abiding citizens. They did not like the system of dismissal or the quota of work system, which in the industrial sense meant that an employee had to keep up with a moving chain on the production line. The honourable member wants to introduce all these things in a measure like this. My main point of criticism is that he (and I hope his colleagues do not support him in it) is not prepared to accept the Select Committee's report, which I think showed that the committee was unanimous in its recommendations.

Long service leave is certainly a right. The honourable member says that the time is not yet due. Until 1973, the annual leave provision for Commonwealth public servants had remained unaltered for some 72 or 73 years. There had been continual promises, but nothing had been done. The continual cry was that the time was not yet ripe; that went on for 70-odd years. How much longer do we have to wait? Long service leave is a right within industry. As a captain of industry, the honourable member knows perfectly well that what is granted in one area usually flows to another. Will anyone suggest that the building industry is any less profitable than areas in which long service is now a right? Why is it that the wealthy owners and those people who benefit financially from the building industry should not contribute towards a long service leave scheme for their own employees? The honourable member who preceded me in the debate has to bear that cost in the metal industry, because he employs workers on an award basis permanently.

I suggest that the honourable member has not really thought seriously about this matter. He has endeavoured to look at it narrowly, because he feels he should do a job on behalf of the employers. There have been some collapses in the industry and in other areas of business. In New South Wales, one person involved—

The Hon. F. T. Blevins: Baume! That was shocking.

The Hon. N. K. FOSTER: "As a member of the House of Representatives," he said, "I have no responsibility about paying any form of dividend." He hides in the House, but there is no criticism of that. These amendments are outdated, outmoded, and not in conformity with accepted practice today. I conclude on the note that the honourable member knows full well that, if that matter was going before the judges of the commission, they would probably grant it. If that was not so, there would not be any flow-on in recent years in any areas. We know about the Cahill Government's shorter working week in the 1940's and this type of legislation. That was how it was introduced, by legislative action; then it becomes the problem of the court, which invariably grants the provision on a proper basis and after a proper examination of the facts. That proper basis, so far as responsible legislators (if there are any in this Chamber) are concerned, was dealt with by the Select Committee. The cry of the Opposition was, "Let us set up a Select Committee." That committee was set up, so let us stop all this humbug and give encouragement to this legislation. I support the Bill.

The Hon. J. C. BURDETT: The Hon. Mr. Laidlaw has pointed out that, in effect, long service leave payments have already been taken into account in wages in the building industry. He has given exact examples.

The Hon. N. K. Foster: He might have talked about annual leave.

The Hon. J. C. BURDETT: He talked about long service leave.

The Hon. N. K. Foster: He was not correct.

The Hon. J. C. BURDETT: He was entirely correct. He gave the examples of the metal trades and the building industry, and he made clear that the level of wages in the building industry was considerably greater than in other industries for equivalent skills. The level of wages is considerably greater in the building industry

because of the largely casual nature of the employment, which is necessary, usual and probably desirable in that industry. Not only is it one of the reasons but also it is one of the things that the unions have relied on when they have pressed for wage increases.

The Hon. J. E. Dunford: That is not true.

The Hon. J. C. BURDETT: It is true. They have said that the workers needed to be paid at a higher rate because there were benefits that they did not receive. The argument has been used frequently. The Hon. Mr. Laidlaw has said that workers in this industry have already been paid once, and they are now asking to be paid again. The Hon. Mr. Foster made a great song and dance about the Hon. Mr. Laidlaw's suggestion that the operation of this legislation might be delayed until an appropriate time.

The Hon. J. R. Cornwall: They said that about the 40-hour week for 30 years.

The Hon. J. C. BURDETT: The Hon. Mr. Foster's contentions must be seen against the background that building industry workers have already been paid for their long service leave and they are asking to be paid again. One of the reasons why they have received higher pay is that they commonly do not get this benefit.

The Hon. N. K. Foster: Do you suggest that those people do not qualify for annual leave?

The PRESIDENT: Order! If the honourable member wants to make a speech, he can do so later.

The Hon. J. C. BURDETT: What the Hon. Mr. Foster said is irrelevant. The honourable member has already spoken in this debate, and the Government has the right of reply.

The Hon. N. K. Foster: Straighten your smock a little.

The Hon. J. C. BURDETT: I did not interject when the Hon. Mr. Foster was speaking, so I ask the honourable member to allow me to speak without interjection from him. While ideally and philosophically building industry workers should probably get long service leave, the suggestion that the operation of the legislation be delayed must be seen against the background that building industry workers have already received some consideration in connection with long service leave. Government members have said that we should suddenly say, "Eureka! Now is the time to bring the legislation into operation." The Hon. Mr. Laidlaw has not proposed that we should wait for 30 years or 72 years: he has spelt out a simple formula, that the increase in the consumer price index be not greater than 4 per cent for two consecutive quarters.

In the building industry it will be inevitable that the increase will be passed on to the consumer the day after the legislation comes into operation; it has to be passed on, because the industry is already operating under great stress. And let us remember that the increase will be passed on to small families. The person who wants to buy a new house will be hit by this legislation at this time of galloping inflation. I therefore hope that the Government will carefully consider the amendment foreshadowed by the Hon. Mr. Laidlaw, for the sake of the small home buyer. I realise that the figure of 2½ per cent would not be on all wages, and it would not be on total costs. Other costs as well as wages are involved in the price of a house. The figures would be less than those I intend to mention. For a new house of $30 000 cost, which is a modest sum—

The Hon. M. B. Cameron: An average house?

The Hon. J. C. BURDETT: Yes. Clearly, 2½ per cent amounts to $750, and there will be an immediate escalation of several hundred dollars.

The Hon. F. T. Blevins: You agree that your figure of $750 is ridiculous?

The Hon. J. C. BURDETT: I said it was not an accurate figure. I am trying to determine what it will cost a new house buyer. It will involve several hundred dollars. There will be this immediate imposition on a new house buyer.

The Hon. F. T. Blevins: You said over $700.

The Hon. J. C. BURDETT: The honourable member did not wait until I got to the final answer. The end result is that there is going to be an escalation in price of new houses of several hundred dollars. That is all I am trying to say. We will have to wait and see what is the fate of this Bill at the second reading stage. However, if it passes, I hope that honourable members will consider the Hon. Mr. Laidlaw's sensible amendment to delay the proclamation of this Bill until the time when it can be afforded according to the formula which the honourable member has laid down.

The Hon. M. B. CAMERON: I support the Bill. I believe that it was wise, in the passage of the Bill through another place, that the Bill was restricted, although I wonder about the value of the restriction. Clearly, once this benefit is attached to the conditions applying in one industry, it is inevitable that the benefit will be attached to other industries and, perhaps, instead of it happening in a blanket way, we will see industrial action seeking its implementation. That is a likely possibility.

The Hon. N. K. Foster: They have been patient in this regard.

The Hon. M. B. CAMERON: Maybe. I am rather concerned about where we are going in relation to costs in South Australia. What are we setting out to do in South Australia? Are we trying to destroy the industrial basis which we already have? Are we trying to prevent any further extension of that industrial basis? While it is all well and good to pass on benefits, some of these benefits will be hollow in the long term because it may be that the people who are supposed to get the benefits will have to go elsewhere to seek the employment they need, because we have priced ourselves right out of existence through benefits paid in industry.

It is of no use in a community to hand out so-called benefits if the end result is not of benefit. I cannot help looking at the price of housing. Members opposite have pointed out that a large percentage of builders' labourers are not involved in the housing industry as such; nevertheless, the housing industry is a good example of what has happened in South Australia. The escalation in the cost of housing in South Australia has been astronomical; certainly it has been higher here than in other States. The first item that comes to mind is the escalation resulting from the Workmen's Compensation Act.

The Hon. N. K. Foster: What about the price of land?

The Hon. M. B. CAMERON: I will not disagree about the situation involving the price of land. However, regarding workmen's compensation, the benefit provided is 100 per cent of average wages plus overtime. Such a situation has not occurred anywhere else in Australia. I believe that in Canberra the Commonwealth Labor Government introduced a Bill which did not pass on such a benefit: it provided a much lower benefit. Why? Because that Government understood that one cannot just hand out such benefits to the work force without such a situation having some effect on that work force. The community is comprised of people: it is not comprised of the workers and the rest. The people who have to pay for the increased costs are the workers themselves. It is an unfortunate

situation when we go beyond the capacity the community can bear. If the Government believes that the costs involved in housing a family are not beyond the ability of people to provide, then the Government and honourable members opposite should look at the true situation. Housing has now reached a stage where it is beyond the means of the ordinary working man; it is way beyond his depth. I believe that, even with a small measure such as this which we are now considering, it will add to the cost.

As has already been pointed out, builders' labourers receive a benefit: they are paid a 15 per cent loading. True, they are casual workers, but they have a built-in 15 per cent loading in their award. That is the advantage that those workers have over workers elsewhere in the community. We should not be further adding to costs within the community. It is not possible for the community to stand much more. Indeed, if the Government believes the community can stand more, it is closing its eyes to the future. Obviously, the Government does not understand what has already happened in Australia and what is happening now. I will not argue against the Bill, because it is something that the Government has put forward.

The Hon. N. K. Foster: The Select Committee recommended it.

The Hon. M. B. CAMERON: Yes. It is something that has been argued out. Nevertheless, the Government should have a close look to see what it is doing to the community in passing on such extra costs. I cannot vouch for the costs of a house as referred to by the Hon. Mr. Burdett. He referred to an additional cost of $750. What will happen in the future with the passing on of the consumer price index increase? Will we see this 6·4 per cent increase passed on? We could then see the average house increase in cost by about $2 000. The working man is not getting any benefit from these increases, because his costs are increasing at a rate escalating above his increases in real wages.

The Hon. C. J. Sumner: Is inflation due to increases in wages?

The Hon. M. B. CAMERON: No, it is not entirely. One would be naive to say that is the case. Nevertheless, there will be an escalation in the cost of a house by about $2 000 within two or three weeks when this Bill passes and the indexation factor in wages is passed on. Where will we end up as a result of such costs? I am sure that real wages are not keeping pace with increasing costs. The whole community is going to pay.

While I agree with the Bill as it stands, I believe that the Government should seriously consider the suggestion put forward by the Hon. Mr. Laidlaw to contain this measure until such time as inflation is controlled. It is essential that inflation is controlled so that the community can once again obtain the benefits which flow from an orderly economy. The reason for our disorderly economy is obvious: we have had a bad Commonwealth Government. It did not know how to manage the economy, and it is time we got the economy back under control.

It is no use pretending that, if we give the benefits that will accrue under this legislation immediately, inflation will once again become the negligible feature it used to be. There was a time when people building houses did not worry about rise and fall clauses; they were fairly irrelevant, but now they are very relevant indeed. In fact, they are one of the most important factors to take into consideration when one comes to build a house. If a person goes into a bank now about building a house, the first thing he does is to state the cost of the house, and the banker says, "You will have to add at least $3 000 to that to allow for rise and fall." A person just has to ignore the stated cost of a house as being true. It is most probable that the Government will continue along the line, "Let us just pass on the so-called benefits and forget the effect of other things on the community"—including the people who are supposed to be getting a benefit, because they are the people who will suffer.

The Hon. J. E. DUNFORD: I support the Bill. I refer to the second part of the Select Committee's report. It seems to me that certain people influenced the Select Committee in making its final decisions. I think the debate in another place pointed to the fact that the matter should be referred to a Select Committee for examination. Several amendments have been suggested as a result of the Select Committee's report, and the amendments seem to me to go along with the policy of the Government, which was enunciated in 1973, to introduce long service leave legislation for casual employees. The last speaker spoke of the cost of long service leave being passed on to the people purchasing houses. As far as I can see, the Hon. Mr. Cameron said it would cost up to $750 extra for a house. In supporting the Bill, he said also that the South Australian price of housing, compared with that of other States, was getting completely out of hand. I know for a fact that the price of bricks, the main component of a house, outside of wages, is about $40 a thousand; it is lower in South Australia than in Victoria. The same applies to land. No figure was given by either the Hon. Mr. Cameron or the Hon. Mr. Burdett to support the argument that this Bill would prove to be costly.

There seems to be a conflict of opinion between the Hon. Mr. Cameron and his colleague in another place, Mr. Millhouse, because Mr. Millhouse, in supporting the Bill, did not have much to say but he did say that long service leave must be recognised now not as a privilege but as a right. I agree that it is the right of all workers, not only building trade workers but also all workers in industry, to accrue long service leave. I agree with the Trades and Labour Council and its committee, because I gave evidence early last year to that committee that the building industry should be considered first and other industries separately, because there are different methods of applying the formula that will apply to several industries. I know many honourable members opposite are concerned with the pastoral industry. I spent 15 years in the pastoral industry. Shed hands, cooks, and fruit pickers, and people in all sorts of casual employment have worked in industries and received no remuneration by way of loading or anything else after a long period of service. I received nothing. Once the Select Committee brings down its report, it is the responsibility of this Council to accept its findings.

The Hon. R. C. DeGaris: With all Select Committees?

The Hon. J. E. DUNFORD: Not always. After reading the Select Committee's report, I believe the employers' interests were well represented on that committee. The Employers Federation has now been added as an employer group to the committee, to look further into other industries. It seems to me that employers' interests, together with the Government and the unions representing the workers concerned, reach agreements (which they do not do lightly) and take into consideration the cost of houses and other ramifications of these things; they take into account the principle and arrive at a decision. There will, I think, have to be better arguments put up by the Opposition to get me or people in the community to accept that

people working in an industry should be treated differently from themselves. Workers in industry are, I know, having difficulty in purchasing houses as they have to pay increased prices for them; however, it would not be anything like $750, because generally people who build what we call cottage houses are subcontractors. It would have a very small effect on the price, but I would not accept the figure of $750 thrown out to the Council. I believe that workers know (and it was put to them that builders labourers would probably be in receipt of long service leave benefits) that there would be an increase in the cost of their housing or of services or of any building construction as a result of builders labourers getting long service leave obtained for them by the Government, and they would certainly accept the principle of it.

The Hon. R. C. DeGaris: Do you agree that, when a Select Committee of this Council sits, we should always follow its recommendations?

The Hon. J. E. DUNFORD: No; I am now saying that I accept the Select Committee's report, and I agree with it. It was said that the Bill should go to a Select Committee for examination. Many things had to be looked at, and they have been looked at, and no honourable member opposite has refuted the Select Committee's findings. They are saying, in effect, that it will add to the rate of inflation and to the cost of housing. If it does add to the rate of inflation (I am not saying it will) and if it does add to the wages bill of contractors, I still say those are the only two things that will happen; then workers should not be denied long service leave. The suggestion that builders labourers get more than workers in comparable industries was not developed by the person who made that remark, because there is hardly a comparable industry. He did not suggest what industry was comparable. I do not believe that a builders labourer, who goes up to the thirtieth floor on a hook on a windy day, earning $140 a week, is adequately rewarded as far as long service leave is concerned. One has only to think of the number of deaths on building sites to realise that it is a hazardous occupation and certainly not a well-paid one unless one considers overtime.

I was interested to hear the Hon. Mr. Laidlaw say that this provision would do irreparable damage. He went on to explain his amendment; where an employee assaults a foreman or does something to the employer's machinery, he believes that the employee's long service leave should be taken from him and not granted. That is completely wrong. The union of which I am a member, and of which I was an official, took a case against the Commonwealth Railways some years ago. An employee, on very hot work, had a fight with his ganger and lost his long service leave as a result. The arbitration court found that the employee had suffered sufficient penalty in losing his job and ruled that he should get his entitlement to long service leave, which he did.

The case put forward by the Hon. Mr. Laidlaw was that the person who did these things should be dealt with in the way he suggested. However, we have laws to say we cannot damage people's property or assault other people. That does not give the employer the right to decide that an assault on a foreman, conceivably under provocation, should result in the loss of long service leave. People have lost long service leave. There have been cases where assaults have been involved. In one case, an employee could have hundreds of dollars coming to him in long service leave, but another employee, in a similar situation, could have twice as much long service leave coming to him; we would have different fines with the same circumstances. It is not good enough that the employer should keep in his own pocket, for his own interests, money earned by way of long service leave. In reply to an interjection from the Hon. Mr. Foster, the Hon. Mr. Laidlaw said, "See if the rank and file want long service leave in the building industry." That is an interesting invitation.

The Hon. D. H. Laidlaw: I did not say the rank and file in the building industry.

The Hon. J. E. DUNFORD: We are talking about the building industry. When the Hon. Mr. Laidlaw spoke about the rank and file in one of the factories he controls, he said they did not want to take long service leave when he wanted them to take it.

The Hon. D. H. Laidlaw: That is right.

The Hon. J. E. DUNFORD: When a person has three months or six months long service leave coming to him, most awards provide that a certain amount of notice should be given. I think the period is up to six months on either side. Because there is a downturn in one of the Hon. Mr. Laidlaw's industries, it seems to me that he suddenly says to an employee, "I want you to take three months long service leave", and expects him to agree. The fact that the man does not agree with his employer does not mean that he does not believe in long service leave and does not want it.

The building unions (not just one building union, but the unions representing quite a number of different trades) have indicated that they want long service leave and that, if they cannot get it by legislation, they are prepared to fight for it. Why should they not fight for it? No-one in the community is rapt in strikes, especially the Opposition. However, history has shown that, through industrial action, workers have got most of the things they have now under industrial awards and by legislation. It was achieved not necessarily by wrecking the community or the economy of the country, but by some other type of action. I believe honestly and truly that, if the building workers of this State (if members opposite insist on these crook amendments and defeat the Bill in this Chamber) take industrial action, that action will be widespread. There will not be just a few builders labourers who get up and go on strike. Union ticket holders will get behind the people.

Union leaders concern themselves with public opinion, and public opinion would be on their side and against the Laidlaws and the others on the other side who oppose this Bill and who, even if it goes through, still want to restrict the payments under it. If the Hon. Mr. Laidlaw was Managing Director of Ansett Industries he would not be opposing this Bill. He is a capable industrial speaker, but I have heard him speak on several occasions when he put only a half-hearted effort into the proposition. He did not like it. It seemed unsavoury to him. He believes there is a principle associated with long service leave that no-one can deny. Even the member for Mitcham in another place said that, recorded at page 1899 of *Hansard*.

A scheme has been in operation in Tasmania since 1971, another in New South Wales since 1975, and I believe legislation has been passed in Victoria (although not yet enacted) along these lines. Three States in Australia have accepted that casual building workers should receive long service leave. If South Australia comes on side, only two States will remain: that belonging to the notorious Bjelke-Petersen and that with a person of his ilk by name of Court, Western Australia. Here we have the Hon. Mr. Laidlaw asking what would happen to a contractor taking men to Western Australia. He has not yet given an example of unfair competition experienced by a contractor going to

Western Australia looking for construction work. I think the situation would be in reverse: people from Western Australia are looking for contracts in South Australia. I do not think it will affect competition among the employer groups. If it does, however, that is a problem they must face, as employers. We have to look after the interests of the workers. We have to be fair, and we have to appear to be fair and impartial. The Select Committee is to be congratulated, as is the Parliamentary Counsel. The Select Committee has produced pages of amendments asked for by the popular House in this State, the House of Assembly.

The Hon. R. C. DeGaris: Why is it the popular House?

The Hon. J. E. DUNFORD: Because it is the choice of the people. It went to the people. The Government has an obligation to put this legislation through, because it was elected on that policy. That is why it is popular; it interests itself in what it says at election time. Unlike the Fraser Government, it does not break promise after promise in relation to pensioners, repatriation, war service loans, and wage indexation. If it does, it will get the same sort of criticism as the Federal Liberal Leader is getting at present. Obviously, we will see much debate on the two propositions put forward by the Hon. Mr. Laidlaw. This is the sort of proposition we expect from people who are wholly and totally opposed to decent conditions for workers in South Australia. It is similar to amendments to legislation introduced at the conclusion of the previous sitting of this Council. I support the Bill.

The Hon. R. C. DeGARIS (Leader of the Opposition): Although I do not wish to cover the ground already covered by other honourable members, I should like to express my general opposition to the Bill. I realise what has been said by honourable members, that Tasmania has a scheme, and that other States are examining other schemes. Nevertheless, I do not like the principle, and I therefore oppose the Bill. My reasons for doing so are simple. I believe that long service leave (which, as far as I know, operates in Australia only) is a reward for long service with an employer in an industry. South Australia's long service leave provisions are more lenient than those in other States.

The Hon. J. E. Dunford: Not if you're not getting any.

The Hon. R. C. DeGARIS: South Australia's provisions are more lenient than those in other States, although the Hon. Mr. Dunford may say that Tasmania has long service leave for casual workers which we do not have here. I point out, however, that we do have long service leave for casual workers in South Australia, whether they are working for one employer or for a series of employers. The principle in this Bill is heavy-handed in this regard. What the Hon. Mr. Burdett said is correct: there is already a factor in South Australian awards in which long service leave or holiday leave has been considered as part of the award. That is uncontested. If a casual worker works in an industry in which there are many employees the payments made to him should take into account a payment for long service leave. If we were to set up machinery whereby long service leave, which can be claimed later, is payable by an employer to an organisation, we would be setting up a massive piece of machinery that would have been much more simply handled by having long service leave provisions in awards in the first place. The employees and employers would prefer such a system, and for that reason I oppose the Bill.

We will, as the Hon. Mr. Dunford has said, go on into other industries after the casuals in the building industry have been catered for. It is untenable to think that we will stop at workers in the building industry. Once we step into this field, with the organisation handling long service leave for the building industry, other industries will move into the area, and it will continue until the whole field is covered. We will therefore have a massive Public Service handling the thing, when it could simply have been handled in the award in the first place. That is why I oppose the Bill.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for the attention they have given to the Bill. Members opposite have run true to form, believing that every worker is entitled to long service leave but that now is not the time for them to have it. How often does this apply with members opposite? No time is the right time for workers to receive any benefits. The Hon. Mr. DeGaris and the Hon. Mr. Laidlaw said that South Australia had the best long service provisions in Australia, but what about the man who has no such benefits? Why should there be one worker in South Australia who is deprived of long service leave? There can be no valid reason why anyone should be deprived of long service leave.

The Hon. R. C. DeGaris: What about Parliamentarians?

The Hon. D. H. L. BANFIELD: We are willing to take it and for members opposite to accept it in an amendment. The Hon. Mr. Burdett and the Hon. Mr. Laidlaw both said that this Bill would be an imposition on house buyers. They are therefore saying that a person who can afford to buy a house and who is receiving long service leave should have the price of his house subsidised by our ensuring that the person building it does not receive long service leave. Why should building workers have to subsidise the cost of houses that they build for others? It is ridiculous to suggest that.

The people encompassed by this Bill have been adversely affected since 1957, since when have they missed out. If we listen to members opposite, those people will miss out for another 20 years. The Government does not believe that this state of affairs should be permitted to continue and that no person should be deprived of long service leave. Similar measures should have been passed when the first long service leave Bill was introduced in South Australia in 1957.

The Hon. Mr. Laidlaw does not want the Bill to pass because of what it will do to the consumer price index. But, where have its benefits gone? The consumer price index has already risen by 6·4 per cent and, when the worker receives that increase, he will merely be getting what it has already cost him. He is therefore down the drain by that percentage already. Who increases costs? Certainly, it is not the worker. He is merely chasing what has already happened. Members opposite say that the worker is the one who forces up costs. However, that is not so.

I point out to the Hon. Mr. Laidlaw that the matters he raised this afternoon have already been considered by Cabinet, the committee set up by the Government or by the Select Committee appointed by another place. That Select Committee was unanimous in its recommendations, and the Government accepted certain compromises as a result of its deliberations. I also remind the honourable member that many workers in the building industry want to stay with one employer. It is no advantage for such persons not to know for whom they will be working from week to week: they prefer to be with one employer. However, because of the type of industry in which they are engaged, this is not always possible.

Regarding retrospectivity, the Master Builders Association and other employer organisations have totally accepted the Government's proposal, formed after the deliberations of the committee, which consisted of employee and employer representatives. So, whence does the honourable member's opposition emanate when those concerned have agreed on this matter? Is he about to buy a house and want the building industry to subsidise the cost of building it? Obviously, that is the position, because employer and employee representatives have thoroughly thrashed out this matter.

I now refer to the matter of absence from industry. I again tell honourable members opposite that the Government's original Bill introduced in another place did not provide for any period of absence from industry. However, representatives from the honourable member's Party insisted on the Select Committee's considering the matter, and the Government agreed to the period of 18 months. The Government has already considered these things, and it has already acted in a spirit of compromise. It has accepted many amendments. People in this industry should have been receiving long service leave since 1957, and we now want to rectify the situation. I therefore hope that members opposite will support the Bill in its present form.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

The Hon. D. H. LAIDLAW: I move:

Page 1—

Line 7—Leave out "This" and insert "(1) Subject to subsection (2) of this section, this".

After line 7—Insert:

(2) A proclamation under subsection (1) of this section shall not be made unless the Governor is satisfied that in respect of the two successive quarters that immediately preceded the day proposed to be fixed by that proclamation the increase in the cost of living as evidenced by the Consumer Price Index (all groups index for Adelaide) has in total been less than four per centum.

It has been suggested that this is an attempt by me to kill the Bill through the back door. It is not. The Leaders of the Labor Party, the Liberal Movement, and the Liberal Party have all said that inflation is the predominant problem in our society. Leading trade union officials have publicly said that building industry rates are out of step with other rates. It is difficult to make indexation work when the building industry is so far ahead of comparable trades. In reply to the Hon. Mr. Dunford, I point out that a carpenter who has served his apprenticeship should be comparable to a fitter who has served his apprenticeship.

A carpenter in the building industry in South Australia receives $153 a week. If he is a casual, he receives a 20 per cent premium, taking his wage to $184. Strangely, in this industry a casual is paid for public holidays and sick leave. So, there is a 20 per cent loading for the other things. The 20 per cent loading would normally cover the fact that a casual does not receive holiday pay, sick leave, or long service leave, but in this industry the casual does receive sick leave and public holiday pay.

For many years I have heard organisers from building unions saying, "Our workers must be paid more than tradesmen in other trades because the building industry is intermittent and cyclical." Having received wage increases that are extremely high compared to those in other trades, they now say that they want long service leave that is more favourable than is long service leave in some other industries.

The consumer price index figures are issued about three weeks after the end of a quarter. The previous Commonwealth Treasurer (Mr. Hayden) argued that our greatest problem was to cut down the rate of inflation, and the Commonwealth Liberal Government is now arguing in the same way. Further, I am sure that Senator Hall, the Leader of the Liberal Movement, has said the same thing.

I therefore suggest that this Bill be not proclaimed until the rate of inflation has been reduced to a reasonable level. After an increase in the consumer price index of only ·8 per cent in the September quarter, there was an increase of 5·6 per cent in the December quarter. Perhaps we will get down to a total of 8 per cent in the next two quarters. When this level is reached the Bill should be proclaimed immediately.

The Hon. D. H. L. Banfield: There is no guarantee that that level will be reached in six months or six years.

The Hon. D. H. LAIDLAW: I suggest that we cannot afford this legislation if there is a very high rate of inflation.

The Hon. D. H. L. BANFIELD (Minister of Health): I oppose the amendments, which do not provide that the legislation will come into operation in six months. Indeed, under the amendments the legislation may not come into operation in six years. The people in the building industry should not be at a disadvantage.

The Hon. R. C. DeGaris: They are not.

The Hon. D. H. L. BANFIELD: They are. If they are not at a disadvantage and if there is a loading for long service leave and the necessity for that loading is no longer present, do not tell me that the employers will not apply to the court to remove the loading. They will have that prerogative. They have that right. From what the Hon. Mr. Laidlaw has said, he knows that that is what they will do.

The Hon. D. H. Laidlaw: I don't.

The Hon. D. H. L. BANFIELD: The honourable member indicated that workers in the building industry receive a loading. The honourable member should make up his mind. Either they receive it or they do not receive it.

Members interjecting:

The Hon. D. H. L. BANFIELD: The honourable member said that the wages paid in the building industry were much higher than in other industries. He said that the high wages were to make up for the absence of annual leave, long service leave, sick leave and for the time when a worker is off the job. If that is so and if a figure of 20 per cent is determined, various percentages will have to be applied to annual leave, sick leave, and long service leave, etc.; otherwise the figure could not be determined. There is no doubt that employers, when this Bill is passed and its provisions are in force, will go to court and say that the 20 per cent loading can no longer be justified. That is their prerogative and their right, and they will be the first ones to do that when the Bill becomes law. There is no need to delay this matter. Let the employers go to court if they find that a loading is being paid in lieu of long service leave.

The Committee divided on the amendments:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill, and D. H. Laidlaw (teller).

Noes (11)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and A. M. Whyte.

Majority of 2 for the Noes.

Amendments thus negatived; clause passed.

Clauses 3 to 22 passed.

New clause 22a—"Misconduct on part of worker."

The Hon. D. H. LAIDLAW: I move:

After clause 22, page 8—Insert new clause as follows:

22a. Where the board is satisfied that a worker ceased to be a worker in relation to an employer in circumstances arising out of misconduct on the part of the worker, the board may, after affording an opportunity for the worker and the employer to be heard, direct that that worker shall not for the purposes of this Act accumulate any effective service entitlement in respect of his service with that employer and upon such a direction being given this Act shall apply and have effect accordingly.

An employee may be dismissed through misconduct, but retain his right of appeal to the board concerning that dismissal. If the board upholds the employer's action and says that the misconduct was blatant, it is correct that he should, as under most other awards, lose his service benefits.

It may be argued that it should also apply to service with previous employers, but I suggest it should apply only to the service with the employer from whose service he has been dismissed. Nor am I suggesting that the employer should have the right to ask for his 2½ per cent contribution to the board to be paid back. I merely seek that the employee who is dismissed for blatant misconduct, such as going from job to job and bashing the foreman, should lose his service entitlement with that employer.

The Hon. D. H. L. BANFIELD: I cannot accept the honourable member's amendment. This question was discussed for hours by the Select Committee and the witnesses who came before it. The committee unanimously made its recommendation, and its views have been accepted by the Government. I point out to the Hon. Mr. Laidlaw that, if an employee continues to bash his foreman, he should not be allowed to accumulate service. A man could bash only one foreman or leading hand; he would then be successfully blackballed from the industry. Do not tell me that employers do not get on the telephone and say, "We have not got a vacancy for Bill Jones; he is a bad boy."

The Hon. N. K. Foster: Especially in Whyalla, with the Broken Hill Proprietary Company Limited.

The Hon. D. H. L. BANFIELD: Let us imagine that a person has been penalised by an employer for misconduct. If that is so, an employee who commits misconduct with a number of employers is better off than an employee who commits misconduct with only one employer the day before he applies for long service leave: he sacrifices his full accumulation. He has probably done good service for 15 or 20 years but, because of one misdemeanour, he sacrifices the whole of his long service leave. With the Hon. Mr. Laidlaw's suggestion, it does not matter for how long an employee has misconducted himself: he is entitled to the same long service leave. Where a good employee has given service for 15 years, he is penalised for the whole period of service for one misdemeanour; so he loses 13 weeks. Is the man guilty of several misdemeanours the sort of person you want to protect? At other times, honourable members want to protect the good man who has given good service; now, they are wanting to protect the man who has not given good service.

The Hon. N. K. FOSTER: A genuine employer has nothing to worry about. A fellow throws sawdust or filings into some machinery, but there is no worry about him: an employer can get rid of him so easily. Suddenly, an employee goes overboard and does frightful things. At foremen's conferences, as a captain of industry the Hon. Mr. Laidlaw knows as well as I do that there is no problem with a man who grossly misbehaves. The foreman sacks him and the employer says, "Thank goodness he has done it; he has crossed the leading hand. He has gone." The employer's real concern is with the smart man, who stays just inside the line, and the employer prays that he will knock the foreman down.

The Hon. D. H. Laidlaw: No, not at all.

The Hon. N. K. FOSTER: That is exactly what happens. Appeals and boards of reference are full of cases where the innocent have suffered and the real villains have got away with murder, and that is all the honourable member is doing by this amendment. He is not concerned with the justice of the situation; he merely thinks that, if he produces an amendment like this, it will afford some protection for him and will save himself some money in this regard.

The Hon. D. H. Laidlaw: That's not true.

The Hon. N. K. FOSTER: That is the way it is worded. Take the case, in the metal industry, of a leading hand in ship construction some 10 years ago. It went on for weeks; there was much industrial dispute, and the works closed down. Eventually, it went to a board of referees. Welding experts were examined and X-rays of the workmanship were made; all the techniques of welding were considered, and the argument against a foreman in that case went to water. The Hon. Mr. Laidlaw remembers the case—I can tell by looking at his face.

The CHAIRMAN: The question is that new clause 22a be inserted. For the question say "Aye"; against "No". I think the "Noes" have it.

The Hon. D. H. Laidlaw: Divide.

The CHAIRMAN: I heard no honourable member call "Aye".

The Hon. C. M. HILL: I thought I did hear a call on this side of the Chamber.

The Hon. D. H. L. Banfield: Be fair dinkum about it.

The Hon. D. H. LAIDLAW: Mr. Chairman, could this new clause be recommitted?

The CHAIRMAN: If necessary, it can be recommitted afterwards.

New clause negatived.

Clauses 23 to 38 passed.

Clause 39—"Employers not to dismiss or injure employees."

The Hon. C. M. HILL: In the fourth line of subclause (2), "if" should be "it". It is obviously a printing error, and I am sure all honourable members will agree to that amendment. But, more importantly, the clause deals with the onus of proof, which has been dealt with already by the Hon. Mr. Blevins. It deals with the proof of cases against the employers, as to whether an employee was dismissed with the intent to avoid an obligation on the employer to make a contribution in respect of that employee. The onus should lie upon the board to prove that a dismissal was a contravention of this Statute, and not on the employer to prove that the dismissal was not a contravention of this provision. Why should an employer have to prove this? Surely the onus should be on the board, and the employer should be innocent until the case is proved against him. Why should there be an immediate assumption? What kind of British justice is this where there is an immediate assumption that the employer is guilty and he has to prove himself innocent?

It should be worded the other way round: the onus of proof should be on the board to prove its case if there is a case against an employer who was endeavouring to

contravene the Act and purposely dismiss an employee to avoid obligations. I should like to hear the Hon. Mr. Sumner's views on this principle, and perhaps later the Chief Secretary would allow time for an amendment to uphold the principles of British justice; it might well be carried in the Chamber.

The Hon. C. J. SUMNER: I thank the Hon. Mr. Hill for his invitation to me to contribute to this debate. The onus of proof generally rests on the person asserting a proposition, but there are some exceptions to that rule. The exceptions arise out of circumstances where the facts are peculiarly within the knowledge of the defendant, and the Hon. Mr. Burdett will recall that in some lottery and gaming legislation the onus of establishing something is shifted to the defence. The difficulty in a situation such as this is for the board or the employee to establish that an employer has dismissed with an intention to avoid his obligation under the Act. It is a situation where the facts are peculiarly within the knowledge of the employer (or the defendant, as he would be) and for that reason the onus is shifted. I have put this to the Committee mainly for the benefit of the Hon. Mr. Hill. I think that is why the clause is worded in this way.

The Hon. R. C. DeGaris: Do you think the same thing applies to the objection raised by the Hon. Mr. Blevins?

The Hon. C. J. SUMNER: I am not sure of the matter to which the Hon. Mr. DeGaris refers. It occurs in legislation in peculiar circumstances, and the peculiar circumstances are where the facts are particularly within the knowledge of the defendant.

The Hon. D. H. L. BANFIELD: As I consider it desirable to look at this matter further, I ask that progress be reported.

Progress reported; Committee to sit again.

PEST PLANTS BILL

Adjourned debate on second reading.

(Continued from February 5. Page 2132.)

The Hon. A. M. WHYTE: I rise to support the remarks of the Hon. John Burdett, in which he complimented the Minister on the time taken to draft this Bill and on the various concerned parties he had given an opportunity to form the legislation. It has taken two years from the time the legislation was first mooted, and most of the early opposition to it has been overcome and has been sorted out to some extent, satisfactorily, I believe, in most areas.

The first clause on which I wish to comment is clause 40. Perhaps the Minister can give some explanation of that clause, explaining on what portion of the road the commission will grant moneys to control eradication of weeds. Various cases were put during the search for the correct type of control and the amount of money that could be obtained for such control, and it was suggested on one occasion that, as the commission would not assume control of the full portion of the road, it should nominate the portion for which it would be prepared to grant money. Perhaps the Minister can indicate whether this means the water table, which was one of the suggestions about the area for which the commission should be responsible. Clause 40 refers simply to the road, and therefore the amount of weed to be controlled on the road itself would not be great. If the legislation were to define the intention to eradicate weeds as far as the water table, I believe that would be acceptable. If the Minister is unable to give some indication of the commission's intention, I shall later move to amend the clause.

The formation of the commission and of the various boards has taken a long time, but I think the matter has been satisfactorily resolved. Local government authorities generally are quite pleased that money will be available to assist in the eradication of weeds. Complete eradication is almost an impossibility, and every weeds officer and everyone else associated with the rural areas of South Australia would acknowledge that no longer is it possible to speak of an eradication programme. It is hoped that all new weeds that appear in the State can be controlled. However, no weeds officer of any experience would suggest that an eradication programme could result in the elimination of all weeds in South Australia. I presume that the other States are no better off than is South Australia. Under the Bill, control boards, which will have powers additional to those held by previous boards, are to be set up, and it is hoped that through Government reimbursement these boards will have more money, as a result of which they will be able to do more.

As it is now worded, clause 47 will not work. The Hon. Mr. Burdett pointed out that, because of weed infestation and the impossibility of eradication, there will be some weed infestation in every parcel of grain, be it wheat, barley, oats or small seeds, as well as in every parcel of wool, be it on livestock or shorn sheep. Likewise, cattle will carry weeds. I am sure that the Minister will agree that clause 47 is worthy of the amendment foreshadowed by the Hon. Mr. Burdett.

It would be ludicrous to suggest that grain could not be sold because part of it was infested with weeds. The Hon. Mr. Burdett's suggestion that regulations could provide that this clause would not apply in certain circumstances goes a fair way. However, it seems to me that there is really no need for clause 47. With the amendment, we are trying to return to the *status quo*. This will give us power that was used with discretion under the old Act.

The Hon. B. A. Chatterton: How is it that the producer organisations asked for it?

The Hon. A. M. WHYTE: For some strange reason, they did not interpret clause 47 in the same way that I did. Grower organisations have contacted the department since I spoke to them, and they are in accord with the attempt to return to the *status quo*, as provided in the Hon. Mr. Burdett's foreshadowed amendment. The amendments on file are reasonable, as without them the clause would be hopeless. Indeed, I doubt whether it should be contained in the Bill, as the Bill would be better without it. Because the whole Bill will be unworkable if clause 47 remains therein as presently worded, I intend to support the amendments.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I will reply to the point raised by the honourable member when the Bill goes into Committee.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

ADJOURNMENT

At 6.18 p.m. the Council adjourned until Wednesday, February 11, at 2.15 p.m.