LEGISLATIVE COUNCIL

Thursday, August 24, 1972

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

ASSENT TO BILLS

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

Constitution Act Amendment (Oath),
Supply (No. 2),
Textile Products Description Act Amendment.

QUESTIONS

SOLDIER SETTLERS

The Hon. R. C. DeGARIS: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. R. C. DeGARIS: An announcement was made in this morning's press of a rearrangement and a reappraisal of the situation concerning the Kangaroo Island soldier settlers. I express my own pleasure that some action has been taken to alleviate the problems facing them. I know the Minister would be aware that questions would be asked today on this matter. Has he any further information he would like to give the Council on the situation on Kangaroo Island and the arrangement with the Commonwealth Government?

The Hon. T. M. CASEY: I think I can cover the Leader's question by referring to the inception of the problem and the discussions that took place in the early stages. On May 20, 1970, the then Minister of Lands, Hon. D. N. Brookman, M.P., wrote to the Commonwealth Minister for Primary Industry requesting a joint Commonwealth-State investigation into the problems of war service settlers, particularly those holding blocks on Kangaroo Island. He pointed out that island settlers had little opportunity to diversify from wool production due to climatic conditions, transport costs, etc., and because of the fall in wool prices they were encountering economic difficulties despite increased production over the whole area. This request was declined by the Commonwealth, the Minister for Primary Industry stating that depressed wool prices were common to the wool industry as a whole and holdings on the island were made somewhat larger in terms of productivity than those on the mainland to offset difficulties associated with farming on the island. He contended that the problem of infertility in sheep was technical and its alleviation should be within the province of the State Agriculture Department.

The present Minister of Lands, Hon. A. F. Kneebone, M.L.C., on October 2, 1970, renewed the request for an investigation, expressing concern at the effect economic circumstances were having on competent war service settlers who were efficiently managing their properties. He strongly reiterated the points made in the earlier request and, whilst agreeing that the infertility problem was a technical one, stressed that, despite the efforts of the Commonwealth Scientific and Industrial Research Organization, the Waite Institute and the Agriculture Department during the preceding five years, the problem had not been alleviated to any significant degree. The further approach was successful. The Minister for Primary Industry advised in his letter of November 5, 1970, that he had instructed his department to send a senior officer to South Australia to carry out the investigation.

After further discussions and negotiations with officers of the Department of Primary Industry, the Minister for Primary Industry announced decisions in respect to assistance for Kangaroo Island and other war service settlers, full details of which are not yet known. It is known that $2,500,000 is to be made available for stock mortgage take-over for the war service settlers; this is not restricted to Kangaroo Island. Each case will be dealt with on its merits. The State is awaiting details of the assistance, in addition to stock mortgage take-over, which will apply specifically to Kangaroo Island, such as debt consolidation, rent provisions, etc.

In general, these measures can give financial relief to the Kangaroo Island situation but do not remove one of the major causes, namely, that of low fertility in breeding ewes and high mortality in lambs. The Agriculture Department in its continuing research into animal husbandry problems on Kangaroo Island has recently centred on a potentially highly significant practical method to overcome ewe infertility and lamb mortality. Commonwealth officers have been informed of details of the research work being carried out and it is gratifying that the Minister for Primary Industry has stated that the Commonwealth Government will support the special investigations of the physical and biological problems on Kangaroo Island.

Proposals for the biological investigation and expenditure involved are based on an extensive programme of field trials and assessments

over a term of up to five years, subject to satisfactory financial provision by the Commonwealth. The Agriculture Department is arranging to proceed with all possible haste to implement field testing on the research findings. The Agriculture Department, which is fully co-operating with the Lands Department to provide special advisory services for Kangaroo Island settlers, is in the process of appointing officers to carry out this and associated work.

WHEAT QUOTAS

The Hon. R. A. GEDDES: In this morning's newspaper the Chairman of the Australian Wheat Board is reported to have recommended an easing of wheat quotas; I presume that he is referring to Australian wheat quotas. Will the Minister of Agriculture call for a report from the appropriate authorities and inform the Council whether it will be possible for wheat quotas to be eased in this State in the 1973-74 season?

The Hon. T. M. CASEY: I concur in what the honourable member has said: there is quite a crisis in the Australian wheat industry at present because of drought conditions. From information conveyed to me during the recent Agricultural Council meeting, it would appear, at this stage at any rate, that Queensland will fall well below its quota, as will New South Wales. Victoria could possibly make its quota, but South Australia is likely to be slightly below its quota, while Western Australia, at this stage at any rate, appears likely to fill its quota. However, there may still be a deficiency of 100,000,000 or more bushels below the overall Commonwealth quota. This is a matter for the Australian Wheatgrowers Federation; that body decides whether wheat quotas will be increased or decreased, and I do not believe that individual States can make recommendations that would have much foundation. Nevertheless, I am willing to refer this matter to the Commonwealth Minister for Primary Industry to see whether his Government will have talks with the federation to see exactly where we are going in respect of fulfilling our oversea contracts, because it is most important at this time that we be able to meet our commitments on oversea markets and also investigate potential markets. The other day we received a sizable order from Russia. I hope that China will buy more wheat from us; perhaps it will do so if we recognize the Government of China. If we receive a large order from China we will need much more wheat than we have at present.

TREE PULL SCHEME

The Hon. R. C. DeGARIS: Has the Minister of Agriculture a reply to my question of August 22 regarding the policy to be implemented in relation to the proposed tree pull scheme?

The Hon. T. M. CASEY: A fruitgrowing reconstruction scheme, which will operate as an adjunct to the present rural reconstruction scheme, has been proposed by the Commonwealth Government and it is expected that legislation to give effect to this scheme will shortly be introduced in the Commonwealth Parliament. Under the terms of the proposals, which are designed to assist the fruitgrowing industry, a fruitgrowing industry, as an industry, will be eligible if:

(a) there is generally accepted to be a period of at least five years between planting of trees and those trees reaching the stage of full bearing;

(b) the tree is generally accepted to have a commercial bearing life of at least 10 years after the commencement of full bearing; or

(c) during such period as it is agreed there is a chronic over-supply of the commodity produced from those trees.

The scheme will apply to commercial growers in the following two categories:

(a) where a grower is in substantial financial difficulties and intends to clear-fell his orchard and leave the fruitgrowing industry; or

(b) the grower does not have adequate resources to withstand the short-term effects on his economic viability of removing the trees without assistance and, in the opinion of the administering authority, his enterprise has sound prospects of long-term commercial viability after removal of the surplus trees and taking into account other potential uses of the land.

It is expected that few, if any, growers in this State will fall into the first category, which envisages complete clearing of properties. Partial clearing is covered in the second category, which appears more appropriate to the mixed planting situation in this State. The maximum rate of assistance that will be payable will be $500 an acre for canning fruit and $350 an acre for fresh apples and pears. It is a requirement of the scheme that it be administered so that the average rate of assistance does not exceed $350 an acre for canning

fruit and $200 an acre for fresh apples and pears respectively.

The actual rate of assistance to be paid in each case will be set, relative to the maximum rates set out above, by the administering authority, taking into account yield of the trees an acre, age, condition, variety, market access and any other relevant circumstances. The scheme will apply to trees removed after July 14, 1972, and applications will continue to be accepted up to June 30, 1973. Growers will be eligible to receive assistance payments only if the trees are removed before a date to be specified by the authority when the application is approved and, in any case, no assistance will be paid in respect of trees removed after October 31, 1973. Application must be made and all trees inspected before they are removed so that the level of assistance that may be paid can be assessed. It is a condition of any assistance granted under the scheme that the recipient undertake not to plant within five years from the receipt of assistance any of the types of trees that may be specified by the administering authority during that period.

At present, the scheme and restrictions apply to canning peaches and pears and fresh apples and pears, but it may be extended to other types at some future time. However, growers assisted under the scheme will not breach the agreement by reason of having planted trees only to replace trees removed without assistance after they have been assisted under the scheme, provided that the number of specified trees they have at any one time does not exceed the number of specified trees they had immediately after removal of the trees for which assistance was paid.

Assistance under the scheme will be provided in the form of a loan, bearing interest at such a rate as may be determined, but interest will be rebated annually provided the recipient observes the undertaking not to plant or replant specified varieties as referred to above. Should a recipient breach the undertaking, the loan made to him together with any interest due becomes repayable in full immediately. On the other hand, where the recipient observes the undertaking for the full period of five years the loan is not repayable, and all interest due will be rebated. To ensure compliance with the foregoing conditions the administering authority is obliged to secure encumbrances on titles to the land in respect of which assistance is provided so that the repayment obligation can be enforced. Additionally, a personal undertaking will be sought from recipients not to plant specified varieties of trees on the land concerned or any other land during the specified five-year period.

Under the scheme the Commonwealth Government will provide a total of $4,600,000 to be allocated to the States, with the initial objective that $2,300,000 will be applied to the removal of canning peach or pear trees and $2,300,000 to fresh apple and pear trees. There is no specific allocation to individual States, and funds will be available to individual States on application to the extent of the total commitment of the Commonwealth. As I have previously informed the Council, initial action has been taken to place the scheme into operation. Application forms are available from horticultural officers from the Agriculture Department and district officers of the Lands Department in Murray River areas. Some applications have already been received and action is current to carry out inspections prior to assessment of the amount of assistance that may be made available. The policy to be pursued by the Government will be that which is laid down by the Commonwealth and which, in general terms, I have set out in this statement.

POLICE PENSIONS ACT AMENDMENT BILL

Read a third time and passed.

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL

Read a third time and passed.

PUBLIC PURPOSES LOAN BILL

Read a third time and passed.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (COMMITTEE)

Second reading.

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

That this Bill be now read a second time.

The purpose of this Bill is to establish a committee and to invest it with powers to control development within the city of Adelaide. The visionary insight of Colonel Light, the excellence of his ideas, and the competence with which he brought them into execution established a sound basis for the future development of the city. But we have been relying too much upon the accumulated capital of the past. Unscrupulous development has taken place in which the wider interests of the community in the proper development of the city

have been subordinated to the immediate interests of developers. Now, as never before, the future of the city is threatened by forms of development which have wrought such aesthetic and sociological havoc in other places. We cannot afford to allow a city, so excellent in original conception and design, to become an aesthetic waste-land of discordant architecture in which civilized values of design and beauty are stifled.

The City Council has recognized the dangers inherent in the present trends in the development of the city. It is proposing to engage consultants to advise it upon future development. The research to be undertaken by the consultants will, however, take some years to complete. In the interim period we must have adequate planning control. Otherwise the council's efforts may be largely frustrated and the value of much of the research destroyed. Under the existing regulations planning has been largely conditioned upon commercial development. This philosophy is now outmoded and inconsistent with the best contemporary thought in the sphere of planning and development. That is not to say that there is any necessary antithesis between commercial development and the humanizing values of good design to which I have referred. But there must be adequate powers and procedures to ensure that these values are accorded an adequate place in urban development. Sociological evidence shows that where they are ignored the community pays a heavy penalty in crime and human unhappiness, a penalty that no genuinely civilized society can afford.

The Bill proposes the establishment of a committee consisting of seven members. Of these the Government will nominate four, and the City Council three. The Government proposes, however, that the Lord Mayor for the time being of the council will be nominated by the Government as chairman of the committee. This will ensure that the council has adequate representation on the committee.

The powers of the committee are two-fold. Firstly, the committee is empowered to make planning directives. These directives will establish the broader principles within which development will proceed within the city of Adelaide. In addition, the committee is empowered to make directives to preserve the *status quo* where adequate research has not yet established the form in which a particular part of the city should be developed. Secondly, the committee is empowered to consider proposed building work within the area with which it is concerned from the aesthetic and sociological viewpoint. The approval of the committee will be required for any proposed building work, but it is envisaged that only the more important proposals will be actually considered by the committee. The powers of the committee in respect of the more routine matters will be delegated to the City Council to be dealt with in the ordinary manner simultaneously with consideration under the Building Act.

The provisions of the Bill are as follows: Clauses 1 and 2 are formal. Clause 3 enacts new Part VA of the principal Act. This new Part contains all the operative provisions of the Bill. New section 42a contains a number of definitions necessary for the purposes of the new Act. New section 42b establishes the committee and provides for its constitution in the manner described above. New section 42c provides that a member of the committee may be paid remuneration allowances and expenses determined by the Governor. New section 42d provides for the procedure of the committee. New section 42e is an ordinary saving provision.

New section 42f provides that the committee may, with the consent of a Minister administering a department of the Public Service, make use of the services of any officer of the department. New section 42g empowers the committee to make planning directives. Those planning directives may *(a)* restrict or prohibit the performance of building work, or any change in the use of any land or building, within a part of the city of Adelaide until adequate research has been carried out into the development of that part of the city; *(b)* establish zones within the city of Adelaide; *(c)* regulate or restrict the height of any proposed building within the city of Adelaide, or any zone; *(d)* stipulate maximum floor area indexes to which building work must conform; *(e)* stipulate standards of design and construction to which building work must conform; and *(f)* restrict or prohibit the use of any land or building for purposes that do not conform to the directive. Subsection (3) provides that a planning directive shall not disturb an existing lawful use of land. Subsection (4) sets out the matters to which the committee should have regard before it publishes the directive. The Planning Appeal Board is empowered to quash the directive or to modify it in such manner as it thinks fit.

New section 42h provides that a person who proposes to carry out building work within the defined area must seek the approval of the

committee. In fact, as has been mentioned earlier, only the more important proposals will come to the committee for its actual consideration. The routine matters will be dealt with in pursuance of the power of delegation by the City Council. Subsection (3) gives the committee power to approve proposed building work unconditionally, to approve it subject to conditions or modifications, or to refuse its approval. Subsection (4) sets out the matters to which the committee should have regard before granting or refusing its approval. Subsection (6) enables an applicant for the approval of the committee to appeal against its decision to the Planning Appeal Board. Subsections (9) and (10) provide for the delegation of the powers of the committee under this section. Subsection (12) provides that the new section shall not apply in respect of building work for which every consent, permission or approval required under any Act had been obtained prior to the commencement of the proposed legislation.

New section 42i enables the Governor to make regulations for the purposes of the new Part. New section 42j provides that the Part shall expire on a day to be fixed by proclamation. It is envisaged that this date will be fixed when the consultants have reported to the City Council and the new planning regulations have been implemented.

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (BOARD)

Second reading.

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

That this Bill be now read a second time.

When the Planning Appeal Board was established, it had jurisdiction only in respect of land subdivision appeals within the State. By the middle of 1972, it had been given further jurisdictions under the Real Property Act, 1886, as amended, the West Lakes Development Act, 1969, as amended, the Coast Protection Act, 1972, and some 28 different sets of land use control laws made under the Planning and Development Act. Some indication of the considerable increase in the work of the board may be gained from the statistical material that I now ask to have incorporated in *Hansard* without my reading it.

Leave granted.

CASES DEALT WITH BY BOARD

In the calendar years mentioned below the number of cases coming before and dealt with by the board and the number of sitting days were as follows:

Year	Cases lodged	Withdrawn without hearing	Withdrawn after hearing	Determined	Part-heard	Not commenced	Carried over (total of last two columns)	Sitting days
1967	20	2	Nil	1	6	11	17	23
1968	19	9	Nil	17	6	4	10	44
1969	26	2	1	21	1	11	12	47
1970	70	9	6	35	20	12	32	65
1971	70	8	7	30	38	19	57	126
(½ year 1972 to to 30/6/72 only)	49	4	12	33	35	22	57	100

The Hon. T. M. CASEY: In addition, honourable members will be aware that a further Local and District Criminal Court judge has been appointed to assist in the work of the board. It is projected that, if the present conditions were to apply, some 82 cases, apart from those part heard, would be awaiting commencement by December 31, 1972, without allowing for any increase in the number of localities in which land use planning laws are in force. Heretofore, the commissioners of the board have acted in a part-time capacity. During the last financial year they have given freely of their time. For the most part, they are either self-employed (in which case they have responsibilities not only to themselves but also to employees) or they are employees whose employers have a natural tendency to feel that they are not giving sufficient time to their ordinary employment.

Because of the part-time position of the commissioners, considerable difficulty is being faced in determining individual cases with appropriate speed. Individual commissioners cannot sit for unlimited consecutive days whilst they are all on a part-time basis. This introduces an element of discontinuity of hearings

because it then becomes difficult to accommodate advocates, parties and professional witnesses to the time-availability of the part-time commissioners. As a result, time delays of up to a year have occurred between the lodging of an appeal and the delivery of the determination. This has caused considerable hardship to parties. It is expected that, with the appointment of some commissioners on a full-time basis, whilst continuing the participation of other commissioners on a part-time basis, the work of the board can be carried on expeditiously with minimum disturbance and expense both to planning authorities and to those appealing to the board against decisions of planning authorities.

I will now consider the Bill in some detail. Clauses 1 and 2 are formal. Clause 3 makes amendments to section 5 of the principal Act, the interpretation section, that are consequential on the amendments proposed by the Bill. Clause 4 again provides for amendments to section 21 of the principal Act that are consequential on the proposal to appoint full-time commissioners. Clause 5 is the principal operative provision of the Bill. At proposed subsection (1) of new section 21aa it is provided that the power of the Governor to appoint commissioners may be exercised so as to appoint full-time commissioners. At proposed subsection (2) provision is made to fix the salary and allowances of full-time commissioners. Subsection (3) provides that, as far as possible, full-time commissioners shall be subject to the Public Service Act. Subsection (4) provides that the application of the Public Service Act to full-time commissioners may be modified in the light of the circumstances of their case. Subsection (5) is intended to ensure that full-time commissioners shall not be located in a Government department that provides for the staffing of courts or in any other department where an appearance of "conflict of interest" may arise. For example, it would be inappropriate to have the commissioners located in a department concerned with the general administration of the principal Act. Subsection (6) will permit a retiring commissioner to complete the hearing and determination of any matter. Subsection (7) makes it clear that a part-time commissioner may accept appointment as a full-time commissioner. Subsection (8) provides that a full-time commissioner is eligible for superannuation under the appropriate Act. Clauses 6, 7 and 8 again contain formal and consequential amendments.

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

BOOK PURCHASERS PROTECTION ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

This short Bill arises from a submission from the South Australian Commissioner for Prices and Consumer Affairs, who is charged with the administration of the principal Act, the Book Purchasers Protection Act, 1963, as amended. The main purpose of the amendments is to stop certain practices that are being followed to evade the provisions of the principal Act and to ensure that other undesirable practices do not gain currency. Honourable members will recall that a contract under the Book Purchasers Protection Act is unenforceable against the purchaser unless, within the time stated, the purchaser affirms the contract. There is a requirement already in the Act that a statement to this effect shall be printed conspicuously on the contract. However, cases have been reported where this statement is indeed printed conspicuously on the contract and in the prescribed type face but it is printed on the back of the contract, which is then stapled into a brochure in such a manner as not to be readily removed. In these circumstances, purchasers may be forgiven for assuming that there is nothing of importance on the back of the contract document. Further, complaints have been received that salesmen are still attempting to gain entrance to homes by concealing the purposes of their visit. For instance, it is not unknown for them to suggest that they are engaged on an educational research project or some such similar purpose.

Again, it appears desirable to ensure that it is made as difficult as possible for vendors to secure payment from purchasers under unenforceable contracts by means of letters of demand or by the invocation of other debt collection procedures. Finally, it is thought that steps should be taken to ensure that, as far as is possible under the law of this State, vendors are prevented from providing that the law of a place other than this State shall be the law to which reference shall be made for the resolution of disputes. Here I mention that a provision of the kind contemplated cannot of itself affect the ordinary rules of Private International Law, but it can at least provide some incentive for vendors to comply with the intention of this measure.

I shall now deal with the Bill in detail. Clauses 1 and 2 are formal. Clause 3 provides that the provisions relating to ratification of contracts will, as far as possible, be brought to the attention of the purchaser who signs the contract by being placed immediately above his signature. Clauses 4 and 5 make decimal currency amendments and do not affect the actual monetary value of the amounts as expressed. They also remove an unnecessary reference to the penalty being a maximum penalty. This reference is rendered unnecessary by the provisions of section 30 of the Acts Interpretation Act.

Clause 6 inserts the following new sections in the principal Act. New section 6a provides that the salesman shall disclose the purpose of his visit immediately on commencing negotiations with the purchaser. New section 6b strikes out the practice of inserting a "foreign law provision" that may work hardship to a purchaser. New section 6c is intended to prohibit demands being made for payments under contracts that are, in fact, unenforceable against the purchaser. New section 6d provides a defence against a prosecution for an offence against new section 6b or 6c in circumstances where it is reasonable that such an offence should be provided.

Honourable members will no doubt have noted that the three new clauses follow fairly closely analogous provisions in the Door to Door Sales Act, 1971. The circumstances that gave rise to their inclusion in that Act exist in full measure in relation to the principal Act, which is, of course, concerned with a particular aspect of door-to-door selling.

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

INDUSTRIAL CODE AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 23. Page 963.)

The Hon. E. K. RUSSACK (Midland): I do not intend to reiterate what my colleagues have said on many aspects of this Bill, but I wish to stress the extra costs that will be incurred if this Bill is passed in the form in which it has been introduced in this Council. The following is a quotation from the *Retail World:*

> One departmental store has indicated that its wage bill would increase by in excess of 20 per cent with the introduction of the proposed Government legislation. Operating conditions in the retail food industry are different, and members with experience in the other States estimate that the wage bill increase would be between 7 and 11 per cent.

The Retail Traders Association commented on this Bill as follows:

> This will affect all persons employed in retail shops and means that staff will be working from 8.30 a.m. to 5.30 p.m. on Monday to Thursday, until 9.00 p.m. on Friday, and from 8.30 a.m. until 12.30 p.m. on Saturday. Under this arrangement, time worked after 5.30 p.m. on Friday and on Saturday would all be at overtime rates. It is estimated that wage costs would rise between 20 per cent and 25 per cent, dependent on the type of store.
>
> The members of the R.T.A. have at all times desired to protect the full-time employee, and the five-day working week proposed by the association would do just that. As the Government legislation does not provide for Friday night and Saturday morning to be worked within the 40-hour week, the employment pattern would certainly change. In an endeavour to keep to a minimum the substantial increase in wage costs, and therefore in prices, which will be incurred under the Government plan, it is probable that a significant number of full-time staff will have to be replaced by part-time employees.

Regarding permanent staff, I believe that the Government, in framing this Bill, has overlooked the realities of running a business. Because of Friday night shopping, less business will be done on Monday, Tuesday and Wednesday and, consequently, there will be a reduction in the permanent staffs of shops. For example, what employer who has had a staff of five employees will keep all those employees on his permanent staff if three employees are sufficient in the early part of the week? As a result of this legislation, perhaps 2,000 breadwinners may be displaced by casuals. It is quite evident that there will be no increase in turnover, and much of the turnover will be concentrated on Thursdays, Fridays, and Saturday mornings. New section 221a (1) provides:

> In section 221b, 221c, 221d and 221e of this Act the expression "shop assistant" means any person engaged as a full-time or regular part-time shop assistant but does not include a clerk, storeman, cleaner, driver, watchman, window display worker or any person of a class for the time being the subject of a notice under this section.

I understand that a shop assistant who works fewer than 20 hours a week is not a regular part-time shop assistant. However, it would be possible for an employer to employ an assistant for, say, five hours on Thursday, five hours on Friday during the daytime, three hours on Friday night and three hours on Saturday morning, totalling 16 hours. Such an employee would be entitled only to the 15 per cent loading and would not be accepted as a regular part-time shop assistant. So,

Friday night shopping could endanger the continuity of employment of full-time employees and could, and I am sure would, lead to the employment of casuals.

I agree with those speakers who said that this measure would set a precedent. Conditions relating to the progress of the community as a whole, such as the 40-hour week and long service leave, are quite different, as they deal with the community as a whole. Such provisions cannot be compared with the intent of this Bill, which seeks to write into an Act a minimum wage loading of 50 per cent for work in ordinary time, this matter being normally determined by wages boards or the Industrial Court.

The Hon. D. H. L. Banfield: What about barmaids?

The Hon. E. K. RUSSACK: The Hon. Mr. Banfield did not mention in his speech that the 50 per cent overtime loading was a completely new departure from accepted procedure. This legislation is an attack on the principles of the arbitration system and, if it is passed, it will provide the irresponsible element of the trade union movement (I do not mean that the whole of the trade union movement is irresponsible) with the precedent it needs to destroy the arbitration system and to replace it by having Parliament decide what additional loadings will be paid for ordinary hours of work.

This legislation could precipitate an enormous increase in the costs of providing essential services. If shop assistants, by an Act, were given a 40-hour week over a certain period, transportation employees, employees in essential services such as those providing electricity and gas, and nurses, etc., would soon want the same provision; this would no doubt increase costs to the community astronomically. It would be almost impossible to assess what the impact would be if such a situation arose.

The Hon. Mr. Banfield said that the Leader and the Hon. Mr. Potter had not substantiated certain claims they made regarding increases in costs and wages if this legislation were passed and became law. I think I am correct in saying that the Hon. Mr. Banfield said that they grasped a figure out of the air. However, I suggest that perhaps the Hon. Mr. Banfield grasped a figure out of the air when, regarding some lines in retail shops, he said:

> Then let us take an item with a high percentage mark-up, a 100 per cent mark-up on cost. Indeed, sometimes it is as much as a 200 per cent mark-up on cost.

I should like to know of a specific item that would bear that kind of mark-up.

The Hon. D. H. L. Banfield: Haven't you heard of cheap imports?

The Hon. E. K. RUSSACK: I should like to be in a business of that kind. I suggest that, in the main, the effect is on the everyday commodities. In his example in relation to groceries, no doubt he was very near the mark. I should like to give an example of the cost and profit margin on groceries. The gross profit margin is 15 per cent, and the following is the break-up: warehousing, distribution and administration, 4 per cent; retail wages, 6 per cent; rent, rates and taxes, 3 per cent; electricity, repairs and depreciation, 1 per cent. This leaves a net profit of 1 per cent. On September 1, there will be an increase of $9 a week in the wage of an adult shop assistant, and I would not deny any shop assistant this increase. I have been an employer for more than 25 years. I pay the appropriate wage, and I commend shop assistants for the services they give. If shop assistants are worth hiring, they should receive the appropriate wage.

The Hon. D. H. L. Banfield: It's $5 a week on September 1.

The Hon. E. K. RUSSACK: I understand that it will be a $9 a week increase.

The Hon. D. H. L. Banfield: Yes, but not from September 1.

The Hon. E. K. RUSSACK: Eventually, it will be $9, which is a 20 per cent increase.

The Hon. D. H. L. Banfield: It might be, in 1979!

The Hon. E. K. RUSSACK: The 20 per cent would increase wage rates by 1.2 per cent, increasing the 6 per cent to 7.2 per cent. Friday night shopping, without an increased turnover, would have severe effects. In the main, there will not be an increase in turnover, as business will be concentrated mainly at the end of the week, particularly Friday night and Saturday morning, for which the Bill provides a minimum 50 per cent overtime penalty. This penalty would increase wage costs by about 21 per cent and the wage ratio by 1.6 per cent; added to the 7.2 per cent, wages would amount to 8.8 per cent. The cost of electricity will increase by $^{3}/_{40}$ths, which will mean that electricity will increase from 1 per cent to 1 $^{3}/_{40}$ths per cent. Costs will increase by about 3 per cent and margins will increase by 5 per cent, making an 8 per cent increase.

So, I consider that the Leader and the Hon. Mr. Potter were very conservative in their estimates when they said that the Bill could result in a 4 per cent or 5 per cent

increase in costs. Because of the nature of the Bill, the hours it specifies, and the 50 per cent loading for Friday night and Saturday morning work, I consider it creates a precedent in this or in any other State in Australia. The Bill would create a major increase in the costs of running a retail business that, at this time, is not warranted.

The Hon. M. B. CAMERON (Southern): At this early stage I express my complete support for Friday night shopping. I have always thought that the move made previously to destroy Friday night shopping in areas that enjoyed it should never have been made. I do not believe the Government is really concerned about introducing Friday night shopping; nor has there been any change in attitude since November 5, 1970, when the Hon. Mr. Banfield said, in this Chamber:

> The closing of all metropolitan shops at 9 p.m. on Fridays would be unsatisfactory. Apart from being a direct contradiction of the overall referendum result, it would mean that most shops and their employees would be forced to operate for extended hours. Such extended hours are not sought by present metropolitan traders or their staffs, nor are they sought by the public.

I believe the Government, in introducing this measure, has cynically included sufficient trouble in the Bill to ensure that it will not pass. The clauses associated with industrial conditions and with the sale of red meat are clearly not a part of this measure and, indeed, should not be a part of the Bill.

The Hon. D. H. L. Banfield: Don't you want to ensure that the shop assistants are looked after?

The Hon. M. B. CAMERON: I am content to leave those problems with the appropriate body—the Industrial Court.

The Hon. D. H. L. Banfield: Aren't you capable of doing it yourself?

The Hon. M. B. CAMERON: I do not believe that is a job for this Parliament and, for that reason, I will support the Hon. Mr. Potter's amendments regarding industrial conditions. The Government is wrong in having its spokesman express and maintain publicly the attitude that it will not accept or consider amendments along the lines suggested by the Hon. Mr. Potter and the Hon. Mr. DeGaris. I also do not believe that the Government is consistent in its attitude or that it really wants Friday night shopping to be introduced. If this Bill is not passed, the Government itself will be responsible for the public's not receiving the benefit of Friday night shopping.

I believe also that Friday night shopping could be reintroduced on the previous basis—that is, to have it in the areas that want it and not in the areas that do not want it. I believe that in local option polls the referendum results could be used as a guide; however, this is a matter for the Government to decide. The referendum result should not, however, be used as a basis for argument because, as other honourable members have said, much deceitful campaigning took place in that referendum. It was a clever public relations campaign, and a similar one may be being waged at present on behalf of many bodies. I assure honourable members that the silent majority, particularly in my district, would still like Friday night shopping.

The Hon. D. H. L. Banfield: We'll give it to them. Will you?

The Hon. M. B. CAMERON: I do not believe the honourable member's Party will, because it will take an attitude that will destroy this Bill, and that is unfortunate. The Government is deliberately using this Council as a buffer and a means of obtaining what it sees as an electioneering issue; that is not a proper way to use this Council. It is obviously determined to take away powers from the Industrial Court, and it is showing a complete disregard for primary producers by trying to remove from them the right to have their meat sold on the weekend and the day preceding the weekend when, of course, major sales are made. I do not see how the Hon. Mr. Banfield could say, as he did yesterday, that this would not affect red meat sales.

The Hon. D. H. L. Banfield: There has been no reduction in New South Wales yet.

The Hon. M. B. CAMERON: The honourable member said yesterday that not one butcher in New South Wales had suffered any reductions since the introduction of late night shopping. Of course they have not, because the shops that have late night shopping cannot sell red meats. Obviously, therefore, butchers would not suffer any reductions in this respect. The honourable member also said that red meat producers may continue to increase prices. I assure him that red meat producers have no control over their prices.

The people in the fringe areas of this State have in the past enjoyed Friday night shopping, a privilege that was taken away from them by the present Government. They will be further deprived of it by the present Government if these provisions are not removed and if the Government does not agree at least to consider any amendments that are put forward.

Many families in these areas have only one car, which is generally used by the husband during the week. Friday night was, therefore, the one night when the wife could do her shopping. I state adamantly that I support the reintroduction of Friday night shopping and I trust that the Government will accept the amendments that are put on file so that this practice can be reintroduced and so that the public can once more enjoy this privilege. I support the Bill.

The Council divided on the second reading:

Ayes (10)—The Hons. D. H. L. Banfield, T. M. Casey, M. B. Cameron, Jessie Cooper, R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, A. J. Shard (teller), and V. G. Springett.

Noes (6)—The Hons. M. B. Dawkins, L. R. Hart (teller), E. K. Russack, Sir Arthur Rymill, C. R. Story, and A. M. Whyte.

Pair—Aye—The Hon. A. F. Kneebone. No—The Hon. R. C. DeGaris.

Majority of 4 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Closing times."

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

In new subsection (la) of section 221 to strike out "12.30 p.m." and insert "11.30 a.m."

This is not a matter directly related in any way to the main point of controversy in this Bill, and I suppose it could be said that 12.30 p.m. has been the statutory closing time on Saturdays for a long period but, although it has been in the Statute for a long time, by custom and practice it has been reduced to 11.30 a.m. on Saturdays, and I think that provision has worked well. Where we are going to enable the court later, by means of this Bill, to award penalty rates for Saturday morning work, it seems that we should look at the final closing time on that day. If shops open for an additional hour on Saturdays it must, of course, add to the total expense and cost if the extra hour is to be paid for at penalty rates. Apart from that, however, I do not think that hour is necessary. Most shopkeepers will be quite happy to close at 11.30 a.m., and there are also matters to be considered from the point of view of the shop assistant.

I think 11.30 a.m. is the proper time to stipulate as the closing hour, particularly as shop assistants will then be able to get away to sport and other activities that they may have planned for Saturday afternoons without difficulties being placed in their way by having to work till 12.30 p.m. I do not think the time of 12.30 p.m. is likely to be used, even if it is left in the Act, but looking at all the circumstances I think we should at least bring the law into line with actual practice.

The Hon. A. J. SHARD (Chief Secretary): This amendment is not acceptable to the Government. It proposes, as the honourable member has said, to put the closing time at 11.30 a.m. instead of 12.30 p.m. A similar amendment was moved and defeated in another place. However, I point out that, if the Committee is minded to agree to this amendment, it would appear that a further amendment should be moved to subsection (1) of section 221 of the Industrial Code to prevent an inconsistency between the Saturday closing time within the metropolitan area and the closing time outside the metropolitan area.

Unless this further amendment was moved, the closing time for shops outside the metropolitan area would be 12.30 p.m. on a Saturday and that for a shop within the metropolitan area would be 11.30 a.m. I hope the honourable member does not have to take notice of the second part of my remarks. The amendment is not acceptable to the Government, and I ask the Committee not to accept it.

The Hon. F. J. POTTER: I thank the Minister for bringing to my attention that if this amendment is carried a further consequential amendment will be necessary. I think the Committee should look at the principles involved here. This amendment is unrelated to the main matter in the Bill and it will not in any way affect the moving of other amendments I propose to move later. I think there is some good reason why this closing time should be reduced by an hour and if the amendment is accepted I will be happy to move a further consequential amendment at a later stage.

The Committee divided on the amendment:

Ayes (12)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, F. J. Potter (teller), E. K. Russack, Sir Arthur Rymill, V. G. Springett, and C. R. Story.

Noes (5)—The Hons. D. H. L. Banfield, T. M. Casey, C. M. Hill, A. J. Shard (teller), and A. M. Whyte.

Pair—Aye—The Hon. H. K. Kemp. No—The Hon. A. F. Kneebone.

Majority of 7 for the Ayes.

Amendment thus carried.

The CHAIRMAN: I suggest that the Hon. Mr. DeGaris move only the first part of his amendment to enable the Hon. Mr. Potter to move his next amendment.

The Hon. R. C. DeGARIS (Leader of the Opposition): I move:

In new subsection (lb) of section 221 to strike out paragraph (a).

The effect of this amendment is to remove the obvious discrimination in the Bill against red meat sales. In the second reading debate, several honourable members pointed out that there was no justification for one section of the primary producing industry being selected as a section whose product could not be sold alongside other products during the extended shopping hours. I am at a loss to understand why the Government adopts such a policy. During the second reading debate, the Hon. Mr. Banfield challenged me on my figure of $5,000,000 a year loss on red meat sales in New South Wales. He said it could not be that great because late night shopping had not yet been in operation in New South Wales for 12 months, but the figures I have received from large red meat retailers in New South Wales indicate that the drop in sales has been 9 per cent of their turnover.

If we take this accurate figure of a 9 per cent fall in red meat sales in these large outlets in New South Wales, we can see that in a full 12 months the loss in that respect will be about $5,000,000. No logical reason has been put forward by the Government for excluding red meat from sale on Friday nights. Also, there is a possibility (not a probability but a possibility) that red meat sales in South Australia will decline by more than 9 per cent through the major outlets because it will be Friday night shopping here, and not Thursday night as in New South Wales. Bearing all these factors in mind, I see no reason to exclude meat from being available to the public on Friday nights.

The Hon. A. J. SHARD: This amendment is not acceptable to the Government. I understand that an agreement was reached on this matter between the meat industry employees and the employers. Under the award, butcher shops must open on Saturday mornings but are not allowed to open on Friday nights. This amendment, if carried, will give the supermarket retailers a distinct advantage over the ordinary butcher shops. That is unfair trading. That is why the Government has introduced this clause in this form. If the meat industry employees have to work on Friday nights in order to meet competition, I do not know what time they will have to start work on Friday mornings to cope with everything until 9 p.m.; and then they will have to work again on Saturday mornings. I have had great experience in the food industry of providing commodities for the weekend.

For many years, as a bread carter, I got out of bed at 3 a.m. on a Saturday so that people should have bread for the weekend. It was not necessary and there is no need for Friday night shopping for meat. Today, with the modern type of refrigeration available, most people can avoid having to shop on a Friday night. The meat industry has its 5½-day week, and the few people who cannot get out on a Friday night should be able to get out on a Saturday morning. The whole purpose of this provision is to protect the butcher shops. Honourable members do not need me to stress the difficulties of the small butcher today in the suburbs. If this amendment is carried, it will have an adverse effect on him. The Hon. Mr. DeGaris says it may have some effect on meat production, but the effect on the employees within the meat industry will be worse; it will be drastic. That is the Government's point of view. We stand or fall by it, and I ask the Committee not to accept the amendment.

The Hon. M. B. CAMERON: I was interested to hear the Chief Secretary say that the Government had consulted the employers and the employees in the meat industry; I am surprised that the producers were not consulted, because they are affected just as much as the employers and employees are.

The Hon. R. C. DeGaris: And the Housewives Association.

The Hon. M. B. CAMERON: Yes, and the Housewives Association. Obviously, the matter has not been fully discussed. Whether or not the housewife does her shopping on Friday night, she wants to buy her meat and, if it is not available on the counter, there will be a drop in demand for it.

The Hon. G. J. Gilfillan: She will probably buy chicken.

The Hon. M. B. CAMERON: Yes, or she may even buy rabbit. I ask the Government to reconsider the provision, which shows a cynical disregard for the needs of primary producers.

The Hon. A. M. WHYTE: A housewife can surely keep chicken in her refrigerator under the same conditions as she can keep red meat there. So, there seems to be discrimination between products. If traders can sell chicken after 5.30 p.m. on Fridays, the

opportunity should be given for competition. Adjustments can be made to the appropriate legislation to meet the requirements of the public and of those who service the public.

The Hon. D. H. L. BANFIELD: I point out that the high cost of red meat is already causing housewives to change to chicken. Some time ago honourable members opposite complained about added costs to the industry, but those honourable members who are supporting this amendment want to add further costs. Butchers already have to go to work at 4 a.m. on Fridays and they must be paid overtime between 4 a.m. and 8 a.m. on Fridays. The effect of the amendment will be to increase the amount of overtime by a further 3½ hours.

The Hon. F. J. Potter: The Bill does not compel any shop to open on Friday nights.

The Hon. D. H. L. BANFIELD: No; it does not compel Rundle Street shops to open on Friday nights, either. Yet honourable members opposite were very ready to tell us about the increased costs that would be involved for those shops. Honourable members know very well that Lazy Lamb has only to open on Friday nights and every other butcher shop will open then, too.

The Hon. M. B. CAMERON: I assure the Hon. Mr. Banfield that the red meat producers would rather have their product sold at a slightly higher price than be deprived of a large volume of sales as a result of people changing their eating habits. Once people change their eating habits they will not revert to their previous eating habits.

The Committee divided on the amendment:

Ayes (13)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, F. J. Potter, E. K. Russack, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (4)—The Hons. D. H. L. Banfield, T. M. Casey, C. M. Hill, and A. J. Shard (teller).

Pair—Aye—The Hon. H. K. Kemp. No—The Hon. A. F. Kneebone.

Majority of 9 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 5—"Limitation on meaning of expression 'shop assistant'."

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

In subsection (1) of new section 221a to strike out "221c, 221d, and 221e"; to strike out all words after "shops" second occurring in new section 221b and insert:

(a) in the case of such shop assistants other than hairdressers, shall be no later than the hour of 5.30 p.m. Mondays to Thursdays inclusive, the hour of 9 p.m. on Fridays and the hour of 11.30 a.m. on Saturdays and no shop assistant shall be required to work in such ordinary hours on more than five consecutive days in any one week and more than eighty hours in any period of two consecutive weeks;
and

(b) in the case of shop assistants being hairdressers, shall be no later than the hour of 6 p.m. Mondays to Thursdays inclusive, the hour of 9 p.m. on Fridays and the hour of 12.30 p.m. on Saturdays and no shop assistant shall be required to work in such ordinary time on more than five consecutive days in any one week, and more than eighty hours in any period of two consecutive weeks.

(2) Shop assistants, for all work performed on a Friday after the hour of 5.30 p.m. and on a Saturday, shall be paid such additional hourly rates of pay as the commission or the Shop Conciliation Committee shall determine.

(3) Shop assistants being hairdressers, for all work performed on a Friday after the hour of 6 p.m. and on a Saturday, shall be paid such additional hourly rates of pay as the commission or the Hairdressers Conciliation Committee shall determine.

Most work in a hairdressing shop is done on Saturday mornings, which is their prime working time and which has been traditional for a long period. The amendment is familiar to honourable members because it was moved the last time this legislation was debated. New subsections (2) and (3), which are new provisions that were not before the Council when this legislation was last debated, have been specifically included because of the ridiculous suggestion that was made at that time that, because we were talking about the ordinary hours of work, there was no power or jurisdiction to award other than ordinary rates of pay. It has long been the practice in fixing the hourly rates in this industry for the rates to be fixed by the Shop Conciliation Committee, which is the body principally concerned with the regulation of industrial conditions in the industry. It is always open to the commission to fix these rates of pay. Because I was not sure whether the Shop Conciliation Committee and the Hairdressers Conciliation Committee were a part of the commission apparatus I stipulated both, to be certain.

The carrying of these amendments will make it possible for Friday night shopping to be introduced. They will not penalize the shop assistants, because they will be able to approach the appropriate conciliation committee or the

commission to obtain additional rates of pay. It is spelt out that, although these hours may be regarded under the roster system as ordinary hours of work, employees will still be entitled to receive additional payment for work done after 5.30 p.m. Fridays and on Saturday mornings. If the Government is not willing to accept these amendments, I wonder what are its motives. What can it object to in these amendments, which will clearly allow greater flexibility between employers and employees, and which will enable stores that so desire to introduce a roster system? This will in most cases be satisfactory to employees in this industry, 65 per cent of whom are females.

The amendments will also keep down costs. They will not create the terrific industrial precedent to which I have previously referred, which would leave a millstone around the public's neck. My proposal leaves the determination of appropriate wage rates for extra hours of work where it rightly belongs—in the hands of the Industrial Commission or the conciliation committee.

This matter was extensively debated previously, when my amendments met with universal approval. No real objection was taken to them then, except perhaps for the last matter, which was raised as a last-ditch stand by the Government, which said that "ordinary hours" meant "ordinary rates of pay" and that the commission would not be able to award penalty rates. That is not true, because penalty rates are in many cases awarded now by the commission. It is spelt out that employees must receive additional hourly rates of pay as determined by the appropriate tribunal. If the amendments are not acceptable to the Government, I will not understand why and, indeed, I should like to receive a full explanation of the Government's reasons for rejecting them.

The Hon. A. J. SHARD: These amendments are not acceptable to the Government. They appear to be substantially the same as the amendments that were moved when the measure was last before the Council. In effect, they provide that ordinary hours shall cease at 5.30 p.m. Mondays to Thursdays, 9 p.m. on Fridays, and 11.30 a.m. on Saturdays, but that no shop assistant shall be required to work those hours on more than five consecutive days in any one week or more than 80 hours in any period of two consecutive weeks. (In the case of hairdressers, the hour of 5.30 p.m. is altered to 6 p.m. and the hour of 11.30 a.m. is altered to 12.30 p.m.—this has been dealt with in an amendment.) It is further provided that time worked after 5.30 p.m. on a Friday and time worked on a Saturday will be paid at such "additional hourly rates of pay" as directed by the commission or the appropriate conciliation committee. (In the case of hairdressers 6 p.m. is substituted for 5.30 p.m.). The effect of this amendment is that, if shop assistants were to be paid only ordinary time or penalty rates, it would be necessary for them to work a roster, since the amendment proposes that ordinary time must be worked on five consecutive days.

The Government is not willing to start a roster system within the retail trade, and it is not willing to accept that Parliament shall direct the court what to do in the matter of hours yet not be willing to say what remuneration employees should receive for working those hours. If honourable members want to fix hours, it is only fair and reasonable that they should also fix the penalty rates that will be paid. To say, as the Hon. Mr. Potter did yesterday, that hundreds of people are already working at weekends at ordinary rates of pay is simply not true.

The Hon. F. J. Potter: Ordinary hours.

The Hon. A. J. SHARD: But the honourable member did not say that these people were getting penalty rates.

The Hon. F. J. Potter: These would be on penalty rates, too.

The Hon. A. J. SHARD: The honourable member would not admit that yesterday. I know that people are working Saturdays and Sundays, but they are working only a five-day week.

The Hon. F. J. Potter: Of course they are.

The Hon. A. J. SHARD: What is the difference?

The Hon. F. J. Potter: That is what we would like to know.

The Hon. A. J. SHARD: This is not an essential service that must be provided seven days a week.

The Hon. F. J. Potter: It is a kind of essential service.

The Hon. A. J. SHARD: I went through this 20 years ago in relation to the breadcarters. This is not an essential, six-day-a-week service, and that has been proved in different parts of the world. I refer, for instance, to the position in Tasmania and New Zealand. Anyone should be able to purchase what he wants in a five-day shopping week.

The Hon. F. J. Potter: You are against Saturday morning trade?

The Hon. A. J. SHARD: Personally, I believe there should be five-day trading. I have always advocated that.

The Hon. M. B. Cameron: I believe that may also be the Government's view.

The Hon. A. J. SHARD: That is my personal view; I am not committing the Government. I advocated a five-day week long before most people did. What is more, I was successful in bringing it about in the industry with which I was connected. That industry has proved conclusively it has not needed seven days a week, and so it can be with the shop assistants. If members opposite want to take that a step further, on their statements, not mine, the people who were loudest in seeking the retention of Friday night shopping previously now do not want Friday night shopping, after the shops have been closed for about 12 months.

The Hon. C. R. Story: Is that so?

The Hon. A. J. SHARD: That is what I have been told. Am I right or wrong?

The Hon. D. H. L. Banfield: Of course you are right. The Hon. Mr. DeGaris said there was not such a great demand for it now.

The Hon. A. J. SHARD: If there were no Saturday shopping in the retail industry and if everyone competed fairly, within 12 months there would be no demand for Saturday morning shopping.

The Hon. M. B. Cameron: Are you advocating that?

The Hon. A. J. SHARD: No, I am telling the Committee my personal view. We are not prepared to tell people they must work five or six days a week and also work after hours, and not at the same time fix penalty rates to protect the employees. I ask the Committee to reject the amendments.

The Hon. M. B. CAMERON: I believe the Chief Secretary might have come close to the real truth of the matter. I do not believe the Government really wants Friday night shopping, and I believe these new sections have been introduced to ensure that it does not return to those areas that were deprived of it by the Government on a previous occasion. I am very disappointed that the Government has seen fit not to accept the amendments. I have faith in the Industrial Commission to protect the people employed in this industry and to set appropriate penalty rates, and I am surprised that the Chief Secretary and other members express a lack of confidence in the commission about protecting the employees in this industry. I support the amendments.

The Hon. F. J. POTTER: The Chief Secretary said one puzzling thing. He said that if Parliament fixed the hours it must also fix the rates, but Parliament has fixed hours for donkey's years and it has never before fixed the rates. That is left to the courts.

The Hon. D. H. L. Banfield: What about barmaids?

The Hon. F. J. POTTER: Just because of one instance when the Labor Party rammed that through this Council, its members are not going to get away with ramming this Bill through. The liquor industry is greatly subject to price control in the products it handles.

The Hon. D. H. L. Banfield: There are articles here subject to price control.

The Hon. F. J. POTTER: Do not let us bring in another red herring. For years the hours have been fixed under the Early Closing Act, but Parliament has never fixed rates of pay. That has been left to the proper tribunals which, exercising industrial principles, have awarded extra rates of pay, including penalty rates for Saturday morning work, and for night work occasionally (at Christmas time or on other special occasions). Now suddenly, because we are to extend hours from 5.30 p.m. until 9 p.m: on Fridays, the whole question of the fixation of overtime rates is to be dragged into this and made a sticking point in this legislation. I do not understand this.

The Hon. D. H. L. BANFIELD: I am wondering what the Hon. Mr. Potter knows that might come out in court. Perhaps that is why he is not so anxious to set a penalty rate. If we deny penalty rates to shop assistants, why should a person who manufactures goods for sale in shops that will stay open on Friday night and Saturday morning be allowed to have a five-day working week and, if he has to work on Friday night and Saturday morning, get overtime rates?

The Hon. M. B. Cameron: Who sets the rates?

The Hon. D. H. L. BANFIELD: They get an overtime rate if they work overtime hours to keep stocks coming forward to people in the retail industry. Why should shop assistants be singled out? It is nonsense for the Hon. Mr. Potter to tell us that the Labor Party railroaded the Licensing Bill through this Council, giving equal pay to barmaids. For the Hon. Mr. Potter to say that Parliament has never set rates of pay, and to repeat that on two occasions again today, is ridiculous. When we cite one instance of it he says the Government railroaded it through this Council.

Government members in this Councils are outnumbered four to one, yet the honourable member says we railroaded it through. On no occasion have Opposition members allowed any Bill to be railroaded through, and no-one can tell me that they were caught in a weak moment on that occasion. They were quite happy to set the rates of pay for barmaids, but they do not want to protect shop assistants.

The Hon. F. J. Potter: That did not cause a 5 per cent rise in liquor prices.

The Hon. D. H. L. BANFIELD: And this will not cause a 5 per cent rise in grocery prices. The Hon. Mr. Russack agreed with me that the figure is about 1 per cent. It will be nothing like a 5 per cent increase. To tell us these provisions should not be in the Bill is so much hogwash.

The Hon. E. K. Russack: I said 5 per cent.

The Hon. D. H. L. BANFIELD: No, the honourable member agreed with me on the figures I put forward yesterday.

The Committee divided on the amendments:

Ayes (12)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, F. J. Potter (teller), E. K. Russack, Sir Arthur Rymill, V. G. Springett, and C. R. Story.

Noes (5)—The Hons. D. H. L. Banfield, T. M. Casey, C. M. Hill, A. J. Shard (teller), and A. M. Whyte.

Pair—Aye—The Hon. H. K. Kemp. No—The Hon. A. F. Kneebone.

Majority of 7 for the Ayes.

Amendments thus carried; clause as amended passed.

Title passed.

Bill recommitted.

Clause 4—"Closing times"—reconsidered.

The Hon. F. J. POTTER: I move to insert the following new subclause:

(aa) by striking out from subsection (1) the passage "12.30 p.m." and inserting in lieu thereof the passage "11.30 a.m.".

As the Chief Secretary has pointed out, this consequential amendment is necessary following the alteration of the closing hour of 12.30 p.m. on Saturdays to 11.30 a.m. The amendment covers the anomaly between the metropolitan area and the country area.

Amendment carried; clause as amended passed.

Clause 5—"Limitation on meaning of expression 'shop assistant'"—reconsidered.

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

In new section 221b (1) *(a)* after "be" first occurring to strike out "no later than the hour of"; after "inclusive" to strike out "the hour of"; and after "and" first occurring to strike out "the hour of".

I am indebted to the Parliamentary Counsel, who has suggested some words that I think are more grammatical and also clarify the position in the case of new subsections. They do not touch the substance of the main amendment. As honourable members know, I moved successfully to change the word "cease" to "be".

Amendments carried.

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

In new section 221b (1) *(b)* after "be" first occurring to strike out "no later than the hour of"; after "inclusive" to strike out "the hour of"; after "and" first occurring to strike out "the hour of"; and to strike out "time" and insert "hours".

Again, these are drafting amendments and do not touch the substance of the matter.

Amendments carried.

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

In new section 221b (2) after "5.30 p.m." to insert "within ordinary hours of work"; and after "Saturday" to insert "within ordinary hours of work".

This amendment spells out what we intended and makes doubly clear that the provision of ordinary hours of work is not to preclude the awarding of penalty rates.

Amendment carried.

The Hon. F. J. POTTER moved:

In new section 221b (3) after "6 p.m." to insert "within ordinary hours of work", and after "Saturday" to insert "within ordinary hours of work".

Amendment carried; clause as amended passed.

Bill reported with amendments. Committee's report adopted.

The Hon. A. J. SHARD (Chief Secretary) moved:

That this Bill be now read a third time.

The Hon. R. C. DeGARIS (Leader of the Opposition): I shall vote against the third reading of the Bill. I voted against the second reading, because we had been right through this process before during the last session. The position now is that the Bill is in some order and fair to all concerned as far as 9 p.m. closing on Friday is concerned. However, in view of the statements made by the Premier, I do not believe he will accept any amendment to the Bill as drafted. Therefore, I shall vote against the third reading.

The Hon. L. R. HART (Midland): If this Bill takes its full course, it will undoubtedly end up as the subject matter of a conference. We have spent the whole afternoon trying to

arrive at some sort of compromise, but the Government is adamant that it will not accept the amendments made to the Bill.

The Hon. T. M. Casey: We shall not move an inch.

The Hon. L. R. HART: This means that the afternoon has been an utter waste of time and effort. I ask those honourable members who intend to support the Bill to take stock of themselves. Are they prepared to accept a Bill that includes the rates of pay of a particular section in a particular industry? That is what it means, because there is no alternative other than to accept the Bill as it stands. The amendments made will be rejected out of hand by the Government. So those honourable members who intend to support this Bill must ask themselves whether they are prepared to support legislation that will set the pattern not only for the retail industry but also for all industry throughout Australia, a pattern that will provide for the inclusion of rates of pay in Acts of Parliament, an unprecedented situation. Are we to be the first House in Australia to give in under this pressure?

The Hon. D. H. L. Banfield: You did it for the barmaids.

The Hon. L. R. HART: This pressure is being and will be applied throughout the whole of Australia. We have heard a lot about barmaids, but this situation is slightly different. The Hon. Mr. Banfield has been trying to draw analogies for the whole week, but they do not fit. I ask those members who are prepared to vote for this Bill to consider the precedent they may be setting, which will affect everyone in Australia.

The Hon. C. R. STORY (Midland): I, too, oppose the Bill at the third reading stage, for exactly the same reasons as I enunciated at some length when the Bill was last before this Council. Nothing brought forward by the Government is new. Therefore, once more I oppose the measure.

The Hon. M. B. CAMERON (Southern): I support the third reading of the Bill. It has been altered in Committee and there are now clauses in it that make it acceptable.

The Hon. T. M. Casey: The Government will not accept the amendments; it has said so.

The Hon. M. B. CAMERON: It will be right back in the Government's court if it refuses to accept these amendments. It will not be giving back to the people what it took away from them in 1970. It is entirely its prerogative whether or not the people get back Friday night shopping. I still believe that the two matters that have been amended in this Council were put into the Bill to ensure that the Bill failed. Those people affected by this Bill will see it for what it is—an attempt to create an election issue in this matter so that the Government can say to the people, "We tried to get it back for you but we could not because of the attitude of the Legislative Council." I support the third reading and hope the Bill will pass in this form. Let any blame for it lie on the Government.

The Hon. M. B. DAWKINS (Midland): I, too, oppose the Bill at the third reading stage. I said during the second reading debate that this Government was showing a cynical and irresponsible disregard of the clearly expressed wishes of the people at the referendum two years ago, and it has now tried twice to get itself off the hook in areas where it thinks it is vulnerable. The reason for this cynical disregard is the Government's wish to get itself off the hook in this way. The amendments of the Hon. Mr. Potter and the Hon. Mr. DeGaris have certainly improved the Bill, but we have had a clear expression from Government members this afternoon and also from the Premier in the press that the Government will not accept any amendments. Therefore, with my colleagues the Hon. Mr. Hart and the Hon. Mr. Story, I have no alternative but to oppose the Bill.

The Council divided on the third reading:

Ayes (10)—The Hons. D. H. L. Banfield, T. M. Casey, M. B. Cameron, Jessie Cooper, R. A. Geddes, C. M. Hill, F. J. Potter, A. J. Shard (teller), V. G. Springett, and A. M. Whyte.

Noes (6)—The Hons. M. B. Dawkins, R. C. DeGaris, L. R. Hart (teller), E. K. Russack, Sir Arthur Rymill, and C. R. Story.

Pair—Aye—The Hon. A. F. Kneebone. No—The Hon. G. J. Gilfillan.

Majority of 4 for the Ayes.

Third reading thus carried.

Bill passed.

ROAD TRAFFIC ACT AMENDMENT BILL (SAFETY)

Adjourned debate on second reading.

(Continued from August 22. Page 904.)

The Hon. R. A. GEDDES (Northern): I support the Bill. This measure contains numerous clauses that deal largely with problems of road safety. As the second reading explanation is fairly comprehensive, containing a factual statement of the contents of the Bill,

and bearing in mind that other honourable members have spoken to this Bill, I wish to confine my remarks to specific clauses, especially those clauses dealing with regulations. Clause 13 provides:

A driver shall not diverge to the right or left, turn his vehicle to the right or left, stop, apply the brake of his vehicle, suddenly decrease speed, or make a U turn, without giving a signal in accordance with the regulations.

I well recall, when the Hon. Mr. Bevan was the Minister of Roads in this place, that he introduced amendments to the Act which spelt out how the direction indicators on vehicles would be operated when vehicles diverged from left to right or in the way outlined in this clause. However, Parliament's knowledge of these matters will now be confined to regulations. It is difficult for members of Parliament, and especially members of the public, to find out exactly what the regulations state and what is their effect, and this creates a major problem. There is one main regulation under the Act which was printed in August, 1962, and there are 25 amending regulations, some of which regulations amend amendments. In one case, an amendment to a regulation that has been repealed—

The Hon. R. C. DeGaris: It is complicated.

The Hon. R. A. GEDDES: It is most complicated and, in a court of law, a case could be lost as a result of this situation. I asked the Parliamentary Librarian for information dealing with turning indicator lights on motor vehicles and with the sort of lights required for trailers, and it took this trained officer just over half an hour to go through the regulations to check the amendments that had been made through the years and to find out exactly what were the requirements, yet he had all the information virtually at his fingertips. I am not rubbishing the principle of regulations as much as I should like to, because I realize that, as the explanation of the Bill states, there is a need in this modern age to have a greater degree of flexibility regarding road safety and road transport matters than this Parliament has been willing to provide in the past.

However, I consider that we must take a close look at the regulatory system, especially if further amending legislation in the future is likely to create greater confusion or more difficulties for even a trained person when trying to obtain the correct information. Under the present situation, how in the world can the ordinary motorist be sure that he is complying with the law? In many cases the only way that members of the public can learn of changes in regulations is through reports in the newspaper. First, I believe that the regulations should be updated and consolidated so that they can be clearly understood and followed. I am referring especially to matters involving motor vehicles, because road safety is of paramount importance to the whole community.

Secondly, I refer to the responsibility of Parliament in passing legislation dealing with these problems. The road toll is causing everyone grave concern. The records show that up until yesterday morning the rate of road deaths is not increasing this year to the extent that it has increased in other years, but the rate is still alarming. In 1970, up until August 23 of that year, 223 people had been killed on the road. Up to the same date in 1971, 189 people had been killed, and in this year up to yesterday 191 people have been killed on South Australian roads.

I believe that a Parliamentary Standing Committee should be established, to be called the Road Traffic and Road Safety Select Committee. It should consist of members of both Houses, and its function should be to advise the Minister on all facets of road traffic and road safety. The committee would receive from all sources suggested amendments to legislation and to the regulations, and it would inform the Minister whether it approved or disapproved of those amendments or whether it wished to amend them further. Upon the committee's agreeing to the amendments, they would be submitted to the Joint Committee on Subordinate Legislation. It is extremely difficult at present for members of Parliament to answer questions from constituents about regulations governing trailers, flashing indicators, and other matters dealing with road safety. If the matter is dealt with in an Act of Parliament, an honourable member can go to the library and within minutes look up the relevant Act but, if he has to turn to regulations, it becomes very difficult. In fact, members of Parliament are not provided with regulations.

There is a need to acquaint Parliament, particularly a committee of the type I am suggesting, with the advice coming from all sources. If that is done, sound and constructive advice can be given to the Minister. On July 8, 1971, an announcement in the *Government Gazette* said that the laden weight of a caravan was not to exceed the weight of the vehicle that was towing it. As all honourable members know, once an instruction is gazetted it becomes law. That announcement would have put off the road about 98 per cent of the

caravans in South Australia and caravans coming from other States. Of course, most caravans weigh more than do the vehicles towing them. Consequently, on the following day a supplementary *Gazette* had to be issued revoking the earlier instruction. If a standing committee of the kind I have suggested had existed and if that instruction had been considered by it, the committee members might well have seen the folly of the instruction and realized that it was not a practical proposition.

Clause 17 deals with windscreen wipers and windscreen washers, very necessary adjuncts to a motor car. I have a brand-new motor car on which the windscreen washers do not work, and I cannot get them fixed. If a regulation has been framed by a backroom boy who does not have practical knowledge, that regulation is likely to be restrictive. However, the criticism about such a regulation will be directed at Parliament, particularly the Minister involved. Although it may be repugnant to members to agree to give greater regulation-making power to the Minister, I see the need for it because of the importance of road safety. New section 138b confuses me; it provides:

> The board may, if it is satisfied that proper cause exists for so doing, by instrument in writing under the hand of the secretary, or by notice published in the *Gazette,* exempt, subject to such conditions (if any) as may be specified in the instrument or notice any vehicle, or vehicles of any class. . . .

We have a two-pronged provision here: a motorist can get a letter from the secretary saying that a vehicle is exempt, or a notice can be published in the *Gazette* saying that a vehicle is exempt. The secretary may give a motorist a letter saying that his vehicle is exempt from some requirements of the Road Traffic Act. On selling the vehicle the motorist may find that he has lost the letter from the secretary. In that case, how will the new owner get on? Will he have to get another letter? Would it not be better for all such exemptions to be gazetted? I should like to hear the Government's views on this matter and on my suggestion about the formation of a Joint Committee on Road Traffic and Road Safety to advise the Minister prior to regulations and amendments being submitted to the Parliamentary Counsel or to the Joint Committee on Subordinate Legislation.

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

JUDGES' PENSIONS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 23. Page 955.)

The Hon. A. J. SHARD (Chief Secretary): The debate was adjourned last evening because of a query raised by the Hon. Mr. Potter and, in order to put the record straight, I make the following explanation. The Hon. Mr. Potter in his speech raised a question as to the reason for the differences in the adjustment of pensions provided for in this Act and that provided for in the other associated Bills. The reason for this variation is that, because of the relatively small number of pensioners under the Judges' Pensions Act, it is more convenient to vary the pensions individually by proclamation, although the net result of this variation will be that pensioners under the Judges' Pensions Act will be treated in the same way as pensioners under the associated Acts that provide for pensions. As I said earlier, I remind honourable members that the principle of varying pensions under the Judges' Pensions Act by proclamation has already been accepted by this Council, and in this regard I draw honourable members' attention to section 12 of the principal Act. I understand that the Hon. Mr. Potter will accept my comments.

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

SUPERANNUATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 23. Page 955.)

The Hon. R. A. GEDDES (Northern): In supporting the Bill, I compliment the Government on being realistic about the problems of those receiving pensions under the Superannuation Act, which deals with the Public Service of this State. The principles behind this Bill, as well as the Bills we discussed yesterday and the Judges' Pensions Act Amendment Bill that we discussed this afternoon, are all in line with granting a small increase to those people receiving a pension who will always have difficulty in making the dollar go far enough.

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

ADJOURNMENT

At 5.8 p.m. the Council adjourned until Tuesday, August 29, at 2.15 p.m.