LEGISLATIVE COUNCIL

Thursday, August 28, 1975

The PRESIDENT (Hon. F. J. Potter) 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:

Business Franchises (Miscellaneous Provisions).

Supply (No. 2).

QUESTIONS

MINISTERIAL APPOINTMENT

The Hon. R. C. DeGARIS: I direct my question to the Chief Secretary, as Leader of the Government in the Council. With the transfer of the South Australian Railways operations to the Commonwealth Government, a large Ministerial responsibility will be removed from the Minister of Transport. Although I do not know what percentage of the Minister's work relates to railways operations, it would be a fair part of his Ministerial duties. Does the Government intend to proceed with the appointment of the twelfth Minister in South Australia, bearing in mind this transfer of Ministerial responsibility to Canberra?

The Hon. D. H. L. BANFIELD: Yes.

ANIMAL EXPORTS

The Hon. R. A. GEDDES: I seek leave to make a statement before directing a question to the Minister of Lands, in the absence of the Minister of Agriculture.

Leave granted.

The Hon. R. A. GEDDES: It was reported in this morning's press that the Australian Minister of Agriculture (Senator Wriedt) said that the rules concerning the live export of cattle will be eased to help alleviate some of the problems facing the cattle industry. The article also states:

In normal times these cattle must be slaughtered and processed in Australia before export.

What statutory rules have been passed by the Commonwealth Parliament or by State Parliament prohibiting the sale of live cattle for export purposes?

The Hon. T. M. CASEY: I will refer the question to my colleague and ask him to obtain a reply for the honourable member.

STRIKES

The Hon. C. M. HILL: I seek leave to make a short statement prior to directing a question to the Chief Secretary, as Leader of the Government in this Council.

Leave granted.

The Hon. C. M. HILL: I refer to a report in today's press concerning a Victorian strike which threatens the jobs of 4 500 workers at Chrysler Australia Limited's plants. In the report a union representative from the Vehicle Builders Union stated that it was expected that about 3 000 workers would be laid off from the Tonsley Park plant unless supplies of seat springs from a strike-bound Victorian factory were forthcoming. He said these people were expected to be laid off next Monday.

The Hon. N. K. Foster: You're not interested in the workers—

The Hon. C. M. HILL: If the honourable member is interested in the welfare of the workers, he should listen.

The Hon. N. K. Foster: You're not consistent, that's your trouble.

The Hon. C. M. HILL: The union spokesman said that a further 1 500 workers would be stood down from the Lonsdale and Finsbury plants at a later date if the strike in Victoria was not settled. The Deputy Chairman of Chrysler Australia Limited agreed with that view and, amongst other things, he said:

Our workers do not want this plant closed, and our company certainly does not want to see this happen.

Is the Government aware of this situation and the seriousness of it? Can the Government immediately initiate any communications or negotiations in an effort to assist the South Australian workers and the company in this expected industrial crisis?

The Hon. D. H. L. BANFIELD: The Government is always concerned when there is a possibility that workers will become unemployed. We have heard from time to time of the incidence of strikes in South Australia but, when we look at the figures, we find that South Australia has, in fact, the lowest number of man hours lost in comparison with other Australian States. I do not know what action the Government can take to intervene in this matter, but the answer is "Yes", we are concerned, and I will see whether something can be done to ensure that South Australian workers are not unemployed.

CHIROPODY

The Hon. J. E. DUNFORD: I seek leave to make a brief explanation prior to directing a question to the Minister of Health.

Leave granted.

The Hon. J. E. DUNFORD: Has the Government any intention of providing schoolchildren with chiropodist care? Such a service has been sought for some time by the trade union movement, by parents, by doctors, and by the Australian Chiropodists Association.

The Hon. D. H. L. BANFIELD: Presently the Government has no plans to introduce a chiropody treatment programme for schoolchildren.

MEMBERS' AIR TRAVEL

The Hon. M. B. DAWKINS: Has the Minister of Lands a reply from the Minister of Works to the question I asked on August 7 concerning members' air travel?

The Hon. T. M. CASEY: The honourable member's question has been considered by the Minister of Works, who has advised that no further consideration will be given to air travel by members of this Chamber.

CITY CAR PARK

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

Leave granted.

The Hon. C. M. HILL: I direct the question to the Minister for the Environment because I understand that he handles the whole question of conservation. I refer to the report that an eight-deck car park is shortly to be built to accommodate 800 cars on the corner of Pulteney and Rundle Streets in the city of Adelaide. The reported cost was approximately—

The Hon. N. K. Foster: What about the push bikes and motor cycles?

The Hon. C. M. HILL: —$5 500 000. I believe the report indicated that some bicycles and motor cycles would be parked there also. The site is known as the Foy and Gibson site, and the proposed development is part of the general mall concept which has been approved.

The plan indicated that a scheme of planting boxes was to be incorporated in the building so that it would ultimately be creeper-covered and, with hanging plants, would provide foliage which would extend along the girders in the building. The present facade of the building has a character and a charm reminiscent of old Adelaide. It comprises the very kind of architecture which those interested in conservation and the retention of Adelaide's history are going to great lengths to retain, both in residential and in commercial buildings throughout the city. The retention of such facades is a practice which is occurring in all parts of the world. For example, in the Strand in London, opposite South Australia House, a vast new commercial building is under construction but the front wall of the old building, which otherwise would have been demolished, has been retained and is being incorporated entirely in the new development.

My questions are directed in an endeavour to change the plans of this car park as they have been announced so that the beautiful walls that exist there at present can continue to grace our city. My questions are: has the Government investigated the desirability of retaining the existing Rundle and Pulteney Streets frontage walls in this development and, if so, why are they not being retained? Secondly, if the Government has not done this, will it make immediate inquiries with a view to insisting that such facades be retained?

The Hon. T. M. CASEY: I will refer the honourable member's questions to the Minister for the Environment and bring down a reply.

IMPORTS OF MEAT

The Hon. R. A. GEDDES: I direct my question to the Minister of Lands, in the absence of the Minister of Agriculture. It would be appreciated if the Minister of Agriculture could provide me with the following information: what amount of beef, veal, mutton, and lamb has been imported from interstate into the metropolitan area during the past three years? What are the monthly figures of the imports from interstate of these meats over the past 12 months? What are the figures for similar periods of the amount of meat brought into the metropolitan area from South Australian meatworks other than Samcor?

The Hon. T. M. CASEY: I will refer the questions to my colleague.

TROTTING

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation prior to directing a question to the Minister of Tourism, Recreation and Sport.

Leave granted.

The Hon. R. C. DeGARIS: Yesterday the Minister was good enough to give me a reply to a question I directed to him with regard to information sought on the South Australian Trotting Control Board in relation to licensing or the renewal of licences for people involved in the trotting industry. In his reply the Minister said:

> This policy is in line with that of controlling bodies in other States, which, similar to the Trotting Control Board, would not refuse to issue or renew a licence unless the person concerned had been convicted of serious offences.

I again draw the Minister's attention to the form that applicants are asked to sign. I stress the following words included in the form:

> I hereby request the Commissioner of Police to make available to the Secretary of the South Australian Trotting Control Board, should the board so desire, full details of any convictions or any other information which the Police Department may have in reference to me.

Those last words tend to invade the privacy of the applicant. I do not mind details of convictions being made available, but requiring any other information that the Police Department may have is taking the matter too far. Will the Minister again take up this matter to see whether the form can be changed to refer only to convictions? The Minister's reply yesterday indicated that only convictions would form the basis for a licence refusal.

The Hon. T. M. CASEY: I shall be happy to do that for the Leader.

WEST BEACH RESERVE

The Hon. C. M. HILL: Has the Minister of Tourism, Recreation and Sport a reply to my recent question about the West Beach reserve?

The Hon. T. M. CASEY: The statements quoted by the honourable member were reportedly made by the Chairman of the West Beach Trust, Mr. J. A. Wright, and outlined proposed long-range plans of the West Beach Trust for the development of cultural, educational and recreational facilities on the West Beach reserve. Bearing in mind these statements, my department has not found it necessary, nor has it been requested, to duplicate activity and produce a broad or long-range plan for the development of the West Beach Trust reserve. Nevertheless, discussions between officers of the department and the trust have been taking place for some time as to the possibility of developing various forms of recreation facility on the reserve. The department will consider any application for assistance placed before it by the West Beach Trust.

SUBSTANDARD HOUSE

The Hon. C. M. HILL: Has the Minister of Lands a reply from the Minister of Local Government to my recent question concerning the reasons for refusal to demolish a small, substandard house in South Adelaide?

The Hon. T. M. CASEY: An application was received by the City of Adelaide from South Australian Co-operative Bulk Handling Limited in January, 1975, seeking permission to demolish the dwelling at 23 O'Halloran Street and use the land for the extension of a car park. As the proposal was for a use other than the existing use or an approved use, it was contrary to Planning Directive No. 1 issued pursuant to section 42g of the Planning and Development Act, and therefore the council refused consent. This matter was also considered by the City of Adelaide Development Committee, which committee refused approval.

The City of Adelaide Development Committee received a letter from the company on April 14, 1975, seeking reconsideration of the proposal, and the committee referred the matter to the city council with a recommendation that the council's city planning committee give consideration to undertaking a study of the feasibility of redeveloping the area in the vicinity of 23 O'Halloran Street for residential purposes, which redevelopment may incorporate a low-scale building for car parking on the property owned by South Australian Co-operative Bulk Handling Limited to replace the existing open lot car parking contiguous with the property at 23 O'Halloran Street.

At its meeting on August 11, 1975, the city council deferred consideration of the matter, as advice had been received that an application showing landscaping and car parking arrangements with suitable ingress and egress would be forthcoming shortly. At that time, a report will be prepared for consideration by the relevant committee of the council and a decision made thereon.

MEDIBANK

The Hon. N. K. FOSTER: I seek leave to make a short explanation before directing a question to the Minister of Health.

Leave granted.

The Hon. N. K. FOSTER: I understand that doctors in the Elizabeth area are not co-operating in that very fine scheme recently introduced by the present Federal Treasurer; I refer, of course, to Medibank. I do not expect the Minister to give a reply on this now, but could he have a report brought down in this Council dealing, first, with the question of the extent to which doctors in the Elizabeth area are bulk billing patients; secondly, are any beds vacant in Lyell McEwin Hospital as a result of the attitude of the doctors in referring patients or having them admitted to private hospitals far removed geographically from their own area; and, finally, if this situation is prevalent will the Minister take every action necessary to bring about the end of this most undesirable practice by having it made known, if possible, that this Government will not tolerate such gross inequities as are being experienced by people who are forced away from their own area for hospitalisation, even to the extent of having investigations made into the possibilities of doctors being moved into the area from oversea countries or elsewhere for the benefit of the population in Salisbury and Elizabeth areas?

The Hon. D. H. L. BANFIELD: True, on the introduction of Medibank we received very little co-operation from doctors in the Elizabeth area. However, deputations and meetings have been arranged between doctors and representatives of the Australian Medical Association in relation to the Lyell McEwin Hospital. The doctors have been advised that the Government will take action to recruit doctors from oversea countries to see that people get what they are entitled to following the introduction of Medibank. I have no figures showing the number of doctors who are bulk billing, but I shall obtain a report along the lines of the question asked by the honourable member.

The Hon. C. M. HILL: In what countries are inquiries being made for doctors to be recruited?

The Hon. D. H. L. BANFIELD: The recruitment will take place in the countries in which doctors are available. We are attempting to get them from the United Kingdom, and no doubt advertisements will be placed in other areas as well. I hasten to add, of course, that, before a doctor is allowed to practise in Australia, he must pass a certain standard. Provided that he can pass the test we have no objection to his practising.

CONSTITUTION ACT AMENDMENT BILL

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

CRIMINAL LAW (SEXUAL OFFENCES) AMENDMENT BILL

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

STAMP DUTIES ACT AMENDMENT BILL

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

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

The purpose of this Bill (which is identical to the Bill which lapsed at the end of the last session of Parliament) is to prevent loss of revenue through a device that is becoming increasingly common. It is possible where land is sold or otherwise transferred to split the transfer into a number of separate instruments, each relating to a proportionate part of the total interest to be conveyed. For example, a transfer of land valued at $60 000 could be split into 10 separate transfers, each for a one-tenth interest in the land. Because of the progressive scale of stamp duties, the 10 separate transfers would be stamped for substantially less than a single transfer based upon a consideration of $60 000. The Bill inserts a provision designed to rectify this matter and thus prevent substantial loss of revenue to the State.

The opportunity is also taken to deal with a number of minor matters that require attention in the principal Act. In particular, the Bill brings the provision relating to stamping of bills of exchange (other than bills payable on demand) into conformity with the present provisions of New South Wales and Victoria. The effect upon revenue of this amendment will be very small: the amendment is proposed merely for the purpose of the commercial convenience of those who deal in this kind of Bill.

Clauses 1 and 2 are formal. Clause 3 amends section 31f of the principal Act. This section relates to duty upon loan and rental transactions. The amendment raises the rate of duty in respect of rental business of 1.5 per cent to 1.8 per cent. The effect upon revenue of this amendment will be slight. However, there seems no justification in the differential between the rate of duty prescribed under subsection (2) relating to rental business and that prescribed in subsection (1). Clause 4 makes a formal amendment to the principal Act. Clause 5 enacts section 47a of the principal Act. This new section is to be read in conjunction with the new provisions in the schedule relating to duty upon bills of exchange. The new section deals mainly with the case where a bill is endorsed in a manner that alters the original effect of the bill.

Clause 6 enacts new section 60b of the principal Act. This new section deals with the case where a Real Property Act instrument is stamped but the transaction subsequently miscarries. In such a case, there is at present no provision for refund of the duty that has been paid. The new section provides for such a refund. Clauses 7 and 8 amend section 66a and enact new section 66ab, respectively. The intention of new section 66ab is to prevent loss of revenue through splitting land transfers. The amendments to section 66a merely bring the terminology of that section into line with that of the new section 66ab. Clauses 9 and 10 make consequential amendments. Clause 11 amends the schedule. Apart from some formal amendments to the schedule, these amendments merely bring the South Australian provisions relating to stamping of bills of exchange into line with those of New South Wales and Victoria.

The Hon. J. C. BURDETT: I support the second reading of this Bill, the main purpose of which is to prevent the loss of revenue which has arisen in the circumstances set out in the second reading explanation. The practice where a substantial parcel of land was to be transferred was to transfer undivided parts, totalling the whole, and thus attract the lowest rate of *ad valorem* stamp duty. The scale is, of course, a progressive one. One cannot blame the taxpayers who used this device: no-one is under the slightest obligation so to arrange his affairs or carry out his transactions that the tax man can take the largest possible shovelful out of his assets. However, the Government is quite entitled to protect this revenue and close the loophole in order to provide that what is substantially one transaction shall be stamped

as such. The other provisions of the Bill do what the Minister says they do. I support the second reading.

The Hon. C. M. HILL: I also support the Bill and I support my colleague, the Hon. Mr. Burdett, in everything that he has said. Obviously, judging on the practice here in Adelaide at the present time, there is a deficiency in the present legislation, and I believe it is only fair and proper that that deficiency should be rectified and the loophole closed. This is what the Bill will achieve, and for that reason I support it.

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

CIGARETTES (LABELLING) ACT AMENDMENT BILL

Read a third time and passed.

FOOD AND DRUGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 27. Page 478.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This is a simple Bill, and I support its second reading. The Bill does two things. First, it changes the requirement of county boards to have two auditors, only one auditor now being required. Secondly, it removes the obligation on county boards to publish in the *Government Gazette* the yearly audit and abstract of receipts and expenditure. I do not object to the first amendment in any way whatever: I believe a single auditor is sufficient for this purpose.

However, why does the Government believe it is no longer necessary for county boards to publish an abstract of receipts and expenditure in the *Gazette?* True, many people do not read the *Gazette,* but the *Gazette* is the only publication that gives the South Australian public information in relation to any part of Government or local government activity. Why does the Government believe it necessary to remove this obligation from county boards, no longer requiring them to publish an audit and abstract of receipts and expenditure in the *Gazette?* I do not take the point strongly, but one cannot help asking why this is necessary. I cannot see why this information should not be published, but perhaps there is a reason for it. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Constitution of county districts."

The Hon. R. C. DeGARIS (Leader of the Opposition): Why does the Government consider these provisions (especially the provision contained in paragraph (*c*)) necessary?

The Hon. D. H. L. BANFIELD (Minister of Health): For anyone interested in this information, it is available from the county board on request, and I understand the board is trying to cut down on certain unnecessary work and red tape. That is why the Government was requested to remove this provision from the Act.

The Hon. R. C. DeGARIS: How much red tape is involved in submitting the receipts and expenditure for publication in the *Gazette?*

The Hon. T. M. Casey: It is extra printing, and it is not necessary when the information is already available.

The Hon. R. C. DeGARIS: To whom?

The Hon. T. M. Casey: To anyone who wants it.

The Hon. R. C. DeGARIS: I question the reference to unnecessary red tape. The county board must first present its books to the auditor, who has to audit them, and the only thing that is being cut out is the publication of receipts and expenditure in the *Gazette.* Surely that cannot be said to be too much red tape, because all that the board must do is submit that information for publication in the *Gazette.* I do not see that as cutting out any red tape, but it is cutting out information that is made available to the public. What justification has the Government for preventing that information from being made available, through the *Gazette,* to the general public?

The Hon. D. H. L. BANFIELD: The Leader in his second reading speech made the point that few people read the *Gazette.*

The Hon. R. C. DeGaris: But interested people do.

The Hon. D. H. L. BANFIELD: If a person is interested in something, as the Leader suggests, the information is available to that person on application to the county board. It would probably be someone vitally interested in obtaining this information and, if he were sufficiently interested, he would apply to the county board for it. The county board considers that, because only a relatively few people read the *Gazette* (as the Leader has said), and because the information is available to anyone interested, it is not necessary for these details to be published in the *Gazette.* Whether much red tape is involved or not, extra printing is involved and, in seeking to reduce expenditure, this is possibly one way it can be achieved.

The Hon. R. C. DeGARIS: I am concerned that the Act currently requires this public body to publish a statement of its receipts and expenditure in the *Gazette.* The Government believes that this is no longer necessary, but the Chief Secretary has not satisfied me that it is no longer necessary. What is the next step? Are we going to say that we will save money by preventing the publication of other matters such as Government or local government information in the *Gazette?* If we limit what is published in the *Gazette* and say that people can obtain the information by approaching the appropriate organisation, I believe we are taking a step we may all later regret. I am not satisfied with the explanation the Government has given as to why the receipts and expenditure of county boards, which have a big responsibility in the metropolitan area, should not be published in the *Gazette.*

Clause passed.

Title passed.

Bill read a third time and passed.

AUSTRALIAN CONSTITUTION CONVENTION

The House of Assembly transmitted the following resolution in which it requested the concurrence of the Legislative Council:

That, whereas the Parliament of South Australia by joint resolution of the Legislative Council and the House of Assembly adopted on September 26 and 27, 1972, appointed 12 members of the Parliament as delegates to take part in the deliberations of a convention to review the nature and contents and operation of the Constitution of the Commonwealth of Australia and to propose any necessary revision or amendment thereof, and whereas the convention has not concluded its business, now it is hereby resolved:

(1) that all previous appointments (so far as they remain valid) of delegates to the convention shall be revoked;

(2) that for the purposes of the convention the following 12 members of the Parliament of South Australia shall be appointed as delegates to take part in the deliberations of the convention: the Hon. J. D. Corcoran, the Hon. D. A. Dunstan, Dr. B. C. Eastick, Mr. S. G. Evans, Mr. T. M. McRae, Mr. R. R. Millhouse, the Hon. R. G. Payne, Dr. D. O. Tonkin, the Hon. D. H. L. Banfield, the Hon. J. C. Burdett, the Hon. R. C. DeGaris, and the Hon. C. J. Sumner;

(3) that each appointed delegate shall continue as a delegate of the Parliament of South Australia until the House of which he is a member otherwise determines notwithstanding a dissolution or a prorogation of the Parliament;

(4) that the Premier for the time being, as an appointed delegate (or in his absence an appointed delegate nominated by the Premier), shall be the leader of the South Australian delegation;

(5) that where, because of illness or other cause, a delegate is unable to attend a meeting of the convention, the leader may appoint a substitute delegate;

(6) that the leader of the delegation from time to time make a report to the House of Assembly and the Legislative Council on matters arising out of the convention, such report to be laid on the table of each House;

(7) that the Attorney-General provide such secretarial and other assistance for the delegation as it may require;

(8) that the Premier inform the Governments of the Commonwealth and the other States of this resolution.

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That the resolution of the House of Assembly be agreed to.

The purpose of this motion is to enable members of this Parliament to continue to work with members of the Parliaments of the Commonwealth and the other States as delegates to a convention which was established to review the nature, contents and operation of the Constitution of the Commonwealth of Australia and to propose any necessary revision or amendment thereof. On September 26 and 27, 1972, this Parliament adopted a joint resolution that it should join in such a convention, and it appointed 12 of its members as delegates to it. Eight delegates were members of the House of Assembly and four were appointed by this Council. This motion is to substantially the same effect as the joint resolution adopted in September, 1972.

Paragraph (1) revokes previous appointments to the convention. Paragraph (2) appoints 12 delegates of the South Australian Parliament to the convention, and paragraph (3) sets out the terms of office of delegates. Paragraph (4) appoints the Premier for the time being, so long as he is a member of the delegation, as leader of the South Australian delegation. Paragraph (5) enables substitute delegates to be appointed at short notice when an appointed delegate is unable to attend a meeting of the convention. Paragraph (6) provides that the delegation will report to Parliament periodically on matters arising out of the convention. Paragraph (7) provides for secretarial and other assistance for the delegation, and paragraph (8) requires the Premier to inform the Governments of the Commonwealth and the other States of this resolution. The second plenary session of the convention is scheduled to be held in Melbourne from September 24 to September 26, 1975. In view of the Government's legislative programme, an arrangement has been made for eight delegates to represent the full delegation at the Melbourne session. This will enable the two Houses to continue in session while the delegation is attending the convention.

The Hon. R. C. DeGARIS seconded the motion.

Resolution agreed to.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (SEX DISCRIMINATION)

Adjourned debate on second reading.

(Continued from August 27. Page 480.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading of the Bill, although in many ways I doubt its efficiency. I have no doubt that, if the Bill passes in its present form, further amendments to it will have to be moved later, after it has been in operation. In speaking to the Bill, the Hon. Mr. Laidlaw said:

First, it deals in the industrial sense with matters arising out of the report of the Select Committee on Sex Discrimination in another place; secondly, it facilitates the operation of the principles of wage indexation enunciated by the Australian Conciliation and Arbitration Commission in its judgment on April 30 last.

Having looked at the Bill, I think that is largely true: they are the two things that the Bill does. I have some difficulty in understanding why the heading of Division III, namely, "Living wage", is being changed to "Alteration of awards". Although I realise that headings mean nothing in relation to the law itself, I think a more accurate heading for this division could have been devised.

There is also the possibility that the legislation could act to the detriment of female employees. I suppose it could be said that, if special award provisions should not be applied to female workers, that, in itself, is discrimination. Under the existing legislation and judgments that have been handed down, female employees enjoy certain benefits.

The Hon. N. K. Foster: Like riding in a car instead of catching a tram.

The Hon. R. C. DeGARIS: The Hon. Mr. Foster would know that certain benefits in relation to female employees exist in some determinations. I am concerned that that, in itself, is discrimination. Clause 3 (*c*) of the Bill strikes out from the Act the definition of "living wage". It seems reasonable that, if the living wage concept is to be abolished, the definition of "living wage" is no longer relevant to the Act. I think all honourable members would agree that this seems eminently reasonable.

However, no definition is being inserted in the Act in relation to what the Bill does. It really applies the concept of total wage, which appears to be the new concept in this legislation. Perhaps a definition of "total wage" is required. I ask the Minister in charge of the Bill to examine this matter and see whether a further definition is required, following the repeal of the definition of "living wage".

A new concept is being applied, although there is no definition in the Bill regarding what that concept is and what it means. It seems that the principal purpose of the Bill is to abandon the living wage concept and to adopt a total wage concept. If that is the case, it seems to me that sections 36 to 39 inclusive of the Act may still be required, with minor amendments. However, the Bill deletes entirely those sections of the principal Act.

I also seek from the Minister information regarding the deletion from the Act of section 78, which is repealed by clause 10 of the Bill. As I understand the position, the repeal of section 78 will allow a single commissioner to hear equal pay claims, with the possibility of differing decisions coming from a series of individual commissioners. In dealing with this matter, the Hon. Anne Levy touched on the difficulties involved. She said:

Equal pay for equal work is now a reality, although for many women workers equal pay for equal work is a meaningless phrase.

Later, the honourable member said:

If one thinks of a job such as that of a typiste, for example, there are no equivalents with which to compare it. So, if one says that equal pay is being implemented in such a case, the question must be, "Equal to what?"

Of course, this has always been, and will continue to be, a problem. It is not related solely to women in the work force, either. How does one compare the value of, say, a carpenter to that of a typist, or the value of a fitter and turner to that of a laboratory assistant, whether male or female? The intrusion into the argument of the

male *versus* female aspect does not alter the difficulties inherent in this problem.

I think all honourable members will agree that precision in determinations such as this is virtually impossible. The Hon. Anne Levy touched on this point, but confined it to the question of male *versus* female. However, I think the problem is much wider than that. I agree with what the honourable member said: equal to what?

Let me return to the question of females performing work of the same or like nature and of equal value. With section 78 disappearing from the Act by the operation of this Bill, no principles are laid down, and individual commissioners, and probably some of the chairmen of conciliation committees, could award equal pay as they saw the particular case. At present, under section 78, the question is determined by the Full Commission. Recently, the Full Court made a determination, in which it laid down certain principles on the whole question of equal pay. As section 78 of the Act is repealed by this Bill, will individual commissioners be able to disregard that test case by claiming that section 78 no longer exists in the Act?

I am concerned about the deletion of section 78, as I consider that we will move from an orderly situation to one in which a single commissioner or arbitrator, no matter in which role he performs his work, could make a determination without any overall guiding principles. The whole area is one in which any precise determination is extremely difficult, and for that reason I believe the Full Commission should make the determination and at least lay down guidelines and principles that can be understood by all who may want a determination from the court or commission. I believe that removing the right of the Full Commission to make that determination will result in our moving to a position where there are no overall guidelines for the determinations to follow. I do not object to the two principles in the Bill, but I would like answers to specific questions I have asked. I support the Bill.

Bill read a second time.

In Committee.

Clause 1—"Short titles."

The Hon. D. H. L. BANFIELD (Minister of Health): As, during the second reading debate, the Hon. Mr. DeGaris raised several matters on which I am seeking information, I ask that progress be reported.

Progress reported; Committee to sit again.

[Sitting suspended from 3.13 to 3.55 p.m]

Clause passed.

Clauses 2 to 9 passed.

Clause 10—"Repeal of section 78 of principal Act."

The Hon. R. C. DeGARIS (Leader of the Opposition): If this Bill passes without amendment, the provisions of section 78 (1), (2) and (3) of the principal Act will no longer apply. Those subsections lay down the guiding principles in relation to determinations made under that section. My concern was that single commissioners, for example, could make determinations of their own free will without any guiding principles. It has been pointed out in discussions that, under section 101 of the principal Act, reference can be made to the Full Commission. I still believe, although I will not take the matter any further, that it would have been better had the legislation followed the guidelines in section 78 of the principal Act. I am still not completely happy that we are approaching the matter correctly.

The Hon. D. H. L. BANFIELD (Minister of Health): Section 78 is no longer necessary in the principal Act, because the principle of equal pay has now been accepted. This does not mean that a question cannot be referred to the Full Commission, because section 101 enables any party before a single commissioner to refer a question to the Full Commission. If we do not repeal section 78, the Full Commission will be overloaded with work as a result of the inspections, etc., that will be necessary. The safeguard exists in the case of any party who wishes to refer a matter to the Full Commission.

The Hon. C. J. SUMNER: To retain section 78 in the Act would defeat the whole purpose of the legislation, which is to remove from wage determinations the concept of sex. When it considers these matters, the commission will be guided by the same principles as those by which it has been guided over the years. Certain principles are laid down, and commissioners follow them in considering work value assessments. The principles include length of training, responsibility in the job, and so on. These are the principles the commissioners will still be using to determine rates of pay, but the concept of sex will have no relevance to that inquiry.

Section 78 should be repealed. To require the Full Commission to carry out these work value inquiries that individual commissioners now carry out would be to bog down the Industrial Commission in a completely unacceptable manner. Many work value inquiries take up to six months to complete and, if this work were to be carried out by three commissioners, or by the President and two commissioners, the arrangement would be completely unworkable without a substantial increase in the composition of the Industrial Commission.

The Hon. J. C. BURDETT: I do not oppose the clause, but I share the reservations expressed by the Hon. Mr. DeGaris. Doubtless, as the Hon. Mr. Sumner said, the object of the Bill is to remove the concept of sex from the determination of wages, but I suspect that, whatever is said about removing the concept of sex, the differences that occur because of the difference in sex will make some determinations difficult. I accept that there could be appeals from parties not satisfied, and I accept that either party at any stage could, under section 101, request a reference to the Full Bench, but I am concerned about the inconsistencies that may occur, particularly in the early stages. It may be that in some matters before individual commissioners neither party will seek a reference or that neither party is sufficiently dissatisfied to appeal, but many determinations may be inconsistent or different in principle. It gives me some grounds for concern, but I do not oppose the clause.

The Hon. J. E. DUNFORD: I agree with the Hon. Mr. Sumner when he says that if clause 10 is not accepted the purpose of the Bill will be defeated. With equal pay coming to industry, I believe that more women will play a part in the work force in some occupations where men normally have held the franchise or held the major positions. The union I covered has many State awards and agreements, most of which have a living wage for males and a living wage for females, and the remainder of the award deals only with adult male rates of pay. Since the inception of the Regional Employment Development scheme, and since the effects of the present economic circumstances have become known, women have joined the work force. As one example, I quote the case of country councils where women are employed doing labouring and manual work. When a clerk of a council has telephoned

me to ask what a woman should be paid, I have told him to pay her according to the classification. The Hon. Anne Levy referred to this: people should be classified irrespective of sex. This is what the Bill means.

However, if a clerk rings the Chamber of Manufactures or the Employers Federation, he is told that the council can pay whatever it likes, that 75 per cent of the male rate is a reasonable thing because the award refers only to males and not to females. Another industry where anomalies occur is the pastoral industry. Farmers may employ the wife of a stationhand to milk the cows, but there is no rate of pay for females. Under federal awards there is no application unless the person concerned is a member of a union, so the grazier has two ways out. He says that there is no reference to females in the award, and the union will not apply to have females included in the award because it has no members in the industry; but, if it does have members in the industry, the union cannot apply, because there is no provision for equal pay. These are the difficulties that will exist in future.

With equal pay, jobs are classified irrespective of the sex of the occupant. We will not have the Chamber of Manufactures or the Employers Federation applying to the court, as can now happen, under section 78, and trying to destroy this concept. The Broken Hill Proprietary Company Limited is a perfect example in its exploitation of female labour. About 12 or 13 years age, I was able to get a bonus for male gardeners employed by the B.H.P. Company. They were the only B.H.P. employees who did not receive a bonus. As a result of long negotiations, in conjunction with other unions, a bonus was paid to them. Under the award, females were entitled to 75 per cent of the male rate, and the B.H.P. Company slowly but surely dispensed with the male gardeners and replaced them with female gardeners.

The position in the fruit industry is somewhat similar. If a female drives a forklift truck, that sets an example; men normally drive forklift trucks. However, men do not normally pack fruit. Fruit packing is usually the province of female workers. The representatives of the employers go to the court and say they have never seen men pack fruit and that it is not work of equal value, and they will argue that the male rate of pay should not apply. At the plant of Berri Fruit Juices, the females receive $80.10 and the lowest paid male receives $91.10. There is no equal pay in that situation. The concept of an equal minimum wage is there, but certainly not the concept of equal pay for all, irrespective of sex. If the Opposition is genuine about this, I think members should agree that sex should not be brought into the matter at all. Once a job is classified, if a female is able to do the work she should be paid a rate equal to that for the male.

The Hon. R. C. DeGARIS: I am not complaining about section 78, but pointing out that that section probably should not be repealed in its entirety. There is a subtle difference, and I realise that if section 78 remains in its entirety the purpose of the Bill will be defeated. I believe that certain principles contained in section 78 should be retained. I have detailed those matters, and I think there is a certain validity in what I have said on section 78. At present, all applications under section 78 for equal pay for females must be dealt with by the Full Commission. The complexity of the subject is such that I believe it should be dealt with, using the guidelines laid down.

The second important point which will disappear with the repeal of section 78 is the present principles dealing with females performing work of the same or like nature, or of equal value. I believe the guiding principles, although not clause 78 in its entirety, should be retained in the new situation. The Government does not accept the point I have made, but I predict that in the next 12 months we will see many amendments made to this legislation, perhaps along the lines I am suggesting at present.

Clause passed.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

At 4.17 p.m. the Council adjourned until Tuesday, September 9, at 2.15 p.m.