

to build new homes. There are problems associated with the purchase of homes. In the main the only persons who are selling houses at present are landlords whose places are tenanted, and therefore members of societies are unable to get homes in that way. We are dependent more or less on "spec" builders. That penalises the borrower because in many instances the society has to allow for a substantial profit to the "spec" builder.

The Government could assist the co-operative building society movement by amending the law to provide for the granting of a lump sum payment for the purchase of prefabricated houses, instead of for progressive payments by the societies in accordance with the work done. We should like provision to be made whereby we could purchase prefabricated homes. That would prevent the rush for materials and obviate the need for the calling of tenders. A prefabricated home having been purchased, suitable arrangements could be made for its erection, or perhaps the borrower himself could arrange for it to be built. While the rules of the societies and the conditions of the guarantees remain as they are we are precluded from paying a lump sum, and young people anxious to build their own homes are being deprived of the facilities that the building societies were able to provide before the war. I ask the Minister to take the matter up with the Minister for Co-operative Societies with a view to providing a service for the wage-earners of this State.

The Hon. R. R. DOWNING (Minister of Justice and Vice-President of the Executive Council) [5:41], in reply: I shall refer the Hon. J. A. Weir's suggestion to both the Minister for Transport and the Minister for Conservation. I am sure that they will appreciate his keen interest in this matter, and will endeavour to overcome the difficulty with which the Railways Department is faced. The Hon. Sir Norman Kater raised a matter on which there has been much controversy over the years. He speaks with some knowledge of the subject, and

I shall certainly draw the attention of the Chief Secretary to his remarks. The Hon. G. J. Cahill illustrated very clearly the difficulties with which the co-operative building societies are faced in the provision of new homes for their members. The Government is anxious to assist the co-operative societies. I will place the hon. member's suggestion before the Minister for Co-operative Societies, and hope that very soon I shall be able to give him a satisfactory answer.

Motion agreed to.

House adjourned at 5.42 p.m. until  
Tuesday, 5th June, at 4.30 p.m.

## Legislative Assembly.

Tuesday, 29 May, 1951.

Printed Questions and Answers—Questions without Notice—Transport Mechanics: Strike (Motion of Urgency)—Sessional Committee (House Committee)—Industrial Arbitration (Amendment) Bill (second reading)—Racing (Amendment) Bill—Local Government (Amendment) Bill (second reading)—Industrial Arbitration (Amendment) Bill.

Mr. SPEAKER took the Chair at 2.30 p.m.

The opening Prayer was read.

## PRINTED QUESTIONS AND ANSWERS.

### ANNUAL POWER CONSUMPTION INCREASE.

Mr. DARBY asked the DEPUTY PREMIER, SECRETARY FOR PUBLIC WORKS AND MINISTER FOR LOCAL GOVERNMENT;—(1) Is it a fact that he stated that 70,000 kilowatts of new demand occur each year in the interconnected system in New South Wales? (2) If the answer is in the affirmative, will he give details of the calculations which enabled him to arrive at that figure?

Answer,—(1) It is a fact that on the motion of censure in the Legislative Assembly on the 2nd May, 1951, I stated that the normal annual load increase was 70,000 kilowatts. (2) The figure of 70,000 kilowatts is an estimate of the increase in the demand for electricity which would be made by existing and

new consumers if there were no restrictions on the use of electricity and all additional requirements could be readily met by the supply authorities. Unfortunately, for reasons which I described in detail, it is not possible to meet these demands at present. Consequently, the estimated increase represents the additional load for which it is necessary to provide when increasing the power resources. The estimates of future demands are prepared each year by the various supply authorities from a knowledge of conditions in their areas of the general rate of increase in the demand for electricity and from information obtained about large additional loads such as the establishment of new factories, developments of the Joint Coal Board and the programme for main line electrification. The estimates are correlated by the Electricity Authority of New South Wales, with an allowance for diversity, transmission losses and power station auxiliaries to produce estimates of total load on the interconnected system for which it is necessary to provide power. It is estimated that if there were no restrictions on the use of electricity this winter, the maximum demand on the interconnected system might reach 770,000 kilowatts. An increase of 70,000 kilowatts would represent an increase of 9 per cent. which, if continued at a compound rate of increase each year, would cause the load to double in eight years. In many areas, such as those in which new housing developments are taking place, the annual rate of increase is 15 per cent. per annum or even more, but when allowance is made for the comparatively low rate of increase in the fully developed areas, an overall rate of increase of 9 per cent. per annum may be regarded as a high rate to be maintained by a large electricity system. Progressively severe restrictions on the use of electricity during the past few years and inability to measure maximum loads because of load shedding, have made it very difficult to estimate what the existing and future rate of growth might be if full supplies were available. As an improvement in the power position makes it possible to

relax the restrictions on the use of electricity, more accurate information about the trend in the demand for electricity will be obtained, and it is expected that plans for the extensions of the power resources beyond the large programme already in hand will need to provide for an even higher rate of increase in the demand for electricity as the State's economy continues to expand.

COOMA WATER SUPPLY.

Mr. SEIFFERT asked the DEPUTY PREMIER, SECRETARY FOR PUBLIC WORKS AND MINISTER FOR LOCAL GOVERNMENT,— (1) Is it a fact that some four years ago officers of the Public Works Department approved of additional storage in connection with the Cooma water supply; (b) if so, is it a fact that this decision was made by departmental officers long before it was known the Snowy River development work would commence? (2) Is it further a fact that the Snowy Mountains Hydro-electric Authority commenced operations at Cooma during October of 1949, and that the demand for water has increased out of all proportion to the previous estimate of the Public Works Department? (3) Is it a fact, also, that if the additional storage reservoir is not provided at Cooma prior to the advent of the forthcoming summer months, the whole water supply system will fail? (4) If the answers to (1), (2) and (3) above are in the affirmative, will he take all necessary action to ensure that the additional water storage is provided at Cooma before the commencement of summer, 1951?

Answer,—(1) (a) The firm proposal to provide this additional storage was dated 20th July, 1950; (b) the decision was made by the Cooma Municipal Council on the advice of my departmental officers and in the light of the then known Snowy River development work. (2) The proposal provides for an increase of 360 per cent. in the capacity of the system which, it is considered, will be satisfactory. (3) The existing system was recently increased in capacity from 13,000 to 17,000 g.p.h. and this can be further increased to 20,000 g.p.h. when

the pipes now at Cooma are laid. Unless the present rate of increase of population is greatly exceeded, it is expected that a capacity of 20,000 g.p.h. will be sufficient for the coming summer. (4) Every effort is being made to ensure that the additional water storage is provided as soon as possible. In view of the supply position, it is proposed to import prefabricated tanks from Great Britain, but it is unlikely that they can be obtained in time for erection before the coming summer.

#### COOMA ELECTRIC POWER SUPPLY.

Mr. SEIFFERT asked the DEPUTY PREMIER, SECRETARY FOR PUBLIC WORKS AND MINISTER FOR LOCAL GOVERNMENT,—

(1) Is it a fact that (a) the State Electricity Authority undertook to provide an electricity transmission line from Canberra to Cooma prior to May, 1951; and (b) this line has not yet been completed? (2) If the answer to (1) (b) above is in the affirmative, is it a fact that the local plant operated by the Monaro County Council is seriously overloaded and in grave danger of a complete breakdown as the result? (3) Is it further a fact that such a breakdown would not only cause considerable hardship to existing consumers, but would also seriously impede the developmental work being carried out by the Snowy Mountains Hydro-electric Authority at Cooma? (4) If the answers to (1), (2) and (3) above are in the affirmative, will he take all possible steps to ensure that the power line is treated as first-priority work by the State Electricity Authority?

*Answer*,—(1) It is not a fact that the State Electricity Authority undertook to provide this transmission line prior to May, 1951. It is a fact that the Southern Electricity Supply has been pressing on vigorously with the construction of this line, having as an objective its completion by this winter. However, owing to serious labour and materials shortages, this has proved impracticable. The construction gang on this work has been built up to over forty men, and will be enlarged further.

The whole of the work is being carried out by New Australians, as no appreciable number of Australian workmen could be secured for the project. The line (71 miles long) will require 925 poles, of which 670 have now been delivered and deliveries are coming to hand at an accelerated rate. The supply of poles was seriously delayed owing to the floods last year on the North Coast where the poles are obtained. Drilling of pole holes has been commenced, and the first drums of cable for the line have been delivered. Approximately 80 per cent. of the steel crossarms for the line are now on hand, but orders for the balance have been placed in France as these items were not available elsewhere. Efforts are being made to arrange special shipment of the steel crossarms from France. Other steel fittings are in short supply, but are being sought from every possible source. Work on the line is proceeding to a programme which is expected to result in its completion about the end of November of this year. (2) and (3) As at November, 1949, the plant installed at Cooma power station consisted of four diesel generating units, two of 80 kilowatts each, one of 150 kilowatts and one of 140 kilowatts rating (at Cooma). The maximum demand was 265 kilowatts. Since that date, the following plant has been installed or approved for installation:—

Rating of Unit.	Date	Date	
Nominal.	At Cooma.	Approved.	Installed.
150	110	16/3/1950	Mar. 1950
257	220	24/5/1950	26/6/1950
257	220	6/7/1950	1/2/1951
257	220	10/5/1951	

The two 80 kilowatt units have been retired. The total rating of installed plant is therefore 840 kilowatts (at Cooma) and the firm rating of the station (largest unit out of service) 620 kilowatts. The maximum demand so far carried is 815 kilowatts, which, however, is a restricted demand, owing to rationing, the unrestricted demand being estimated at 850 kilowatts. The four units which have been approved for installation since November, 1949, have been hired to the Monaro County Council by the Snowy Mountains Hydro-electric

Authority, since the units are required primarily to supply that authority's base depot established at Cooma. Insufficient diesel plant has been available to enable the rapidly increasing demand to be met, and in addition, space in the Cooma power station is very limited, so that it has become necessary to consider removal of the existing units to enable larger ones to be installed when available. It is understood that the Snowy Mountains Authority will shortly have a much larger diesel generating unit, probably of 536 kilowatts capacity, available for installation in place of one of the existing smaller units. This will considerably improve the power position at Cooma pending the availability of a transmitted supply when the Canberra-Cooma line has been completed. The difficulties of the Monaro County Council have been greatly accentuated by the occurrence of a most unusual and so far unexplained corrosion trouble in the new machines. The cylinder liners in the new machines have corroded right through after as little as three months' use, which has meant that plant has to be taken out of service for a period for replacement of the liners. (4) See answer to (1) above.

### QUESTIONS WITHOUT NOTICE.

#### PRIVATE HOSPITALS: WESTERN SUBURBS.

Mr. DRING: I ask the Minister for Health whether his attention has been drawn to a morning press statement by the Liberal candidate in the Burwood by-election that two private maternity hospitals in the western suburbs will close in the next few weeks and that another will close in November? If so, can the Minister inform the House of the position respecting these hospitals and what action is being taken or is expected to be taken?

Mr. O'SULLIVAN: In *The Sydney Morning Herald* to-day I saw a reference in the summary of news items to the closing of private hospitals and I turned to the page listed—page 4—and read the statement that was made last

night by Dr. Parr, the Liberal Party candidate in the Burwood by-election. I do not know whether the private hospitals to which he has referred are closing, and if they are to be closed I do not know the reason for that action. I want the House to understand clearly that the hospitals referred to are private hospitals—not public hospitals. Supporters of the Liberal Party frequently assert that a government should never interfere in any way with private organisations yet it is sought to condemn this Government because private hospitals might be closing. As soon as I read the news item I made inquiries and my notes of the result might not be so good as I should like them to be because I made them rapidly. There are in the western suburbs three private hospitals that might be closed—one at Ashfield, and two others at Strathfield, known as Inglewood and Ingleburn.

I wish to inform the House that last December the hon. member for Ashfield advised me by letter that he had heard that Normanhurst Private Hospital was to be closed and asked whether I would take action to prevent it from closing. I immediately wrote to the proprietors—I remind hon. members that this occurred in December, 1950—but I have not had any reply from them. That circumstance is an indication that the proprietors of that private hospital are not greatly concerned about the rumoured closing of their premises. The department has not been notified that three hospitals in the western suburbs are closing. The town clerk of one municipality in the area has written and asked whether anything could be done if they were closed, but that is the only intimation that the department has had about the matter. I know of no reasons why they should close, except perhaps that they are labouring under the same difficulties as are public hospitals—shortages of staff—or they might close because increased costs prevent them from earning an adequate return on invested capital. Let me repeat, these are private hospitals.

Mr. FOWLES: Private enterprise.

Mr. O'SULLIVAN: They are private enterprise.

Mr. ARTHUR: Private enterprise in these hospitals has failed, just as Sydney Ferries Limited has failed.

Mr. O'SULLIVAN: Dr. Parr was not nasty in his statement.

Mr. SPEAKER: Order! I appeal to hon. members to permit the Minister to be heard in silence. It is grossly disorderly for any hon. member to do so and I now direct—I use the word “direct” deliberately—every hon. member to remain silent while the Minister completes his answer.

Mr. O'SULLIVAN: Statements of this fashion should not be made at election time. If their contents are true they should be brought to the attention of the Ministry for Health through the proper channels and it is grossly unfair for any person to use the columns of the press for propaganda at election time and to make statements about private hospitals having to close when there has been no announcement from the hospitals themselves that they intend to take this action.

#### SESSIONAL ORDERS: HOURS OF SITTING.

Mr. TREATT: I ask the Premier whether it is a fact that sessional orders previously have provided for the sittings of this House to terminate on Tuesdays and Wednesdays of each week at 10.30 p.m. and on Thursdays at 5.30 p.m. except in emergencies? Is it a fact, also, that the certainty of rising at a predetermined time has proved of great convenience to hon. members on both sides of the Chamber by enabling them to discharge their domestic and public obligations with satisfaction to the public and to themselves? If these are facts, will the Premier consider the reintroduction immediately of sessional orders so as to enable all hon. members to know with certainty when they will no longer be required in the precincts of Parliament House?

Mr. JAMES MCGIRR: There has been no great departure from previous practice. On one occasion the hon. member had brought before the House as an urgent matter a motion that occupied considerable time in debate, and as it was considered proper that the discussion should be completed the House sat beyond the hour that was formerly prescribed by sessional orders. On only one other occasion during this session has this Assembly met outside the usual hours, and in that instance it was called together at 11 a.m. instead of 2.30 p.m. The only regular departure from the practice that prevailed previously is that the House rises at 4.30 instead of at 5.30 p.m. on Thursdays so that country members may catch trains departing from Sydney before the later hour.

Mr. TREATT: The difficulty is that hon. members do not know in advance that they will be free at the usual hour.

Mr. JAMES MCGIRR: I cannot recall one occasion on which country members have been unable to catch their trains on Thursdays. However, the leader of the Opposition has raised the matter as an urgent one and if it will assist hon. members I shall, whenever possible, announce the expected hour of rising.

#### ROAD TRANSPORT SERVICES: WAGES.

Mr. SHANNON: Has the attention of the Minister for Transport been directed to a recent report in *The Sydney Morning Herald* of a statement by the hon. member for Coogee to the effect that the Government should pay better wages for conductors and drivers in the road transport services? Is it a fact that the wages paid are those prescribed by the Industrial Commission, and that statements such as that made by the hon. member for Coogee tend to foment industrial strife and disrespect for the arbitration system, of which the hon. member pretends to be an ardent champion?

Mr. SHEAHAN: My attention was invited to the reported statement of the hon. member for Coogee. Until I read the report I believed that he was indeed

a champion of the arbitration and conciliation system, but from the alleged statement it appears that the Left has infiltrated even into the ranks of the Liberal Party. The Government and I have never intruded on the domain of the Industrial Commission and the conciliation commissioners, and I do not propose to do so in this instance. I had an investigation made of the wages paid during the fortnight before the hold-up began to the road transport mechanics who are involved in the current stoppage, and it was found that for the period they were each paid between £25 and £32; so that there has been no hardship inflicted upon them. In my opinion they should have taken the course usually adopted by all Government workers and referred their case to arbitration. I am astounded that the hon. member for Coogee should make such an irresponsible statement to encourage those persons in the community who would violate the existing arbitration and conciliation law.

#### SALE OF LIQUOR TO ABORIGINES.

Mr. VINCENT: I ask the Chief Secretary whether it is a fact that he has suspended those provisions of the law which were designed to prevent the sale or supply of intoxicating liquor to Australian aborigines other than in special cases or in special circumstances. If so, does the Minister's action mean that any aboriginal of or over the age of 18 years may now purchase liquor as defined in the Aborigines Protection Act? If these are facts, will the Minister, in the interests of our aborigines, give immediate and favourable consideration to the cancellation of that suspension and restore the permit system under which only approved aborigines may lawfully obtain intoxicants?

Mr. EVATT: It is a fact that the section of the Act in question has been temporarily suspended for a trial period. The decision to do this was reached after a protest had been made by the New South Wales branch of the Returned Sailors,

Soldiers and Airmen's Imperial League of Australia against the law which denied even to returned ex-servicemen of aborigine blood the right to go into hotels, though they had fought for our country in two world wars. When they protested against this indignity, I looked into the matter and found that section 9 was in no way effecting its purpose of keeping liquor from the aborigines. They were getting liquor—and paying for it in some cases three or four times its legitimate price. They were not buying it in the public bars of hotels; it was supplied to them over the back fence, and very often it was of inferior quality. If we believe in the ultimate emancipation and rehabilitation of our aborigines there must come a time at which we shall have to give them an opportunity of proving themselves. It is only fair and just that we should give this opportunity to a race that has produced men like Harold Blair, Namatjira and the ex-servicemen to whom I have referred.

Mr. SEFFERT: And Jack Hassen.

Mr. EVATT: I know that there are many good aborigine fighters but I was referring particularly to those splendid men who fought in the two world wars. We must give them an opportunity of proving that they can mix with this community as equal men, and this is the purpose of the experiment. If it does not succeed, the law may be invoked again. I ask every hon. member to try to work with me on this important problem. There is nothing more horrible in the world than racialism. I invite hon. members to look at this afternoon's *Daily Mirror* which relates, on the front page, what is happening in South Africa, where the government has created—

Mr. ADAMSON: On a point of order. I submit, Mr. Speaker, that what is happening in South Africa has nothing to do with the sale of liquor to aborigines.

Mr. SPEAKER: I have ruled on previous occasions, and there is ample precedent for it, that a Minister is

entitled to answer a question in his own way. If he misrepresents the position the questioner has redress. The Minister has made reference to racial prejudice and has linked it with his reply. I glean that he now wishes to give a quotation to justify the statement that he made, and for that reason I rule that he is in order.

Mr. EVATT: I was making a passing reference only. I have the newspaper with me and I will allow the hon. member for Concord to read it. The article refers to a protest made by the ex-servicemen of South Africa against the horrors of racialism that is the subject of legislation introduced by the South African Government. I have a sacred task and I ask the aborigines not to let me down—I do not think that they will do so. I have abounding faith in them. They are a great and wonderful people and I believe that previous repressive measures caused much trouble. If one section of the community is told "You cannot have this or that," they take extreme and often, regrettably, illegal action to get it. This is a serious problem in which I seek the co-operation of the press, the public and hon. members.

Mr. BRAIN: Will the Chief Secretary say whether organisations and individuals interested in the welfare of aborigines have strongly recommended against the repeal or suspension of section 9 of the Aborigines Protection Act?

Mr. EVATT: That is news to me and I invite the hon. member at a later stage of the day to inform me what organisations he has in mind and why they have not brought their representations to me as the responsible Minister. Indeed, I query the accuracy of the hon. member's remarks.

Mr. CHALMERS: Will the Chief Secretary say whether it is true that a full-blooded aboriginal, Douglas Grant, fought with the first Australian Imperial Forces against Germany, and that, subsequently, he was employed at the

Small Arms Factory at Lithgow, at which city he was educated as a draughtsman by the Education Department? Will the Minister grant him equal rights with other citizens?

Mr. EVATT: I have no doubt that what the hon. member says is true—it merely illustrates what I said earlier. The aborigines, if treated as human beings and not as outcasts, will rise to the occasion and I am sure that they will not abuse the concession that has now been granted them.

#### HOUSING BALLOTS.

Mr. WILLIS: I ask the Minister for Housing whether some Housing Commission applicants have been waiting and suffering great hardship for five and six years because of their bad luck in ballots for homes? Is it a fact that the Liberal Party has long condemned the ballot system and has advocated that it should be replaced by one in which an applicant's priority would be determined, not by luck, but by size of family, housing circumstances and length of waiting period? If these are facts, will the Minister consider abandoning the ballot system and replacing it with a "points" system, as suggested by the Liberal Party?

Mr. C. A. KELLY: The whole matter has been considered by the Housing Commission, which has no intention of applying the system suggested by the Liberal Party.

Mr. LAZZARINI: Is it a fact that a few months ago it was decided by the Housing Commission, after consultation with the Minister, to allot a reasonable number of houses for ballot among applicants for homes who had been unsuccessful in ballots for a long time?

Mr. C. A. KELLY: It is true that recently there has been a greater allocation of homes to "hard-luck cases." In many instances in which applicants have waited for a number of years it is not the fault of the Housing Commission, because the applicants have been allocated houses which they would not

accept. In some two hundred instances persons have wanted to reside in a particular suburb and have refused houses allotted to them. For that reason it would appear that some applicants have waited an unduly long time for homes, but the long delay is due mostly to the circumstances that I have described.

**Mr. BOOTH:** Is it a fact that the Liberal Party of New South Wales moved a censure motion in this House because the former Minister for Housing allowed certain houses to be allocated without a ballot? If so, will the Minister look up the records and ascertain whether the Liberal Party has not openly advocated the allocation of houses without ballots?

**Mr. C. A. KELLY:** I do remember a discussion taking place some time ago with regard to the allocation by the Housing Commission of certain houses on the Archbold Estate to certain people under certain conditions. I do not know whether the circumstances are comparable, but I will have inquiries made.

**PITT TOWN SCHOOL.**

**Mr. DEANE:** I ask the Minister for Education whether urgent repairs to the Pitt Town school which have been approved by the department have not been effected? Is it a fact that those repairs have been outstanding for a number of years? If so, will the Minister give an assurance that the repairs to this school will be expedited?

**Mr. HEFFRON:** It is a fact that the Pitt Town school is and has been on the department's repair programme for some time. The hon. member was good enough to bring the matter to my notice some time ago, and I informed him that as soon as the painting and repair staff could do the work it would be done. As the hon. member knows, the staff is small and has great difficulty in keeping to its programme. Perhaps he will help me by suggesting a local

tradesman who is prepared to do the work for the department. I realise that this school is in need of repair, but its condition does not seem to have impaired the health of the local children. I notice that they are in the public gallery to-day, and that they look particularly healthy.

**SCHOOL BUS: COOMEALLA IRRIGATION AREA.**

**Mr. WATTISON:** Will the Minister for Education say whether the bus that is provided for the transport of children in the Coomealla Irrigation Area to the Wentworth school is always inordinately overcrowded? Also will he say whether representations have been made to him by the parents and citizens' association, and by me, for the provision of an extra bus for the conveyance of these school children? If so, will the Minister give his early consideration to the granting of approval for the use of an additional bus in this area?

**Mr. HEFFRON:** The hon. member has mentioned this matter to me on a number of occasions. I am awaiting a report from the local inspector and shall be able to give the hon. member a reply when it is to hand.

**GUYRA CENTRAL SCHOOL: OVERCROWDING.**

**Mr. HUGHES:** I ask the Minister for Education whether senior pupils of the Guyra Central school sit at infant desks in open shelter-sheds, enduring severe winter conditions? Is it a fact that approval was given for the erection by the beginning of this year of two pre-fabricated classrooms to meet this situation? If these are facts, will the Minister take action urgently to ensure that these classrooms are provided?

**Mr. HEFFRON:** The Guyra school is somewhat overcrowded, and the department has decided to provide extra pre-fabricated classrooms there. Indeed, I was under the impression that that work had begun. I shall have inquiries made, and if possible, will give the hon. member further information later.

## POWER FAILURES: POULTRY BREEDERS.

Mr. F. J. CAHILL: I ask the Minister for Works and Local Government whether poultry breeders will go out of business if their hatcheries are deprived of electric power for more than thirty minutes at a time? Is it a fact that many small poultry farmers depend on these breeders for regular supplies of chickens? If these are facts, will the Minister relax the power regulations to enable poultry breeders to carry on their important primary industry without fear of disastrous loss or probable ruin?

Mr. J. J. CAHILL: The Premier also has been in touch with me concerning the poultry farmers in his own electorate. Load shedding in these areas was discussed at a conference between the Electricity Commissioner, Mr. Conde, the officers of the Department of Agriculture and the representatives of the poultry breeders. I understood that an arrangement was made that when load shedding was necessary, it would take place at a maximum of one hour off and one hour on. However, I have been informed that in some cases, especially when the birds are being hatched, a blackout of one hour is too long. I do not think that there will be any difficulty in making arrangements in both the metropolitan and country areas concerned so that load shedding shall not exceed half an hour on and half an hour off. I shall put the hon. member's suggestion before my officers and inquire whether it can be adopted.

## TRANSPORT SERVICES: COOGEE AND CLOVELLY.

Mr. ELLIS: I ask the Minister for Transport whether, owing to shortages of staff, further drastic cuts are to be made in tram services? Is it a fact that any further cuts will produce in this essential service a state of emergency similar to that in electricity supply? If these are facts, will the Minister give immediate consideration to the desirability of allowing private omnibus owners to operate transport services to

Coogee and Clovelly, thus preventing the threatened complete breakdown of services to these areas?

Mr. SHEAHAN: I can inform the hon. member that there is a shortage of 831 conductors, 764 of whom are needed for trams and 117 for buses. The suggestion made in the last part of his question has already been made to me by my colleague the Minister for Health and I have discussed it with the Commissioner for Road Transport and Tramways. It seems to be a practical proposal and if the services mentioned can be co-ordinated I will certainly ask the Commissioner to have that done.

## QUIRINDI AND GUNNEDAH HOSPITALS: NURSES' QUARTERS.

Mr. NOTT: I ask the Minister for Health whether approval was given several years ago for the erection of new nurses' quarters at both Quirindi and Gunnedah hospitals? Is it a fact that tenders for the construction of these buildings were called on several occasions but none suitable was received? Is it a fact, also, that buildings are urgently needed at both hospitals to house the nursing staff? If these are facts, will the Minister give attention to the matter and again call tenders for this most important work?

Mr. O'SULLIVAN: It is a fact that my predecessor in the portfolio of Health made arrangements, through the Government, for sufficient money to be made available for the building of nurses' quarters at the Quirindi and Gunnedah hospitals. It is true, also, that on two occasions tenders were called for this work but none was received. However, I am prepared to ask the Hospitals Commission to call further tenders for the erection of these buildings in the hope that success will be achieved.

## FORESTRY LANDS: OCCUPATION PERMIT RATES.

Mr. PADMAN: I ask the Minister for Conservation whether, as a result of legislation passed during the life of the last Parliament, rates charged by local government authorities for forestry lands

held under occupation permits were greatly increased? Is it a fact that representations have been made to the Minister that these rates are unreasonable? Is it a fact, also, that in response to those representations, assurances were given that the matter would be reviewed, and that, if deemed desirable, action would be taken to base the rating on the level that obtained prior to the passing of the legislation referred to? If these are facts, can the Minister say whether consideration has been given to the matter and if so, what action is proposed?

Mr. WEIR: It is true that the basis of rating on land held under occupation permits, as provided in the Forestry Act, has been altered. That was done by a recent amendment to section 141 of the Local Government Act made by this Parliament at the instance of the local government bodies who sought to have the rates levied on the unimproved value of the land instead of being fixed at twenty times the rental value. That amendment emanated not from the Government, but from the Opposition, and, according to my recollection, it was moved by the hon. member for Mosman. The result has been as shown by the question of the hon. member for Albury. In arriving at the unimproved value of the land the Valuer-General had to take into account the value of growing timber, which might not be of any special value to an occupant who is using the land merely for grazing. That situation has, I believe, resulted in the inflicting of hardship upon some holders of occupation permits. Consideration has been given to mitigating that hardship and conferences have been held by Forestry Commission officers, officers of the local government department and representatives of the local government and shire associations. Several suggestions have been made but when each of those has been examined by the Crown Law authorities, it has been found to be subject to some legal difficulties. However, the discussions are continuing and I hope that we shall be able to arrive at a solution of this problem soon,

perhaps by the collection by the Forestry Commission of an additional amount to cover the rates and by a rebate, or some similar method. I assure the hon. member that the matter is being given close attention.

#### MONARO DISTRICT: BRICKS.

Mr. SEIFFERT: I ask the Premier whether the Commonwealth Department of Works and Housing controls the Canberra Brickworks, which is the only brick manufacturing concern in the Monaro area, and whether the department is again refusing to supply an equitable number of bricks for public buildings in New South Wales towns that are adjacent to the Australian Capital Territory? Is it a fact that the contractors for the construction of the basement of the proposed new prefabricated hospital at Cooma are unable to obtain bricks for that work and that consequently the establishment of the hospital is delayed indefinitely? If these are facts, will the Premier take up with the Commonwealth authorities the question of an equitable supply of bricks from Canberra for New South Wales public works, and if the Commonwealth authorities will not come to a reciprocal arrangement for the sharing of building materials, will he give earnest consideration to withdrawing sawmill licences from sawmillers in New South Wales who are supplying Canberra with timber until such time as the Commonwealth authorities agree to pool available building materials on a proper basis?

Mr. JAMES MCGIRR: I am not familiar with the details that are contained in the hon. member's question but I can scarcely credit that any responsible Minister of the Commonwealth Parliament would tolerate for one moment the denial of bricks for the construction of the urgently-needed hospital at Cooma. Probably the Federal Minister, if he were acquainted with the circumstances, would have no hesitation in declaring that the building of a hospital that is sorely needed for sick patients should have priority

over some of the constructional work that is proceeding in Canberra. I will do as the hon. member has asked at once. Also, I will draw the attention of the Federal Minister to the fact that the hon. member has suggested that some counter action should be taken if the treatment that is being meted out to an important project in New South Wales is as the hon. member has described it. I feel that the Federal Minister probably has no knowledge of this matter and I am confident that when it is brought to his notice it will be quickly remedied.

#### TRANSPORT MECHANICS: STRIKE.

##### MOTION OF URGENCY.

Mr. TREATT (Woollahra) [3.10]: I move:

That it is a matter of urgent necessity that this House should forthwith consider the following motion:

That in the opinion of this House:

1. The ten-day-old strike of mechanics employed by the Department of Road Transport is a breach of the due processes of the industrial laws of this country and has resulted in widespread disruption of essential transport services with consequent inconvenience and hardship to the many thousands of people who use these services;

2. It is the duty of the New South Wales Government to uphold the law and to take prompt and decisive action against persons who contemptuously break that law and wilfully disrupt the essential services of the community;

3. The Government should take immediate steps to enforce the provisions of the Industrial Arbitration Act in order to secure restoration of these essential transport services and should order the taking of a secret ballot on the strike issue of union members involved in this stoppage;

4. The Government should, pending these steps, carry out its responsibilities to the travelling public by setting in hand all necessary action to organise emergency transport, and that the debate thereon be continued after 6 o'clock, p.m.

Mr. SHEAHAN: On a point of order. I submit that it is not competent for the House to debate this motion at present. An application is now before the court to which the mechanics referred to

in the motion and also members of the Australasian Society of Engineers, and the Commissioner for Road Transport and Tramways are parties. I submit, Mr. Speaker, that the matter is *sub judice*.

Mr. SPEAKER: Order! I shall delay giving a ruling on this matter until the Minister has read a copy of the motion by the leader of the Opposition. If the Minister then gives me his assurance that the matter contained in the main motion is the exact matter before the court, I shall uphold his point of order and rule that the whole question is *sub judice*.

Mr. SHEAHAN: Paragraphs 1, 2 and 3 of the motion relate to the matter before the court. Paragraph 4 does not, but I submit that it is so inextricably bound up with the application before the court that it would be impossible to debate it without impinging on the well-established rule that matters that are *sub judice* or are likely to prejudice questions that are *sub judice* should not be discussed.

Mr. SPEAKER: Having the Minister's assurance that with the exception of paragraph 4 the motion relates to subjects that are before the court, and having regard to his submission that paragraph 4 is so interwoven with the previous three paragraphs that he believed that debate on it almost certainly would impinge on the subject matter of the main motion, I rule that it is *sub judice*. I uphold the point taken and rule the motion out of order.

#### QUESTIONS WITHOUT NOTICE.

##### (Resumed.)

#### HOUSING COMMISSION: HOME ALLOCATIONS.

Mr. TURNER: Will the Minister for Housing say whether it is a fact that same families, consisting of a man, wife, and one child, have been allocated Housing Commission homes after only eighteen months' residence in the Bradfield Park housing camp, whereas families with three and four children have for more than three years waited in

vain for homes? If this is so, can the Minister explain the reason, and will he ascertain what action, if any, is being taken to rectify the anomaly?

Mr. C. A. KELLY: The explanation may be, as I have time and again suggested in reply to questions on the subject, that the larger families had been allocated homes in suburbs in which they did not wish to live.

Mr. TURNER: That is not so.

Mr. C. A. KELLY: From the hon. member's question no one can tell what might have been the circumstances. In fairness, he should first have made available to me privately the names of those who are alleged to have been prejudiced. Had I then been unable to give a satisfactory explanation he would be at liberty to question me in this Chamber as much as he liked. If the hon. member can give me the names of any persons who have suffered an injustice, I shall see that the anomaly is adjusted as quickly as possible.

#### CEMENT: REIMPOSITION OF CONTROLS.

Mr. FREEMAN: I ask the Premier whether it is a fact that certain small building contractors and owner-builders are experiencing great difficulty in obtaining supplies of cement? Is it a fact, also, that a number of road hauliers are granted, by producers, a quota of cement which they sell to favoured persons at extortionate prices? If these are facts, will the Premier take the matter up with the Minister for Building Materials and consider whether it is in the public interest that government controls on cement supplies should be re-imposed?

Mr. JAMES MCGIRR: Large numbers of motor lorries are day and night transporting tremendous quantities of cement from Kandos and Portland to Sydney and it is surprising that there

should still be a shortage of this commodity in Sydney. Whether supplies are being shipped interstate and overseas, or where else they are going, I am unable to say. However, if the facts are as the hon. member has intimated, it may be advisable to reimpose controls. I shall take the matter up with the Minister for Building Materials and will give the hon. member a detailed reply within a few days.

#### NEWSPAPER ADVERTISING RATES.

Mr. FINNAN: On 10th May the hon. member for Balmain asked me a question concerning newspaper advertising rates and the recent variation in the size of newspaper columns. As promised, I made inquiries on this subject and have obtained the following information:—

(1) Advertising rates, in daily newspapers only, are subject to price control, and in an effort further to conserve newsprint approval was granted to the four Sydney daily newspapers to reduce the width of their columns and thereby increase the number of columns to the page.

(2) The *Sun*, *Daily Mirror* and *Daily Telegraph* have increased the number of columns on each page from six to seven and *The Sydney Morning Herald* from nine to ten. The elimination of the "drop" letter in *The Sydney Morning Herald* classified advertisements enables the advertiser to obtain as many letters in a line as could be inserted before the column measure was reduced.

(3) The *Sun*, *Daily Mirror* and *Daily Telegraph* reduced the column measure prior to the increase in the retail price from 3d. to 4d. *The Sydney Morning Herald* received approval to reduce column width on 2nd May, 1951, and the retail price was advanced from 3d. to 4d. by approval on 21st March.

(4) There has not been any application for a reduction in the number of columns. As will be noted, the number of columns to the page has actually been increased.

LEICHHARDT ELECTORATE:  
TRAMWAY SERVICES.

Mr. SHEAHAN: The hon. member for Leichhardt, on 16th May, asked me a question concerning transport facilities in the Leichhardt electorate and particularly requested that consideration be given to the provision of a supplementary omnibus service between Russell-street, Leichhardt, and Johnston-street, Annandale. I have ascertained that, in addition to the privately-owned omnibus service operating on route 120, between Brennan-street, Lilyfield, and Enmore, via Catherine-street and Parramatta-road, reasonable transport facilities for the Russell-street, Leichhardt, area are, under normal conditions, provided by the Leichhardt and Lilyfield tram services. However, since 5th March, 1951, it has been necessary, owing to shortage of staff, to reduce the frequency on these lines between approximately 9 a.m. and 3 p.m. from ten minutes to fifteen minutes on the Lilyfield line and from twelve minutes to fifteen minutes on the Leichhardt line.

The provision of a supplementary bus service between Russell-street and Johnston-street, Annandale, is not included in the department's plans for the development of its services, and, in any case, the operation of such a service is precluded at the present time by the shortage of staff. When additional labour becomes available, it will be necessary first of all to restore normal time-tables

on bus routes and tram services where it has been necessary to make reductions, and to introduce a number of new or extended services in respect of which plans have been completed for some time. I have informed hon. members previously of the serious difficulties facing the transport departments because of the acute shortage of staff, and I might mention that the lack of labour in the Department of Road Transport and Tramways is such that at the present time there are vacancies for 881 conductors—764 for the trams and 117 for the buses.

ROYAL PRINCE ALFRED HOSPITAL:  
HOSPITALS COMMISSION.

Mr. O'SULLIVAN: On 8th May the hon. member for Newtown-Annandale asked me whether I would inform hon. members as to the accuracy or otherwise of a statement that had been made by Dr. Schlink, chairman of the Royal Prince Alfred Hospital, concerning the control of public hospitals by the Hospitals Commission. I informed the House that I would have figures compiled showing the Government funds spent on the Royal Prince Alfred Hospital during the last five years. I propose now to give the information to hon. members and to refer to Dr. Schlink's statement.

Funds allocated by the Government to the hospital for maintenance purposes and also for capital development during the last five years have been as follows:—

Nature of Assistance.	1946-47.	1947-48.	1948-49.	1949-50.	1950-51.	Total.
Maintenance Funds—	£	£	£	£	£	£
Regular Subsidy.....	392,004	526,228	626,730	740,139	918,453	3,203,554
Deficit Grants .....	42,473	27,455	44,025	72,085	44,339	230,377
Section 37 Loan—						
Principal .....	14,178	14,826	15,505	16,216	16,961	77,686
Interest .....	15,918	15,390	14,838	14,261	13,658	74,065
Other Maintenance Grants .....	64	150	3,395	5,305	500	9,414
	464,637	584,049	704,493	848,006	993,911	3,595,096

Capital Assistance.

Item.	Grants Approved or Funds Provided.
	£
1. Laundry .....	140,276
2. New Nurses' Home .....	1,300,000
3. Prince Alfred Hotel .....	40,000
4. X-ray Equipment .....	30,430
5. Other Capital Works as detailed hereunder :—	
Yaralla Chronic Block .....	40,000
Yarralla, Sewerage .....	10,000
Development—Land Purchase .....	94,966
Boiler Alterations .....	9,986
Nurses' Servery .....	1,914
Physiotherapy facilities .....	1,079
Lift—Victoria Pavilion .....	30,000
Boiler Services—Modifications .....	10,000
Total .....	1,708,651

When hon. members realise that the regular subsidy to this hospital has increased from £392,004 in 1946-47 to £918,453 in 1950-51, and that total maintenance payments have increased from £464,637 to £3,595,096 over the same period, I feel sure that they will agree that the Hospitals Commission has kept itself well informed of the hospital's needs. Furthermore, during the past five years, grants have been approved or funds provided in respect of capital assistance to this hospital amounting to a total sum of £1,708,651. As I said when this question was asked, these figures will show, more eloquently than any remarks of mine, the unfairness of Dr. Schlink's statement.

The Royal Prince Alfred Hospital is efficiently run and renders excellent service as the major teaching hospital in New South Wales. This is made possible by the more than generous assistance given by this Government. Dr. Schlink said "the Hospitals Commission's control of major hospitals caused impaired efficiency and reduced service to the sick." From the figures already quoted, it will be seen that the subsidy paid to the hospital in 1950-51 amounted to nearly one million pounds.

I do not want to attack Dr. Schlink in his absence, but if he thinks that he can run Prince Alfred without any help from the Government through the Hospitals Commission, he can start to-morrow. We are not interfering with the hospital. Is the Government not entitled to appoint half the members of the board when it is making available to the hospital these large sums of money which the State Treasurer holds in trust for the people? I deny that there is undue interference by the Hospitals Commission in the affairs of any hospital, and I am quite sure that anything which may have been done as regards Prince Alfred Hospital would have been dictated by policy or financial considerations. It must be remembered that Parliament appropriates both revenue and loan funds for use by the Hospitals Commission, whose plain duty it is to endeavour to live within those appropriations. If hospitals such as Prince Alfred were permitted to incur expenditure at will and then to present the bill to the commission, public hospital finance would soon become chaotic and most embarrassing to the Government.

PARRAMATTA DISTRICT HOSPITAL:  
HONORARY MEDICAL APPOINTMENTS.

Mr. O'SULLIVAN: On 8th May the hon. member for Blacktown asked me a question concerning appointments to the honorary medical staff of the Parramatta District Hospital, and I have since ascertained that this matter has been brought to the notice of the Hospitals Commission on several occasions, particularly in regard to the doctor practising at Toongabbie. It is not a basic right of patients in a public ward to choose their own doctor, and the whole system of public wards in hospitals in this State is built on the basis of having competent honorary medical staff to whom patients are allocated for treatment. It has been pointed out to me that in the larger hospitals the position would become chaotic if patients in public wards were permitted to insist on receiving treatment from a particular doctor. It is the province of the board of the hospital to arrange for the medical care of public-ward patients and to decide what number of honorary medical officers are needed. The Hospitals Commission contends that it would be impracticable in the larger hospitals to appoint all doctors practising in the district to the honorary medical staff. The board of the hospital decides which applicants are best fitted to fill vacancies which occur from time to time and such appointments are made by the board.

KYOGLE HOSPITAL: MATERNITY  
BLOCK.

Mr. O'SULLIVAN: On 10th May the hon. member for Casino asked me to let him know the position respecting the plans for the maternity unit at Kyogle Hospital and whether any provision has been made for the financing of this project. A sum of £100,000 was approved on the Hospitals Commission's loan programme for a maternity unit and services at Kyogle, but because of restrictions on the commission's building pro-

gramme the work has had to be deferred. Sketch plans for the job have been completed.

MILK SUPPLY AND ELECTRICITY  
BLACKOUTS.

Mr. O'SULLIVAN: In a question addressed to me on 15th May, the hon. member for Wollondilly referred to the effect of blackouts on the milk supply, particularly in the Berrima district. I have been in touch with the Milk Board concerning this matter, and have ascertained that Mr. Sedgwick, a member of the Milk Board, who is the board's representative on the committee recently established to advise the Electricity Commissioner on the application of blackouts to the dairying industry, has no knowledge of the blackouts in the Berrima district to which the hon. member referred, and the board itself has no official information on this point. In general, however, it can be said that the liaison that has now been established between the dairying industry and the electricity authorities through this committee should assist considerably in maintaining electricity supplies for the essential purposes of the dairy industry.

SESSIONAL COMMITTEE.  
HOUSE.

Mr. JAMES MCGIRR (Liverpool),  
Premier and Colonial Treasurer [3.28]:  
I move:

That following upon the re-election of Mr. Black to this House he be re-appointed to the House Committee.

In October last year Mr. Black was appointed by the House to this position, and after his retirement the vacancy remained unfilled.

Motion agreed to.

INDUSTRIAL ARBITRATION  
(AMENDMENT) BILL.

SECOND READING.

Debate resumed (from 23rd May, *vide* page 2230), on motion by Mr. Finnan:

That this bill be now read a second time.

Mr. SIMPSON (Lake Macquarie) [3.29]: In rising to support the proposed legislation I desire first of all to add my congratulations to those of other hon. members—particularly on the Government side of the House—to the Minister and to the Government on their initiative in introducing this long-overdue legislation. The bill is one of the most important to have come before Parliament this session, because it deals with rates and conditions, with the bread and butter of a substantial number of wage-earners—particularly those in the lower-paid groups, by whose efforts alone our social system is enabled to continue. The bill provides that long service leave and sick pay—benefits which should have been accorded years ago—shall be granted to workers in industry. They are not innovations in the industrial world because for years long service leave has been a feature of some industries, particularly those carrying a higher wage rate than is normally the case. School teachers, members of the police force, railway employees and employees of other semi-governmental institutions have long enjoyed long service leave provisions and in many industries in Newcastle similar concessions have been granted to the managerial staff. Therefore, the Government is to be congratulated on introducing the measure.

I cannot understand the criticism of the leader of the Opposition who, though not averse to the granting of long service leave, considered that the time for its introduction was not ripe and apparently felt that it should be granted some time in the sweet by and by. That has always been the attitude of reactionaries. When the mine workers were granted a ten-hour day reactionary forces made the same comment, that the industry and economy could not afford it. When the eight-hour day was introduced and when every other progressive condition was granted to workers that was always their cry.

Mr. BRAIN: Like the forty-hour week.

Mr. SIMPSON: Exactly. The principal Act was introduced in an endeavour to overcome stoppages in industry and to achieve industrial peace. The fact that the system has been criticised by the Opposition during this debate does not mean that the legislation has failed, but if it had failed, what could have caused the failure? The statement of members of the Opposition that with few exceptions all strikes are caused by communists and that many of them are supported by all trade unions, is quite erroneous. Many strikes in industry are caused by the attitude of the employers. Also, there is a distrust of arbitration machinery by both sides and that is the aspect which the Government must examine. In the coal-mining industry there is a deep-rooted distrust of compulsory arbitration caused not by fancy but by bitter experience.

Until 1929 the coal-mining industry had a form of arbitration under the jurisdiction of Mr. Justice Edmunds and later of Mr. Charles Hibble, which operated more or less successfully. On 2nd March, 1929, despite the fact that this arbitration system was operating, the combined colliery owners of the northern district gave notice to their employees, 10,000 of whom were members of the Miners' Federation and a number of others were members of different craft unions in the mining industry, that the colliery would be open for work on the following Monday at a reduction of 12½ per cent. on tonnage rates to employees. That was done without recourse to arbitration or anything else. Neither the Miners' Federation nor other union representatives had any previous intimation of this action by the mine owners. Naturally it was resented and for month after month the northern coalfields were out of production. Over 10,000 men were idle and their families suffered.

On the morning of 16th December, 1929, there was bloodshed on the northern fields when Norman Brown was sent to his eternal rest by a bullet that was

fired by a State policeman and a number of other members of the Miners' Federation were seriously or critically injured and taken to hospital. Many other casualties did not report to hospitals because they were apprehensive that they might find themselves in further trouble if their injuries were reported. That trouble was fomented by the political stooges of the mine-owners who then sat in government in this Parliament and who should have enacted the arbitration laws of the country. Subsequently, His Honour the late Mr. Justice Beeby made an award that the coal owners refused to acknowledge and finally took to the High Court on a technicality. The stoppage ended on 4th June, 1930, and for about sixteen months 13,000 or 14,000 men had been on strike and in receipt of no financial assistance.

During that time hundreds of workers lost their homes and their life savings. The furniture that they had purchased on time payment was repossessed. Is it any wonder that they now distrust the arbitration system—there is nothing in it in which they can have trust. It is all right to-day when there is a buoyant economy but when the coal that is now so valuable cannot be sold at a profit on a competitive market similar conditions will return. If the coal owners cannot sell coal at a profit, they will, irrespective of arbitration laws, take similar action to that taken in 1929 and with the same result. It is no use shutting our eyes to the coalfields' distrust of the arbitration system. It may be that there are similar instances in other industries. I do not know. Though industrial arbitration is the policy of our country, it does not necessarily follow that it is the best method of securing industrial peace. I believe that even before industrial arbitration there should be conciliation, and that much better relationships can obtain if practical representatives of employees and employers in an industry meet at a round-table conference. We have a

*Mr. Simpson.]*

glorious example of that in our own State, as was ably mentioned during the debate by the hon. member for Cobarr, who pointed out that the people of Broken Hill will not have arbitration, and that for twenty-five years they have not had one serious dispute. It has been demonstrated at Broken Hill that in heavy industry, given fair conditions, and with reason on both sides, there can be peace in industry. I only wish that we could get some of that peace on the coalfields, and it may be that if the same conditions of collective bargaining and round-table conferences were existent on the coalfields and in other industrial spheres in this State we might get better results.

I now wish to refer to a matter in my own area in respect of which a dispute could quite early have arisen. For eight years the people on the eastern side of Lake Macquarie, which is one of our most prolific coal-bearing areas, have been endeavouring to get a hospital established in the district. The colliery farthest away is the Wallarah colliery, which is 20 miles from the nearest hospital. There are also in the area other big collieries, which have a large accident incidence. It has been necessary for men injured in the mines at Catherine Hill Bay, Swansea, Belmont, Redhead and other places to be transported to the nearest hospital, which is a considerable distance away, and for that reason eight years ago the residents, including the local business people, determined to get a hospital established in their own area.

The Hospitals Commission became interested in the proposal and inspected various sites. Finally, a magnificent site was obtained which had the ocean on one side and Lake Macquarie on the other. The site was elevated, and had glorious views of the ocean and the lake and it was agreed upon by all parties as being eminently suitable for the proposed hospital. I understand that the Government arranged for the finance to be made available. Then there arose a "snag," which was that the land was coal-bearing and the owners of the coal

lease apparently were not prepared to allow sufficient coal to be left as pillars to hold up the strata. The operators of the colliery, the Broken Hill Proprietary Company Limited would, I feel sure, be quite prepared to leave the necessary coal there, but apparently the owners of the land, the New Redhead Estate and Coal Company, are causing the trouble. I do not know the gentlemen who comprise this company, but I do know that they did not put the coal there, and that, as it was put there by nature, it should be used in the best interests of the community. The miners, who are producing the wealth and creating the royalties for the owners of the lease, are entitled to have a hospital established on this site for the treatment of the injured. I do not know how far the negotiations, if any, have gone, but I know that the overtures made by the local committee have been unsuccessful, and I doubt whether those made by the department have had any better result.

Mr. BRAIN: Cannot the land be resumed?

Mr. SIMPSON: The land can be resumed, but I do not know whether the lease can. The owners of the lease get a royalty for every ton of coal produced, and if there were a heavy building on top of the ground, it would be necessary to leave quantities of coal, depending on the height of the seam, in the mine. However, that position is not new, and the company that is operating the John Darling colliery, the headings of which are working towards this site, has been working in one of its other collieries under the sea for miles. In such circumstances it is provided in the Coalmines Regulation Act that pillars must be left in the mine. If it has been profitable in the past for Broken Hill Proprietary to work under the sea in that way, there is no reason why the New Redhead Estate and Coal Company should not operate in a similar manner so as to conserve the small area required to sustain the hospital building.

The opposition of hon. members opposite to the bill is directed against the clauses that are most important from a union point of view. I refer to the provisions for the right of entry, union ballots, and compulsory unionism for staff workers. With regard to the right of entry, I have been informed by many union trade secretaries in Newcastle that the conditions of the 1926 Act were far more liberal from their point of view than are the provisions of the measure, and also that the provisions of many Federal awards give much more latitude to union officials than do the provisions of the bill. I have acted as returning officer at union ballots in the mining industry in the Newcastle and northern districts for twenty-five years, and I challenge anybody to prove that ballots conducted at the pit top are in any way improper. Miners' ballots have for the last sixty or seventy years had the reputation of being 100 per cent. fair and aboveboard. For those reasons, the result of these ballots must be accepted.

Mr. DICKSON: In every union?

Mr. SIMPSON: I am speaking about our own union. Whoever is elected by the men must be accepted as their true choice. Further, most union ballots are as well conducted as are the ballots of the Miners' Federation.

The leader of the Opposition seemed concerned that the companies might no longer be able to use staff members in certain circumstances. The time for such a salutary provision is long overdue. We take no exception to a company's having a managerial staff so long as it performs the function of management only. In our industry we have superintendents, managers, under-managers, clerical staffs, staff engineers, staff electricians, and so on. They are the recognised members of the staff and do not perform the work of any union member who is covered by an award. However, in the big industrial plants, and at Newcastle especially, an attempt has been made to negative the actions of the unions by deliberately enlarging staffs. Indeed, I know of one large firm

that has a shunter—employed taking the slag from the mill to the dump—on its staff. The only inference that can be drawn from that is that these firms are raising a labour force for use in times of industrial turmoil. That is unfair to the registered trade unions and should not be tolerated. The staff should be permitted to act in a managerial capacity, but not to operate tools of trade or perform any work that is dealt with by a union award.

Some hon. members opposite have suggested that these amendments go too far. I assure them that most trade unionists would regard them as very mild indeed. They do not go nearly so far as did similar provisions in an earlier Act of this type. Certain details of the suggested amendments will need clarification and to that end I shall have something further to say at the Committee stage.

Mr. ASKIN (Collaroy) [3.55]: I should like, first, to congratulate the hon. member for Lake Macquarie on quite a good speech—delivered, of course, from the viewpoint of his own party. Naturally, I do not agree with much of what he has said, but I suppose that that is only to be expected for we are all, so to speak, prisoners of our own experiences. Before I deal with the specific principles involved in this bill I should like to make a few general observations about unionism, with the very fundamentals of which this bill deals. I have been a unionist for twenty-seven years, and was the president of a union for several years. It was what is popularly referred to as “a white-collar union,” but it was a registered trade union nevertheless. In that capacity I had experience of the operation of some of the principles that are involved in this measure.

I support trades unionism generally, but I believe that its mission in our community is limited. I believe that that mission is to seek, by the proper legal process, the greatest possible reward and the best possible conditions of sick pay, leave, hours, and safety for

its members from the industries in which they are engaged. All unionists must abide by the decision of the impartial tribunal before which they put their case. I am very much opposed to any union overstepping the mark and resorting to direct action in defiance of the law. I could devote the whole of my speech to citing examples of such flouting of the law, but since such cases are legion and one need only pick up the paper to read of them I shall not do so.

I wish to deal briefly with a specific instance of unlawful action by a militant trade union which has had far-reaching repercussions. I refer to the action of the Waterside Workers' Federation when, in the immediate post-war years, it openly defied the Chifley Government and imposed a ban on Dutch shipping to Indonesia. In doing so, it took to itself for several years the prerogatives of the properly-elected Government. The result was that Australia lost valuable markets that could have helped to raise its standard of living. Our war-time allies, the Dutch, have now been forced out of Indonesia and we have lost their goodwill. Further, Australia is now anxious about the possibility of the Indonesians occupying New Guinea. The Indonesians declared openly at the Hague Conference in 1949 that the United States of Indonesia could not be regarded as complete until they included first Dutch New Guinea and then the part of New Guinea that is administered by Australia. It must be remembered that half New Guinea belongs to Australia and the Federal authorities are much concerned—as all Australians should be—because of the vulnerability of that territory to occupation by the Indonesian hordes. It would then be a “sitting shot” for any strong aggressor with aims against Australia. That danger has emanated from unlawful action by the Waterside Workers' Federation in the immediate post-war years. It would not be surprising if reports appeared in the press in the near future that Indonesians had moved into New Guinea. Once they take possession it will be most difficult to

oust them because they will doubtless be supported by their Asiatic neighbours in India, Pakistan and Malaya. They will be on the strategic doorstep of Australia and by their nearness be a menace to the security of this country. A further result of those unlawful actions of the waterside workers may well be that many invaluable Australian lives will have to be sacrificed in some future hostilities. Any sensible person will always be vigorously opposed to the activities of militant or communist-dominated trade unions. If they are allowed to do as they like our country will be turned aside from the path of progress and will revert to conditions of the jungle.

One of the main principles in the bill is the granting of long service leave. I favour it, provided industry has the capacity to bear the cost, and under present conditions most industries can do so if the leave is properly staggered. There seems to be considerable confusion, however, between what is termed "long service leave" and what, properly, are long service gratuities. Long service leave is not simply a reward for long and faithful service. This provision was first included in awards because the courts considered that an employee who had given faithful service for a period of twenty years or more needed a complete break from his daily work. It was held that in the interests of both himself and the public he should have a complete rest for several months so that his health might be benefited. In many places, however, there has been a tendency, unfortunately, to allow employees in some industries to obtain the cash equivalent instead of taking long service leave. They have continued working and have used the money to buy a motor car or something of that kind. It is most regrettable that such a practice should be allowed.

The Hon. D. CLYNE: It is immoral.

Mr. ASKIN: I do not know whether it is immoral, but it is certainly a departure from the purpose for which long service leave was granted. No provision

is made in the bill to safeguard against that practice. If the Legislature is of the opinion that an employee should be given a cash payment as a reward for twenty years' service in one job, it should be regarded as a long service gratuity but not as long service leave. They are two different rewards. Clause 6 of the bill contains the amendment proposed by new section 88c, which, in subsection (1) (a) (ii), provides that if employees have completed ten years, but less than twenty years' service with an employer and their services are terminated for any cause other than serious misconduct they shall be granted a proportionate amount of long service leave, on the basis of three months for twenty years' service. Let me illustrate how that would work. Suppose that a lad of fifteen or sixteen years of age joined the public service or was employed in a factory or at a trade. After ten years he would be twenty-five or twenty-six years of age and in his prime. If he left his job he would be entitled to claim a period of long service leave, ostensibly for the purpose of recuperating his health. That is stretching the principle much too far.

Mr. FINNAN: If he left of his own accord or was dismissed for misconduct he would not be entitled to any long service leave. It is only in cases where his services are terminated by the employer for any other cause that he would be granted long service leave.

Mr. ASKIN: I agree, but if his services were terminated because the business had to close down and he had given only ten or eleven years' service he would not need long service leave for health reasons. If he is to be given a cash reward for his services on a proportionate basis, well and good, but it is a different thing.

The Hon. D. CLYNE: If a cash reward were given employees would be leaving wholesale after ten or eleven years' service.

Mr. ASKIN: Perhaps; but the purpose of long service leave is to give employees a holiday from their occupation so that they may

benefit in health, and when they return to work be able to give the community their best services. However, I shall have more to say on this subject at the Committee stage. I have read carefully the provision in the bill for sick leave and I find that the Industrial Commission is empowered to fix the terms and conditions under which sick leave can be granted. Unless some safeguard is provided, there may be a tendency to take sick leave regularly as a holiday right, which would have a damaging effect on production and on industry generally. The measure would be improved considerably if the clause provided that when an employee seeks payment for sick leave for more than one day, he must supply a medical certificate.

I wish to speak strongly against the clause by which union secretaries are empowered to enter premises to police awards. I speak, not so much against the principle that is involved, as against the manner in which that right of entry is conferred by this bill. It smacks of the Gestapo, which is not the kind of thing that we want in our community. This provision will be open to all manner of abuses by truculent and arrogant trade union secretaries. Not all union secretaries are in that category; most of them are decent fellows, but it must be remembered—and even supporters of the Government will admit—that the secretaries of some unions are avowed communists and potential enemies of this country. Yet they are to be given the right to enter the factories of decent employers! There is no restriction in the bill as to the frequency of inspections and if a communist trades union secretary wishes to harass an employer who is a decent, upright citizen and has expressed himself as opposed to communism, he has the way open to him. As the bill stands that communist could victimise an employer by continually entering his premises and dislocating his business. There is no denying that effect of the measure.

*Mr. Askin.]*

The right of entry is given on matters merely of suspicion. The words by which it is empowered are, "the secretary or a duly accredited representative of an industrial union of employees" may "enter the premises of any employer engaged in any such industry during working hours for the purpose of investigating any suspected breach of this Act or of any award or industrial agreement in force in relation to such industry." That is a most unsatisfactory provision and if it is enacted as it stands it will inevitably cause a great deal of trouble and dislocation in industry. This clause of the bill should be carefully revised and limitations imposed. No Government should interfere with the fundamental rights of citizens in this fashion, and this Government cannot do so without causing friction, disputes and far-reaching results that will be most costly to the whole community.

Mr. VINCENT: Any suspicion that an award is being breached should be reported to the inspector of the Department of Labour and Industry, and he can enter the premises and make inspections.

Mr. ASKIN: That is how this provision should be framed—in accordance with the present position, which is quite satisfactory. The inspectors of the Labour and Industry Department already have the right of entry to business premises and the bill goes too far. When the public learn of the effect of this clause, there will be widespread resentment. It will cause great delays in production. The bill makes no mention of communist trades union secretaries. They have as great a right as the decent trades union secretaries and are empowered to barge in on an employer, to disrupt his business, to cause him loss, and to victimise him.

As it is worded, the clause respecting preference to unionists is merely a roundabout way of introducing compulsory unionism with which I do not agree. It might be said that this clause does not constitute compulsory unionism, but I put

forward the view of a man with a wife and family who does not wish, as a matter of principle, to belong to a trade union. If that man wishes to safeguard the interests of his wife and children, he will have to sink his principles and join the union, even though it is an organisation with which he has no sympathy and which might even be controlled by communists. The provision is against the public interest because it will mean that men of superior ability and capacity to produce goods and to provide services that are needed by the public, if they abide by their principles, will be passed over when they are seeking employment or will be the first to go if retrenchment becomes necessary. At the same time their inferiors will be given preference solely on the ground that they are members of a union.

Several unions are controlled, not by suspected communists but by avowed communists. There are union secretaries who stand under the communist ticket at elections! They hold executive positions in the trades unions of this country and yet it is proposed to force men of principle by a roundabout means to join unions of which communists are executives; to force them to help to keep prospective saboteurs and fifth columnists in soft jobs. The provision is outrageous, and I will have much more to say about it at the Committee stage.

The Minister for Conservation spoke at some length during the debate and informed the House that the principles in the bill had been enunciated by the Premier in his 1950 policy speech, and that therefore they have the support of the public. He made a lot of play on that aspect, and contended that it was the wish of the Government to give effect to the mandate of the people. The Minister also had a great deal to say about public conscience and how the electors had approved these provisions. His remarks would have been commendable had they been wholly genuine, but I draw the attention of hon. members to the fact that at a much later date than that on which the Premier gave his policy

speech, the Prime Minister delivered a policy speech. Indeed, only last month the policy of the Menzies Government was endorsed by the people, and that policy featured prominently the provision of secret ballots in industry. If the State Government is so vitally concerned about the public conscience, and if it wants to give effect to the people's wishes on industrial matters, why has it not made provision in this bill for the holding of secret ballots? The secret ballot is noticeable by its absence and the reason is not hard to find. The New South Wales Government knows full well that the militant and the communist-dominated trade unions want nothing to do with it, but the administration has not the stomach to have a show-down with them.

Mr. McGRATH: The hon. member will recall that the Government, in the 1949 coal strike, stood up to the communists.

Mr. ASKIN: Only when public opinion had forced it to do so. The measure makes no provision for secret ballots wholly and solely because this administration is afraid to follow the splendid example of the Federal Government and give the militant unionists and the communists the medicine that they deserve. The burden of my address is that Parliament must draw a sharp line of distinction between the vast army of decent, law-abiding unionists in Australia and the uncompromising militants and the communist-dominated trade unions. We must support to the limit any action to improve the working conditions of earnest, law-abiding unionists and must strongly oppose any form of appeasement of the communist-dominated and the militant unions. The more they are appeased the more overbearing and demanding they become. Sooner or later some authority must take off the gloves to them and hit them twice as hard as they are now hitting the community, particularly the women and children. The State Government has the means of hitting them if it will only take the initiative. If it did it would have the full backing of the public.

If the Government allows to continue the present process by which it is fast becoming an established fact that militancy, direct action and flouting of the law pay dividends and bring better results than reasonableness and lawful procedure it will find that it has created a Frankenstein monster that will bring crashing about our ears the remnants of the whole system of conciliation and arbitration. Such a disaster would set back the clock in the industrial field fifty years. It is my considered opinion that if the conciliation and arbitration system is smashed unionists will find that the lost ground cannot easily be regained when the economic pendulum swings back, as eventually it assuredly will. I have given the commendable features of the bill their full meed of praise but the measure as a whole must be condemned as bad legislation that calls for drastic amendment, because it makes concessions to the militant and the communist-dominated trade unions in our midst, and particularly because it makes no provision for much-needed secret ballots which, it is admitted on all hands, offer the best prospect of restoring democratic control to trade unionists and of eliminating pin-pricking strikes and hold-ups.

Mr. HEARNSHAW (Eastwood) [4.26]: Mr. Speaker,—

Mr. McGRATH: I move:

That the question be now put.

The House divided.

Ayes, 47; noes, 42; majority, 5.

AYES.

- |                  |                  |
|------------------|------------------|
| Mr. Arthur       | Mr. W. M. Gollan |
| Mr. Booth        | Mr. Graham       |
| Mr. F. J. Cahill | Mr. Green        |
| Mr. J. J. Cahill | Mr. Hawkins      |
| Mr. Cameron      | Mr. Heffron      |
| Mr. Campbell     | Mr. C. A. Kelly  |
| Mr. Chalmers     | Mr. L. B. Kelly  |
| Mr. D. Clyne     | Mr. Landa        |
| Mr. Connor       | Mr. Lazzarini    |
| Mr. Crook        | Mr. James McGirr |
| Mr. Dring        | Mr. McGrath      |
| Mr. Enticknap    | Mr. Martin       |
| Mr. Evatt        | Mr. Matthews     |
| Mr. Finnan       | Mr. Nott         |
| Mr. Fowles       | Mr. O'Sullivan   |
| Mr. Freeman      | Mr. Powell       |
| Mr. Geraghty     | Mr. Renshaw      |

- |                 |                 |
|-----------------|-----------------|
| Mr. Seiffert    | Mr. Weir        |
| Mr. Shannon     | Mr. Wetherell   |
| Mr. Sheahan     | Mr. Williams    |
| Mr. Simpson     | Mr. Wyatt       |
| Mr. Tonge       | <i>Tellers,</i> |
| Mr. L. J. Tully | Mr. Greenup     |
| Mr. Wattison    | Mr. McMahon     |

NOES.

- |                     |                    |
|---------------------|--------------------|
| Mr. Adamson         | Mr. H. E. Jackson  |
| Mr. Anderson        | Mr. J. Jackson     |
| Mr. Askin           | Mr. Jordan         |
| Mr. Jack Beale      | Mr. Lawson         |
| Mr. Black           | Mr. Medcalf        |
| Mr. Brain           | Mr. Monro          |
| Lt.-Colonel Bruxner | Mr. Morton         |
| Mr. Cooke           | Mr. Padman         |
| Mr. Crawford        | Mr. Pelly          |
| Mr. Cross           | Mr. J. T. Reid     |
| Mr. Cutler          | Lt.-Colonel Robson |
| Mr. Darby           | Mr. Rose           |
| Mr. Dewley          | Mr. Stephens       |
| Mr. Dickson         | Mr. Storey         |
| Mr. Ellis           | Mr. Treatt         |
| Mr. Fitzgerald      | Mr. Turner         |
| Mr. Frith           | Mr. Vincent        |
| Mr. G. C. Gollan    | Mr. Wingfield      |
| Mr. Hearnshaw       |                    |
| Mr. Howarth         | <i>Tellers,</i>    |
| Mr. Hughes          | Mr. Deane          |
| Mr. Hunter          | Mr. Willis         |

Question so resolved in the affirmative.

Mr. FINNAN (Darlinghurst), Minister for Labour and Industry and Social Welfare [4.34], in reply: I shall reply briefly to the allegedly important objections that have been made to this bill. The first objection is to the court's being given power to confer preference in employment to the members of an organisation making application for an award. Hon. members opposite declare that this proposal would lead to compulsory unionism and would impose unfair conditions on men who had objections to joining a union. That fear is unwarranted. The bill merely confers on the industrial tribunal the power to grant preference to unionists as a term of an industrial award. The Government's main reason for seeking to do this is to remove an iniquitous restriction placed on the commission by amendments to the principal Act made in years gone by. The Industrial Commission is to be the sole arbiter as to whether, under an award, preference shall be given to the members of a union. I am confident that the commission will

satisfy itself whether preference is justified and reasonable. My colleagues and I have a high appreciation of the work of the Industrial Commission, and a belief in the fairness of all its dealings with both applicants and respondents. I feel sure that not one hon. member, irrespective of his political affiliations, has any doubt about the wisdom and justice of the decisions of the commission, whether they be given by the Full Bench or by any judge sitting alone.

The leader of the Opposition expressed concern about the rights of conscientious objectors to unionism. I do not agree that there is anything in the bill that will in any way interfere with the rights of a conscientious objector as they existed before the proposed amendment was framed. The whole matter will be left to the judgment and discretion of the Industrial Commission. As an illustration of the way in which the commission deals with conscientious objectors, I remind the House of the Doberer case, which originated in Newcastle. Then, the commission gave a clear indication of its attitude when it decided in Doberer's favour because he was a genuine conscientious objector. All hon. members are aware that there are genuine conscientious objectors such as Quakers and Plymouth Brethren, who have sincere religious convictions which lead them to object to doing certain things and to joining certain organisations. There is no doubt that the Industrial Commission will continue to deal with such persons in a fair and proper manner.

Mr. HOWARTH: How would conscientious objectors be protected? Would they have to apply to the court for exemption?

Mr. FINNAN: In the Doberer case the commission took action on its own initiative. Perhaps that will be the method adopted in the future. Doberer made no application to the court or to the Registrar. The commission discovered that this man needed protection and gave it to him when it was satisfied that he was a genuine con-

scientious objector. There was another person involved in the case, but the commission was not satisfied that he was a genuine conscientious objector. The evidence indicated that this man had belonged to a union but had later divorced himself from it, and sought to claim the protection of the court. That was regarded as a vastly different matter. The commission will fully protect the genuine conscientious objector.

Mr. DEANE: Regardless of whether he belongs to a religious body or not?

Mr. FINNAN: The commission will have to decide that and to satisfy itself. During the days of manpower control there was a good deal of conscientious objection to serving the country. I remember that a man presented himself at the manpower offices in Martin Place and intimated that he was a minister of religion. When investigations were made, it was found that he and his brother had determined to start this new crusade, and he became a minister by his brother's placing his hand on his shoulder, the two of them determining that they were both consecrated in the name of the Lord. When I say that the commission will satisfy itself as to the genuineness of any application made to it, I do not imply that it will regard as genuine every application. It accepted in 1949 the genuineness of Doberer's position, and at the same time rejected the claim of another man.

A number of hon. members referred to the powers given to the tribunals to embody in awards the right of entry of union officials. Such provisions are already applicable in the Federal jurisdiction, and in most instances were inserted by consent of the parties.

Mr. LAZZARINI: I had that provision put in an award by consent forty years ago.

Mr. FINNAN: In most cases under the Commonwealth Act this operates quite satisfactorily, and the Government has not had one complaint from the reputable employers or their federa-

tions, in respect to these provisions in the bill. The tribunals are being directed to insert reasonable safeguards to save employers any embarrassment or unreasonable treatment by union officials. Hon. members have asked why the policing of awards should not be left to the departmental inspectors. There is a very good reason. Industry in New South Wales has expanded greatly since the war, and on 31st December, 1949, 21,096 factories employing 534,467 workers had registered with the Department of Labour and Industry. The number of shops employing labour was 20,863 on 30th June, 1950. The inspectorate in my department has been expanded continuously and there are now sixty-eight departmental inspectors. The department is advertising for more men to police the State awards and factory codes, because, unless there is a mere pretence of protecting the worker, it is impossible for sixty-eight men to police 21,000 factories and 20,000 shops working under more than 600 State awards. Adult wage and salary earners in New South Wales were estimated to number 893,000 at the end of 1948.

Mr. TREATT: The commission can appoint selected union officials, if it needs to do so, under the existing law.

Mr. FINNAN: The leader of the Opposition objects to giving the commission power to determine and to stipulate preference, but he is willing for the commission to become a police department sending out inspectors from its very doors. The bill proposes a more straightforward way. The Government feels that these things should be done openly so that everybody shall know what the Government desires. The tribunals will be directed, more or less, to insert reasonable safeguards to save employers from any embarrassment that may be caused by unreasonable union officials. I do not deny that there may be unreasonable men even among

trade union officials. Where there is evidence of this the commission will write into the award the conditions governing the right of entry.

Mr. BRAIN: Union officials might enter a busy restaurant during the luncheon rush and by questioning employees and holding meetings, dislocate the business entirely.

Mr. FINNAN: The Government has full confidence in the Industrial Commission and knows that it will not allow conduct of that nature. During the lunch-time rush employees in a restaurant work very hard and no doubt it would be embarrassing to the management if a trade union official were questioning them and delaying them during the busiest period of the day. The right of entry and the conditions that attach to it, especially as to hours of entry, will be provided in the awards of the commission. Some right of entry is already present in many awards, but it is restricted to the employees' meal-times and it is now proposed that when an accredited union representative has a suspicion that an award is being breached he will be able, by the authority of the Industrial Commission, to enter premises at any time during the working day or night. There is nothing wrong about that proposal.

Employers' organisations have queried one or two matters in the bill but the right of entry and the right to inspect time and pay-sheets have not been the subject of any protest by them. They have not complained that these provisions will unduly embarrass them or harass them or interfere with them in any shape or form. Their action in refusing to object to these provisions demonstrates the high code of conduct of the general run of present-day employers. The good employer is proud that he has nothing to hide, that he is not afraid of an inspector and that his books are open books. This Government and the Industrial Commission will see to it that he is not embarrassed by any officious trades union representative.

During the debate there has been a great deal of talk about union ballots, and in my second-reading speech, to forestall much of that talk, I quoted the words of Mr. Justice Dunphy, of the Commonwealth Court of Conciliation and Arbitration, respecting the satisfaction that has prevailed in the Federal industrial sphere with the method of supervising union ballots which is in operation there and which is provided in this bill for the State sphere. As hon. members are aware, it is proposed to include safeguards against fraud or malpractice in the actual conduct of union ballots. The Commission, in this instance in the office of the Industrial Registrar, is to be given all the powers that are necessary to deal with a ballot in respect of which there is any evidence of fraud or malpractice. Members on the other side have pressed for secret ballots, but already most of the trades unions in this State hold secret ballots for the election of officers.

Mr. BRAIN: But not under the supervision of the Industrial Registrar.

Mr. FINNAN: The ballots are secret.

Mr. BRAIN: Of a kind.

Mr. BOOTH: What does the hon. member mean—of a kind?

Mr. FINNAN: I do not intend to reply to interjections of the type that the hon. member for Willoughby is making because he and other members on that side are using this catch-cry about secret ballots merely to create industrial unrest, and as an election cry in a vain attempt to win popular support. Most trades unions, including big unions that are communist-controlled, conduct secret ballots for the election of officials.

Mr. BRAIN: With the voter's name on the envelope containing the ballot-paper.

Mr. FINNAN: That is a wrongful interjection. The Federated Clerks' Union—

Mr. BRAIN: The Minister referred to communist-controlled unions.

Mr. FINNAN: That is so, and I have heard the hon. member for Willoughby and others on that side time and again declare that Mr. John Hughes, the secretary of the Federated Clerks' Union, is a communist. He was elected by a secret ballot. The ballot papers in the elections of officials for that union are posted to a box in the General Post Office, and the key of that box is deposited by the Returning Officer with the Industrial Registrar. The Building Workers' Industrial Union, the Federated Ironworkers' Association, the Gas Employees' Union, the Amalgamated Engineering Union, the Seamen's Union, the Miners' Federation all hold secret ballots. This legislation follows the pattern that has proved successful in the Federal industrial arbitration law. It provides safeguards for the unions, their members and their officials against malpractice and fraud. The leader of the Opposition and other members on that side know full well that since 1912 there has been provision in the Industrial Arbitration Act for the Minister to order a secret ballot of members of a trade union.

Mr. TREATT: It is obsolete.

Mr. FINNAN: It has been in the Act since 1912 and though the leader of the Opposition might believe that for that reason it is obsolete, it has remained. An anti-Labour Minister took advantage of it in 1934 to deal with a dispute between Lysaghts at Newcastle and the Federated Ironworkers' Association. That Minister ordered the Industrial Registrar to conduct a ballot and over 1,000 ballot papers were issued. Mr. Justice Cantor of the Industrial Commission in his judgment on the dispute gave the result. The judgment of his honor read:

Early on the morning of 29th August a mass meeting of the men determined by resolution that they would not vote at the secret ballot. The Industrial Registrar reports that nine exercised their right, eight being in favour of the continuance of the strike.

Mr. BRAIN: If the unions are not in favour of secret ballots, why does the Minister not say so?

Mr. FINNAN: I am pointing out that there is provision in the existing law for secret ballots. It has been there since 1912, and it was used by a Minister for Labour and Industry in an anti-Labour Government to force a secret ballot on unionists. What was the result? Of over 1,000 men, only nine voted. Eight were for the continuance of the strike and one was against it.

Mr. BRAIN: For years there has been too much intimidation by union secretaries and the like.

Mr. FINNAN: An anti-Labour Minister for Labour and Industry did nothing to prevent any intimidation.

Mr. LAZZARINI: The Opposition parties did not have the courage to gaoil the men who burned their ballot papers.

Mr. FINNAN: They did not have courage to take any action. I do not blame the Minister who was in office in 1934. He and the Industrial Registrar were embarrassed, but could do nothing about it, and their position must have been humiliating. The bill leaves to the unions the democratic right of determining for themselves the method of electing officials, but it provides a simple remedy for any party aggrieved by irregularities or malpractices in the conduct of an election. This provision has received some commendation from hon. members opposite. The leader of the Opposition said that half a loaf was better than none. Some Opposition members have expressed the fear that industry will be embarrassed by the granting of long-service leave to employees after twenty years' continuous service because many workers may wish to take their leave immediately. Had those hon. members examined closely the details of the measure they would be aware that it reposes in the Industrial Commission the power to determine the manner in which the leave shall be taken.

Mr. BRAIN: What will the judges of the Industrial Commission bench consider—the welfare of the country or of the employees?

Mr. FINNAN: They will consider the welfare of both, as well as that of the employers, as they have always done. It is only to be expected that in some industries there will be many employees entitled, by reason of long service, to take advantage of the provisions of the bill. The Industrial Commission will examine on their merits the applications of all unions on behalf of their members and will consider the effect on production of the granting of leave. Doubtless, it will do as it did with the coal miners. When they were granted three months' long-service leave for ten years' continuous service, the commission staggered over five years the taking of the leave by the hundreds of miners who immediately became entitled to it.

I have received representations from the Employers' Federation of New South Wales concerning the noting of particulars of wages and deductions on pay envelopes. I pointed out to the federation that if the provisions were enforced without the application of discretion and common sense, one section of the public service would be required to make twenty-one notations on the pay envelopes of its employees. Those provisions will be enforced reasonably and fairly by regulation. The administration of the law will be left to the common sense of the Minister—and this Minister seems to have common sense. I commend the measure to the House. I know that hon. members opposite are content with my explanation of the various points that have been raised during the debate. Unfortunately my time is limited and I cannot reply at greater length.

Motion agreed to.

Bill read a second time and committed formally.

[Mr. Speaker left the Chair at 5.6 p.m.  
The House resumed at 7.30 p.m.]

#### RACING (AMENDMENT) BILL.

Bill returned from the Legislative Council without amendment.

LOCAL GOVERNMENT (AMENDMENT)  
BILL.

## SECOND READING.

Mr. J. J. CAHILL (Cook's River),  
Minister for Public Works and Minister  
for Local Government [7.31]: I move:

That this bill be now read a second time.

As I said in my first-reading speech, the County of Cumberland Planning Scheme was prepared by the Cumberland County Council in pursuance of the powers and obligations imposed upon the council under the provisions of Part XIIA of the Local Government Act, 1919. That Part, which confers upon councils powers to prepare planning schemes controlling and regulating the use of land within their areas, was put into the Local Government Act by the Local Government (Town and Country Planning) Amendment Act, 1945. When that measure was before this House I explained that before the sixty-nine municipal and shire councils which were then embraced within the County of Cumberland could effectively plan the development of their areas, it was necessary that a master planning scheme of the whole county should be prepared to provide a framework within which the constituent councils could proceed to give effect to the new powers which were to be placed in their hands.

The Government, realising the urgent need for the preparation of the master plan within the shortest possible time, originally provided in the draft legislation that the preparation of the scheme would be undertaken by the Town and Country Planning Advisory Committee, which was to be constituted under the Act for the purpose of advising the Minister on planning matters. The Government felt that the Advisory Committee, with the co-operation of government departments and statutory bodies and the councils, would be in a better position to prepare the master plan than would the sixty-nine councils concerned collectively. The councils, however, specially asked the Government through their representative associations—the local government and shires associa-

tions—to be given the opportunity collectively, through a county council, to undertake this work themselves and they assured the Government of their preparedness to undertake the heavy burden of labour and expense which this would involve, and to prepare the scheme as rapidly as possible.

The Government, mindful of the fact that the town and country planning legislation was a local government measure, and that the preparation of town and country planning schemes under the Act was to be primarily the function of councils, decided to accept the councils' assurances and agreed to the constitution of a county council instead of the advisory committee to prepare the master planning scheme for the County of Cumberland. Appropriate amendments were, therefore, made in the legislation when it was before the House, providing for the constitution of the Cumberland County Council for the purpose of preparing the master planning scheme within a period of three years from the date of its constitution, or such longer period as the Minister might allow.

I well recall stating on the occasion of the first meeting of the Cumberland County Council that local government, through the medium of the county council, had a great opportunity to demonstrate to the world that it was capable of meeting the challenge which it had taken up to plan and build the better environments in which the people of this great metropolis will expect to live in the future. It is a source of very great pleasure to me as the Minister responsible for local government in this State, to know that local government has completely vindicated the trust that Parliament reposed in it when it provided for the setting up of the Cumberland County Council. Exactly three years from the day on which it was constituted the Cumberland County Council placed in my hands the County of Cumberland planning scheme—a scheme which it put forward as the pattern for the future development of Sydney and its environs.

In accordance with the requirements of the Act the scheme was referred to the Town and Country Planning Advisory Committee for investigation and report. The committee examined all aspects of the scheme and in its report to me, in which it suggested several amendments on matters of detail, stated that in its opinion the scheme with the modifications suggested would lay the foundations for greatly improved living, working and recreation conditions for the people of the county and would provide for the efficient functioning of the whole area as an economic and social organism. The alterations suggested by the advisory committee were the subject of discussion between the expert staff of my department and representatives of the Cumberland County Council, as a result of which certain modifications were made in the scheme.

The scheme was subsequently exhibited for a period of six weeks in June-July, 1949, for public information and the opportunity was provided for objections to be lodged by persons having an estate or interest in land affected by the scheme. Many persons have said that this plan is long overdue, and that it should have been brought in much more quickly. However, if hon. members will follow the sequence of what has taken place since the plan was presented to me, they will see how great an amount of work has been done, and they will understand that this is the first possible opportunity on which it could be placed before the House. The objections were determined after public inquiry in cases where the Act required it—that is to say in the case of objections, by councils nominated as responsible authorities for the purpose of implementing the scheme—and after full investigation by departmental officers in all other cases. Of about 3,500 objections received, over 1,000 were allowed and the scheme altered accordingly. The remainder could not be allowed without unduly prejudicing the scheme.

In putting forward the scheme the Cumberland County Council suggested that the financial responsibility for the

scheme should be shared equally between Commonwealth, State and local government. In doing so the Sydney County Council suggested that the scheme contained aspects of more than local concern to Sydney and that its implementation would result in benefits to the State and Commonwealth generally, particularly in its defence aspects. This view was shared by the Town and Country Planning Advisory Committee also, and after consideration of the matter the Government decided to approach the Commonwealth for a contribution towards the cost of implementing the scheme. However, the request met with no success.

Mr. MONRO: When was the first approach made to the Federal Government?

Mr. J. J. CAHILL: After the matter had been considered by the State Government. The Chairman of the Sydney County Council was interviewed and he did some lobbying in Canberra as well. That was many months ago. The Government then decided, following a full investigation of the financial implications of the scheme and in the light of the refusal of the Commonwealth Government to make any contribution towards its cost, that the most urgent features of the scheme should be proceeded with immediately and the less urgent matters left for later consideration.

The Government accordingly decided to modify the scheme by eliminating the provision for the reservation of built-up land from open spaces and foreshore reservations and from county roads. It was felt that in any case the housing position would prevent any wholesale removal of houses before they had outlived their economic usefulness, and that their exclusion from the scheme at this stage would not therefore prejudice the effectiveness of the scheme. The Government decided, also, that the financial responsibility for the scheme should be borne equally by local government and the State, but that local government should bear the cost of maintaining the

Cumberland County Council for the purpose of implementing certain aspects of the scheme and for future planning. The Government's view is that the county council is a local government instrumentality and it would be wrong in principle for the Government to contribute towards the upkeep of such a body. The existing provisions of the Local Government Act contemplate the submission of the scheme in the form of an ordinance which would need a positive resolution of both Houses of Parliament to make it effective. In view of the modifications proposed by the Government this is no longer possible and a bill is therefore necessary to bring the scheme into effect.

I propose to inform hon. members of the aims and objectives of the scheme. Before doing so, however, I should perhaps give some idea of the conditions that the Cumberland County Council brought to light as a result of its investigations. These may be found in a comprehensive report compiled by the county council and submitted with the planning scheme. Copies of this report are in the Parliamentary library. In the first place, the county council found an intense central concentration of employment, administration and social activity within the inner city area. Of the 750,000 people in the county who worked for a living, more than 70 per cent. were found to be employed in the inner areas—The City of Sydney, Leichhardt, Marrickville and Mascot. Of these, 30 per cent., or more than 225,000 people, worked in the inner square mile of the City bounded by Dawes Point, Central Station, Darling Harbour and Hyde Park. Whatever may have been the origin of this position, or its advantages in earlier years, it has long outgrown its usefulness. It is a system that drives hundreds of thousands of people into crowded conveyances for long periods each day, whirls them over long distances by noisy tunnels and bridges, through congested traffic, and spills them on to seething footpaths to work in sunless offices and factories. It is a system which deprives the suburban residents

of convenient and adequate shopping facilities, reduces their scope for neighbourhood life, entertainment and culture, which costs the average employee an unreasonable amount in daily fares, and in time spent on the daily journey to work, adds the equivalent of another day to the working week.

All populated areas should have central points for the distribution of goods and services, for places of assembly and social intercourse. The value of these centres is lost, however, if they are not convenient to the living area or if they fail to link the areas around them as distinct communities. Sydney, closely confined on a peninsula, is the capital of the State and centre of the county, as well as the nation's chief port. But because it has been expected to cope with still other functions it has outgrown its present site and has developed conditions that are retarding the fulfilment of its destiny. Despite its size and importance, the city lacks the convenience and dignity that should accompany it. Too much of its streets are lined haphazardly with small retail shops providing the daily needs available in suburban centres, or with some factories located in office buildings neither designed nor suitable for industrial use. The city's development, like its functions, is badly mixed and its efficiency suffers accordingly.

The major concentration of industrial employment also lies in the central area. The county council found that no fewer than three-quarters of the county's factory employees worked within 3½ miles of Redfern station. Of this total the City centre—the square mile that I mentioned previously—absorbed 28,000 in industrial pursuits, in spite of the commercial character of this area. A further 15 per cent. of industrial employment was found to be concentrated along Parramatta-road, so that only 10 per cent. was left for the rest of the county—an area where more than a million people lived. The Alexandria-Waterloo area, extending west to Marrickville, has the greatest concentration of factories in the county. Although it

is removed from the city, this area is reached mainly through the city congestion and thus daily travelling time to and from it is greatly increased. So much for the problem of over-centralisation.

I turn now to the problem of the slums. About a quarter of a million people live under conditions that are almost intolerable. Several surveys of these areas have been carried out and all of them tell the same story. In 1947 it was found that 45 per cent. of the houses in one typical area had sagging ceilings; 33 per cent. had rotten floors; 26 per cent. had broken windows; 46 per cent. had no running water in the kitchens and 48 per cent. had no separate bathrooms. Many pipes were so old and rusted that only a trickle of water came through. The survey revealed also that the only access to many groups of dilapidated cottages was through lanes impassable to motor vehicles; and many backyards were found to be no longer than 6 feet and the washing had to be hung out in nearby lanes. To make matters worse, the housing in slum areas is generally closely huddled around commercial and industrial areas and jammed between major traffic roads. Where these roads have become inadequate—as is almost universally the case—local residential streets are used, so that in addition to the hazards created by bad living conditions, there are those caused by fast traffic. This danger is enormously increased where the streets are virtually the only places in which children can play. Factories have intruded into all these areas and noise, smoke, dust and fumes add to the general squalor and further deprive the dingy dwellings of sunlight and air. Due largely to poor housing and lack of playing space, infantile mortality and child delinquency are higher than elsewhere and crime is more prevalent.

Probably no influence on the county's development has been greater than that of transport. The city is, in fact, a double focus for two entirely different systems. From the port of Sydney, Central Railway Station and the city

streets, radiates a long-distance network of shipping routes, railways and highways. On the same port, the same railway station, the same city streets, is centred another more local network of roads, railways and ferry services, carrying half a million county residents to the inner area every day. The present outstanding feature of all the long-distance terminals is their inadequacy. Shortages in capacity of wharfage, goods yards, stations, omnibus terminals and their approaches are so serious that they lower the efficiency and dignity of Sydney as the main entrance to a continent. This condition is mainly due to centralisation of the county's industry and commerce. Every extension or improvement in the transport system has tended to build up and congest the central areas, while in turn each expansion of the central areas has increased the demand for transport extension and improvement. In trying to improve the present system very little has been done to induce cross-flow of traffic by co-ordination with industrial growth and distribution. In the whole of the railways system the only cross-link is the line between Bankstown and Lidcombe—elsewhere all lines feed into the city.

The faults of the county's railway pattern not only are largely repeated in the road system, but also are accompanied by increasing destruction and waste and a growing death roll. It is futile to plan for healthy housing, adequate recreation and convenient employment, while death and injury on county roads are ignored. In the County of Cumberland, during 1950, 315 persons were killed, including 163 pedestrians, and a further 6,765 were injured, among them 2,116 pedestrians. Over 43 per cent. of these accidents occurred at intersections, many of which were shopping centres. Children, frequently on daily errands, suffered 736 casualties, including forty fatalities, and with aged people accounted for 48 per cent. of pedestrian casualties. Apart from this appalling waste of life and health it has been estimated that the total monetary loss due to accidents within the city is

over £3,000,000 a year. Any disease that was unnecessarily responsible every day for the death or incapacity of nineteen people in the county would not be tolerated; yet this toll of accidents, preventable and unnecessary, is often lightly accepted. The menace to pedestrians has not even been offset by any real benefit to the motorist. In 1900 the average speed of vehicles along city streets was approximately 12 miles an hour. To-day congestion at peak hours has reduced the average rate to a walking pace, as hon. members well know. Sydney's narrow streets are expected to carry a daily total of 90,000 private vehicles and 45,000 pedestrians concentrated in an area of one square mile. The inevitable waste of time and fuel and increased operating costs add greatly to the cost of all commercial and industrial transactions.

As I have already intimated, the bulk of the working population is employed at or near the centre of the county transport system. The remainder of the urban area is taken up with homes, and is virtually one great sprawling dormitory. "Sprawl" or spreading out in a careless or ungainly way occurs where an urban area expands haphazardly. Under such conditions land is developed for houses only without any reservation for the many needs associated with housing. This condition is evident in Sydney wherever residential development has taken place. Its effects are more costly to correct in the older fully-developed areas where the need for public buildings, parks, and recreation grounds, for the most part disregarded during the period of expansion, can now be met only by clearance and redevelopment. The conditions that have caused the outward sprawl of urban settlement have also created the most serious problem of premature development—the subdivision of land for residential purposes without relation to actual housing needs.

In periods of prosperity large areas of land were subdivided ostensibly for housing needs, but principally in the interests of investors. The county council's investigations have revealed that a

large surplus of vacant subdivided land has been gradually mounting up. Much of this is in remote parts, and has remained as vast stretches of waste land, useless to the holder and equally useless for farming for which purpose it often was originally used. One estate that was subdivided sixty-three years ago contained 1,750 lots all with 25-foot frontages, but only 134 lots had been built on. A year earlier another estate of 1,820 lots was subdivided, also into 25-foot frontages, and on all of these there were only forty houses. There are scores of similar instances. A few home builders could often exert sufficient pressure to have water and electricity supplies extended. Once the dwellings were erected access roads had to be maintained at disproportionate costs. In one extensively subdivided lot, which contained only twenty-eight houses, there were 4 miles of formed roads almost completely served by water mains, representing about 10 chains of road and water main to each home. The result of this premature subdivision of land is that approximately one quarter of the urban development of the county is scattered to such a degree that there is not the remotest prospect—at any rate on a sound economic basis—of completing the provision of utilities within a reasonable period.

MR. LAZZARINI: Twenty-five-foot frontages would not be allowed to-day.

MR. J. J. CAHILL: They would not. Outer suburbs such as Bankstown, Blacktown, Sutherland and Warringah are the greatest sufferers from this condition. In each of these areas the number of vacant lots is almost twice the number of existing dwellings. Yet houses are scattered over most of the subdivided area. This means that any public utilities must be provided almost on a scale which would serve three times the present population.

I turn now to the problem of recreation space. Deficiency of open space, one of the most outstanding defects of present development in the county, is due largely to the changing conception

of outdoor recreation and the part it plays in our daily life. What is inadequate to-day was probably considered ample during the county's early development. The people then enjoyed comparatively little leisure, for six days of the week were spent in earning a living, and limited transport facilities confined them to their homes or adjacent localities. To-day working hours have been considerably shortened and the citizens have a great deal more time for leisure. Interest in sport, though it may be only as a relaxation rather than as an activity, is almost universal. Outdoor recreation is considered essential for the maintenance of good health and as a relief from the strain of modern living and work.

It has been suggested that an adequate area of recreation space is  $2\frac{1}{2}$  acres of playing fields for every thousand of population. No municipality in the county has reached this standard; the western suburbs have only half this area. Between the city and Burwood there are only twenty-three cricket pitches, sufficient to cater at any one time for a mere 500 players in a total local population of 225,000. Even in more favoured areas the number of sports grounds is below standard. Kuring-gai has only 47 acres of sports fields but requires 90; Manly has 24 acres with a desirable standard of 75. Space for rest parks and children's playgrounds is equally lacking. The inner areas, excluding the city proper, are deficient by 11,000 acres, or about 2 square miles. The whole of the County of Cumberland was once an area of loveliness. The degradation of a century and a half of rapid growth has been so serious that there remain few opportunities for effective rehabilitation within reasonable economic limits. Not only has the natural beauty of the most priceless of the county's possessions, the harbour and its foreshores, been despoiled but much of the resultant development is unfit for the gateway to a great city. Despite an evident public desire to have foreshores protected, the same condi-

tion is fast approaching along the ocean foreshores on the northern side of the Heads and on those of Middle Harbour, George's River, Port Hacking and Pittwater.

These are the ills which beset Sydney as a social and economic organism. For more than a century and a half Sydney has grown with a lustiness typical of a young and prosperous nation. But its growth has been spasmodic and unplanned with the result that chaotic conditions have developed. Those conditions can no longer be disregarded. The County of Cumberland Planning Scheme represents the first real step towards planning the development of the county on a properly co-ordinated basis. An outstanding objective of the scheme is to effect a large measure of decentralisation of employment so as to relieve the present disabilities and inconveniences suffered by the people, as well as to reduce the economic loss sustained by industry and commerce, resulting from an over-concentration of activities within the inner core of the county.

The scheme aims also at achieving improvements in living conditions by arranging the day-to-day needs of the family in proper relationship with the home; the establishment of employment within more convenient reach of the worker's home, thus reducing the cost and time of the journey to work; a remedy for the present shortage of conveniently located parks, sports ovals, playgrounds and health facilities; a reduction of traffic congestion and road accidents; definition of suitable sites for industrial development; the provision of an improved and co-ordinated transport system; a basis for a complete and economical system of utility services; reduction in cost of production—and so in the cost of living—by eliminating wasteful expenditure on transport, travel and abortive development; the fostering of a healthy community spirit by residential development in planned neighbourhoods; the safeguarding of food-producing land by curbing premature subdivision; the protection and enhancement of the beauty of the county and

a. higher standard of landscape beauty, civic design and architectural order and harmony.

These objectives will be achieved by zoning and reserving land for the guidance and control of development. "Living areas" will be provided which will embrace mainly housing, but they will provide also for shops, schools, cultural and social establishments and local and service industries; the detailed location of which will be planned by the local councils in their local planning schemes.

New industrial areas will be established on the principle of dispersal from the present central concentration. Factories will be conveniently grouped where they can function efficiently without detriment to residential areas. Vacant land will be reserved for much-needed sports fields, rest parks, playgrounds, beautification schemes, sanctuaries and scenic areas. Within economic practicability harbour and river foreshores will be reserved for public enjoyment.

The rural areas of the county will be preserved not only for vital food production and as countryside to serve the metropolis, but also for soil conservation, irrigation, afforestation and the development of towns and villages with services, amenities and opportunities for local employment. A "green belt" will be established around the urban development of the metropolitan area, the principal function of which will be to preserve a distinct, permanent line between town and country and to retain some portion of the county at a higher standard of rural development within reasonable reach of all. It will generally take the form of farms, forests and rural institutions.

A county road system will be established. These roads, comprising eight national and regional roads, are based on the principle that, in the interests of safety and convenience, "through" traffic, usually fast, should be separated in due degree from slower local traffic and from parked vehicles and pedestrians. The major arterial and circum-

ferential roads will be "expressways," protected from intersecting traffic and uncontrolled access to the road. In the interests of safety, residential neighbourhoods and shopping centres will generally be by-passed. Many streets run on to highways, but under this plan they will terminate in a road parallel to the highway, which will merge into it at a convenient point. The following are the proposed roads: (a) The Warringah Expressway—a regional road giving access to Manly and Warringah district and drawing off heavy traffic passing through Mosman. A major bridge crossing of Middle Harbour is involved; (b) The Northern Expressway—a national road to Newcastle and Brisbane, designed to relieve pressure of traffic on the Harbour Bridge; (c) The Western Expressway—a national road running generally parallel with Parramatta road but unencumbered as that road is by commercial and industrial development; (d) The North-western Expressway—a national road which will branch from the Western Expressway at Wallgrove and provide alternative roads to Mt. Victoria and Singleton; (e) The South-western Expressway—a national road running generally along Wolli Creek and connecting with the present Hume Highway south of Liverpool; (f) The Southern Expressway—a national road which will join Princes Highway near Waterfall passing over the George's River at Taren Point.

Some new railways are proposed. These include cross-connections in the south-west and north-west portions of the metropolitan area. These proposals have been drafted with particular regard to the interconnection of industry and the provision of convenient access for the worker to his employment.

The responsibility for carrying the scheme into effect will be divided between the Cumberland County Council—which will look after matters affecting the county as a whole—and the local councils, which will attend to matters affecting their own areas. Under this division of responsibility the Cumberland County Council will be the responsible authority.

for—(a) the reservation of and restrictions on the use of land for public purposes, namely, parks and recreation reserves, foreshore reservations and places of natural beauty or advantage, county roads and railways; (b) the control of development within the green belt; (c) the control of development in the special use zones—this is land zoned for cultural, medical and educational purposes; (d) the granting of any consent required by or under this ordinance to the erection or use of buildings or the carrying out of works on land of the Crown or on lands of any public utility undertaking or the use of such lands. It is felt that Government departments and Crown instrumentalities should go to the Cumberland County Council for development permission rather than to the individual councils. The Crown is bound by the legislation. Other responsibilities are (e) the administration of the provisions relating to places of scientific or historic interest, and (f) controlled access roads and restrictions on ribbon development.

As I said earlier, the carrying into effect of this scheme involves legislation. The bill now before the House provides that the scheme prepared by the Cumberland County Council, as amended by the Minister, is embodied in the ordinance included in the schedule to the bill. The ordinance will take effect on the date of assent to the bill, and the provisions of the Local Government Act relating to planning schemes will then apply thereto. The Governor is empowered to delegate to the Cumberland County Council the powers and duties, including the power to rate and/or borrow, necessary to enable the Cumberland County Council to implement those parts of the scheme, or any amendment to it, for which it is the responsible authority. The Cumberland County Council is also empowered to undertake further planning. Planning cannot remain static; it is evolutionary. There is a need for a county planning authority to be continuously studying the development of the county and to undertake the revision and

supplementation of the scheme now before the House. In addition, the constituent councils are now in the process of preparing their detail plans and they will need the technical advice and guidance of the county council. The Cumberland County Council is empowered to use the Town and Country Planning Fund for the purposes of planning schemes of councils within the county or for assisting such councils in the preparation of their schemes. This flows from what I have just said. If the county council is to assist constituent councils it will need the legal authority to expand its funds for that purpose.

The existing section of the Act relating to the machinery of resumption is replaced by a new provision authorising councils to effect their own resumptions of land. I draw special attention to this matter, particularly that of the hon. member for Hornsby. They will not be able to proceed to resume, however, without first obtaining the approval of the Governor. All subsequent action after the Governor's approval will be undertaken by the councils in accordance with the machinery provisions substituted. This machinery is similar to that which obtained under the Sydney Corporation Act. It will also be possible to make ordinances as to the forms of notice to be given to owners of land, of any applications for approval of the Governor to resume. Applications already made will be completed under existing machinery.

I agreed on the recommendation of my officers to accept this provision, which will remove from my department an authority that I was loth to relinquish. I am, in most cases, the resuming Minister for the Crown, and felt that my department should continue to discharge this function but it has been pointed out that local government has grown in responsibility and stature, and believes that it should have this function. If we are to encourage the development of local government we must give it powers now vested in the central authority, and so I have agreed to the

recommendations of my officers that resumptions may be undertaken by local councils.

Mr. STOREY: A council will be able to resume any land.

Mr. J. J. CAHILL: Not necessarily.

Mr. STOREY: With the consent of the Government.

Mr. J. J. CAHILL: That is not so. This provision will amend the principal Act by vesting in local councils the right to resume land. They may resume land for certain purposes only, and their power, following a recent court decision, is not so wide as was thought. Local government has appealed against that decision which, it contends, will circumvent its development of local government, and I have intervened on behalf of the Crown. I believe that local government should have the power which everyone thought that it had possessed. Under the planning scheme local government could resume land, plan it, and create a different environment, but if it wanted to sell the land to pay for the scheme it would be unable to do so. The land must be resumed for a public purpose.

Mr. MONRO: Is that matter being rectified under the bill?

Mr. J. J. CAHILL: No, it is now before the court on appeal. Certain amendments of a minor machinery nature are also included. The procedure relating to the promulgation of town planning ordinances is simplified. At the present time a town planning ordinance does not come into force until resolutions are passed by both Houses of Parliament approving it. The Government feels that this procedure is appropriate in the case of a major scheme such as the County of Cumberland Master Planning Scheme. There are, however, a total of sixty-seven schemes including those for the thirty-nine areas in the County of Cumberland, the Newcastle region and the Wollongong-Port Kembla region, and if this procedure is followed in each of the

sixty-seven cases an unnecessary amount of the time of the Legislature will be taken up to the detriment of other business. It is proposed to adopt the same procedure for planning scheme ordinances as is followed with other ordinances. They will come into force upon proclamation. The ordinances will be laid on the table and every member of both Houses of Parliament will be supplied with a copy of the scheme and will have the right, within a specified time, to object.

Parliament through the Minister will still have overall control of the planning situation. Under the present provisions of the Local Government Act the Minister may—direct councils to prepare schemes either generally or for particular purposes; alter schemes submitted to him; recommend the making of an ordinance to revoke a prescribed scheme; allow, revoke, or modify interim development permission; suspend in certain cases the provisions of a prescribed scheme; and prepare schemes in the case of default by councils and likewise carry them into effect.

The proposal now before the House is an outline scheme and councils will be required by statute to complete the detail. If a council does not carry out its duty, the Minister may direct it to do so. If it fails to comply with the Minister's direction, the Minister or his committee may complete the scheme, which will then become the plan of the council. I am sure that the hon. member for Hornsby will now be satisfied that the Cumberland County Council will not have unrestricted licence to do all the things that he thought might be done. Where it is necessary to develop housing, erect schools or perform other public works in areas in which such proposals are affected by town-planning schemes, the Minister has power to direct the council to prepare a supplementary scheme to cover the proposals and in the meantime to suspend the operation of the scheme to the extent necessary to allow the development.

Hon. members will see that the scheme new before the House is not the hard-and-fast one that many people believed it would be. It is, most elastic. Development will be allowed. Villages will be built. Areas will be set aside as cultural centres. But if a district has grown and it is necessary to have school facilities, it is competent for the Minister to direct the council to make the necessary provision even in an area already laid down as a residential area. The whole scheme is most elastic. If hon. members have any fears that the measure will rob people of this, that and the other, they will see, if they study the bill, that those fears are groundless.

Mr. Cross: The bill provides for variations?

Mr. J. J. CAHILL: That is so. Councils will be continually altering plans to meet the changing needs of the community. I would at this stage emphasise that the ordinance is the legal basis for the planning scheme. It must, however, be read together with the scheme map and the provisions of the Local Government Act, 1919, generally with regard to powers and duties of councils, and particularly with regard to Division 6 of Part XIIA which prescribes the powers and duties of responsible authorities in putting into effect and enforcing prescribed schemes. This Act in no way over-rides the Local Government Act. The same restrictions still exist. This scheme is only part of the Local Government Act, and the provisions in the Act still bind local councils and councillors. The map, which is too large to exhibit in the chamber, shows the division of the county into various zones. For the information of hon. members I have here on the table the scheme map in detail, and if any hon. member is interested in a particular portion of the County of Cumberland he can refer to it. The overall map is divided into sections which are numbered, and hon. members can turn to that number and get the detailed in-

formation that they require. My officers, in preparing the maps, have done a good job for the House.

The ordinances and the provisions to which I have referred provide a charter for the implementation of the County of Cumberland Planning Scheme. The ordinance, however, is only a means to an end and is not an end in itself. The councils as responsible authorities must exercise their powers and will be expected to do so on sound administrative lines. The ordinance particularly should be examined under four headings, namely: (1) The reservation of land for certain purposes and restrictions on the use of other land drawing a distinction between vacant and built-up land. (2) The zoning system which will control the use of buildings and land in defined zones. (3) Non-conforming use; that is to say, a use which does not conform with the particular zoning of the land. The successful achievement of the planning scheme will depend upon the general control of development. The removal of non-conforming development will take place over a long period. One hon. member said to me to-day: "A constituent of mine has built his home in an expressway. Will he have to remove it?" Under this scheme no house will be removed until it has outlived its usefulness. It is a long-range scheme, and hon. members can rest assured that there will be no interference, apart from what would have taken place had this scheme not been brought into being. If the Department of Main Roads or the Department of Railways finds it urgently necessary to put a road or a railway down to serve a particular purpose, then those departments have powers of resumption, and in such circumstances there may be some interference.

Mr. MORRON: Such facilities are needed urgently now.

Mr. J. J. CAHILL: Although these things are provided in the bill, the House will realise that, with the shortage of labour and materials, many hon. members will never see them brought into effect. If there is vacant land in the

way of an expressway, future development of it will not be allowed. That provision is made so as to prevent the payment of additional compensation. The land will be preserved for the purpose for which it is required.

Mr. MONRO: Who will determine the route of the expressway?

Mr. J. J. CAHILL: The hon. member is the head of a local governing authority to-day. He will be one of those who will be expected to advise us. Here is the pattern for him and all the other local governing authorities, and they can get busy straight away and fill it in. That is not a function of a Minister. The Government is giving the local governing authorities a pattern. It is giving them something which not only members of this Government, but also governments comprised of parties representative of members on that side of the House, have wanted for years. If difficulties have to be met under the scheme, we shall have to overcome them. The Government is calling on local government to do its share. The fourth heading refers to the general amenity provisions, such as the harbour scenic provisions which are designed to control the aesthetic appearance of development within sight of the harbour, rivers and ocean, ribbon development and the protection of the countryside..

All vacant land shown for parks and recreation reserves, foreshore reservations, places of natural beauty or advantage, county roads and railways is reserved and except with the permission of the Cumberland County Council, which permission may be given only in certain circumstances, no development is permitted therein. The purpose of this provision is to make the land available for public purposes. Owners of such lands will, therefore, be able to require the responsible authority to take over the land and pay compensation immediately the scheme comes into force.

Mr. STOREY: Who will pay?

Mr. J. J. CAHILL: The Cumberland County Council.

Mr. STOREY: Where will it get the money?

Mr. J. J. CAHILL: It will raise a loan.

Mr. STOREY: Who will pay for it?

Mr. J. J. CAHILL: The hon. member has surely read the bill. Copies have been available since last Thursday. If the hon. member, who professes to take such an interest in local government, and who is so continually "knocking" it, does not know that without interrupting me, he has been very remiss.

Mr. STOREY: I thought that the Government was going to pay for it.

Mr. J. J. CAHILL: Councils will be given the right to levy on ratepayers: a tax of not more than one-tenth of a penny in the pound. This is a vital matter for local government and the attitude of the hon. member shows that he is out of step with his brothers in that sphere. By way of example, let us suppose that I own a vacant block of land along the route of the southern expressway, or in a proposed park. When the scheme comes into operation I shall be unable to build on that land. It is of no further use to me, so I shall require the Cumberland County Council to take it over and pay me compensation.

Mr. BRAIN: Who will pay the rates when the authority has taken over the land?

Mr. J. J. CAHILL: The Cumberland County Council will then own the land. It will not pay rates to itself. The use of built-up land in parks and recreation reserves, foreshore reservations, places of natural beauty or advantage, may not be changed without the consent of the Cumberland County Council.

Mr. MONRO: Will built-up areas in the green belt be eliminated?

Mr. J. J. CAHILL: No. They will remain, and will fall within the classification "non-conforming development."

Lt.-Colonel ROBSON: They cannot be developed?

Mr. J. J. CAHILL: Not without the permission of the Cumberland County Council. It might be necessary to develop a small village or industry in the green belt to meet local needs, but generally no further development will be allowed in such areas.

Mr. TREATT: Is compensation to be paid to an owner for his inability to develop his property?

Mr. J. J. CAHILL: I do not think that there is any provision for that to be done. Such an owner could require the Cumberland County Council to purchase his land.

Mr. MORTON: It has been suggested that a provision in the Local Government Act gives him the right of appeal.

Mr. J. J. CAHILL: Any such appeal would be to the Land and Valuation Court. However, I should say that he would not have a right of appeal. It is not contemplated that any injury would be caused to a person by his not being able to develop a property for a certain purpose. Buildings cannot be erected on land set aside for roads and railways. Nor can the use of such lands be changed without the consent of the Cumberland County Council.

A machinery provision is designed to enable the routes of county roads and railways to be altered. This is considered necessary because, upon a detailed survey being made by the constructing authority, it may be thought desirable to make slight alterations to the routes shown on the scheme maps. A number of people have been perturbed about the decision on the northern expressway. Numerous appeals were made against the original route, and several hon. members made representations to me. Naturally, they were anxious to help their constituents and, where possible, I complied with their wishes. In one or two cases routes were changed and those affected were very grateful. However, the Department of Main Roads, which is the constructing authority, now says that one change would cause a bend in the road

and would prevent them from building a bridge over the harbour as well as they might otherwise do. They insist that the original route be adhered to, and I have been obliged to accept their advice. I was very unhappy at the need to do this because I had been glad to give hon. members and their constituents satisfaction. However, the department had put its case very realistically and I had had no choice but to accept it. Dissatisfaction may be felt by some people, including many who have sent telegrams to-day asking me to delay the operation of this scheme. I remind them that this is only an outline scheme, and that local councils have the responsibility of filling in the local detail. The councils may be able to see a way to move the road to the right or left, and so meet everyone's convenience.

Mr. ANDERSON: They would be obliged to convince the Main Roads Department of the virtue of the change.

Mr. J. J. CAHILL: They would have to have a case that would satisfy the Cumberland County Council and the Minister. I do not know whether I shall still be the Minister in ten years' time, but whoever holds the office will have to adhere to the advice of his technical officers. Hon. members who have made representations to me on this subject may rest assured that I am most sympathetic towards their constituents and will do everything possible to meet their wishes. As time passes the detail of such routes as the northern expressway may well change. That is the only consolation that I can offer them at the moment.

All land within the County of Cumberland other than the land referred to above is included in one or other of the following use zones:—Living; business and commercial centre (county); business and commercial centre (district) industrial area class "A"; industrial area class "B"; industrial area class "B" reserved; waterfront industrial area; extractive industrial area; offensive and hazardous industrial area; rural area; green belt area; special uses.

The ordinance specifies what development may be undertaken in such zones without, and with, the consent of the responsible authority, and also the purposes for which land may not be used in such zones. The bill states exactly how the land can be used and where it can be used without making any application to the council. It sets out also the grounds upon which applications should be made to the council. The areas are zoned, and in future we shall not have industries sprawling over residential areas. Take a living area, for example. If any person wants to build a home in a living area he will be able to do so without having to obtain planning permission. Certain specified development, for example an industry other than a local light industry such as a baker's shop, will be prohibited. All other development may be undertaken only with the consent of the local council. If any person is dissatisfied with the council's decision he will be able to appeal to the Land and Valuation Court.

Buildings that are in existence immediately before the scheme takes effect may be maintained and used for the purpose for which they are now being used—subject, however, to certain provisions that enable the responsible authority to prescribe the use of any building or land which does not conform with the purpose of the zone in which the building or land is situated. Existing buildings that do not conform with the zoning may be altered, enlarged or extended under certain specified conditions. I referred previously to this non-conforming development. It would be neither practicable nor desirable to proceed immediately with the removal of non-conforming development. Many industries in living area zones are quite unobjectionable. In any case the removal of all industries from living-area zones would result in an enormous claim for compensation.

If industries are to be allowed to remain in living zones for the present, then it is only reasonable that they be permitted to expand within limits. These

limits as prescribed by the ordinance are: (a) If the responsible authority (which in this case will be the local council) having regard to the circumstances and the public interest approves the alteration, enlargement, extension or addition unconditionally or subject to conditions; (b) if the use of the building as altered, enlarged or extended is not likely to cause injury to the amenity of the neighbourhood, including injury due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, waste products or otherwise. Further, (c) any alteration, enlargement or extension or addition is restricted to land on which the existing building was erected or to adjoining land which immediately before the appointed day was in the same ownership. A man may have a vacant block of land next door to his building. Even though he is in a non-conforming area he may enlarge his building and may extend it to the vacant land, with the approval of the council.

The ordinance provides for the declaration of harbour scenic protection areas in which the design of buildings is subject to aesthetic control. Too many buildings have been erected in the past which are eyesores from the ocean, harbour and rivers of the county. In future in areas proclaimed by the Governor as Harbour Scenic Protection Areas applications for building permits will be considered from the aesthetic point of view, considering the effect of the structures upon the landscape. Provision is also made whereby the Governor on the application of the responsible authority may proclaim any land, building, work or place to be a place of scientific or historic interest. Development of such buildings or works or land will be subject to control and the responsible authority will have the power of acquisition. Foreshore building lines on land adjacent to the waterfront may also be fixed and the erection of any building between the building line and the waterfront prohibited. Restrictions will also be placed upon the cutting down, lopping, topping or destroying of

trees where it appears to the responsible authority that it is expedient in the interests of amenity to preserve the trees.

The ordinance provides that when compensation is being assessed the responsible authority may take into account any rates paid between 12th July, 1946—the date upon which interim development control commenced within the County of Cumberland—and the date on which the ordinance takes effect. The Government feels that where a person's use of land has been restricted under the interim development provisions of the Act it is unreasonable to expect him to pay rates. There is no provision in the present law under which they can be relieved of the obligation to pay rates. It is proposed, therefore, to give them the opportunity when claiming compensation to include in their claim rates paid during the period in which the use of their land has been restricted.

When the scheme comes into effect all development will be subject to the provisions of the scheme ordinance. The ordinance, therefore, terminates interim development control in respect of all land within the county. As I mentioned earlier, where the responsible authority refuses any consent to carry out development an appeal will lie under the provisions of the Local Government Act to the Land and Valuation Court, as in the case of appeals in respect of building applications.

Mr. MORTON: Will not the court be cluttered up within 10,000 applications?

Mr. SPEAKER: Order! The hon. member for Mosman has been endeavouring all the evening to be facetious. I ask him to cease interjecting.

Mr. J. J. CAHILL: We can all find difficulties if we look for them, but difficulties are made to overcome. I am sure that if the hon. member approaches the bill in the spirit in which it is brought down he will find a way of overcoming the difficulties. If the court is flooded out the Government can appoint another judge in that jurisdiction. The ordinance suspends residential district

proclamations in respect of land included in the various industrial zones. It would be anomalous for the county scheme to permit industrial development and for such development to be prohibited under a residential district proclamation. As the county scheme has been prepared on an overall basis it is considered that its provisions should prevail. There will, however, be no interference with proclaimed residential districts in living areas. The ordinance also suspends the operation of section 4D of the Housing Act, 1912-1949, and any proclamations made thereunder in respect of such zones. Building covenants in zones other than living area zones to the extent that they are inconsistent are also suspended. Similar comments to those that I made in regard to residential districts apply in this case.

Mr. McCaw: The measure will not preclude the proclaiming of further residential areas?

Mr. J. J. CAHILL: It will not interfere in any way with residential areas proclaimed at the present time, or with the proclaiming of further residential areas, provided that doing so is not inconsistent with the plan that has been adopted. For instance, it would not be possible to proclaim a residential area in a part that is set out for factory development.

Mr. McCaw: It abolishes all residential districts where they do not conform?

Mr. J. J. CAHILL: If a residential district ordinance applies to an area that is zoned for industrial use, it is abolished. If a residential area is reserved as a non-flat area by the local council, that will not be interfered with in any way, but if the area in which that applies is an industrial area, then the residential qualification is wiped out.

Mr. TREATT: Is any compensation paid in a case of that sort?

Mr. J. J. CAHILL: No. There would be no compensation involved.

Mr. TREATT: I had in mind Division 9 of the 1945 Act.

Mr. J. J. CAHILL: I see what the leader of the Opposition means, but there would be no pulling down of property.

Mr. ANDERSON: There would be a restraint.

Mr. J. J. CAHILL: I cannot answer the leader of the Opposition off-hand. I take it that he means that if the lifting of a residential proclamation would interfere with the amenities of a property, to that extent the owner may seek compensation.

Mr. TREATT: Yes.

Mr. MORTON: The owner would have to prove his case to the court.

Mr. J. J. CAHILL: Yes. Provision would be made for that. Ribbon development will be restricted in respect of county roads or main roads by proclamations prohibiting the erection of buildings or specified types of buildings within prescribed distances of the road or prohibiting the subdivision of land into parcels of less than the prescribed frontage.

It gives me very great pleasure to place this bill before the House. It is indeed unfortunate that some such measure was not put into operation years ago. The Greater Sydney Bill of 1915 provided for the setting up of a Civic Planning Commission to prepare an arterial road system to meet the probable future requirements of the metropolitan area for the following fifty years. What a tremendous advantage such a system would be to-day if those provisions had become law. Consider what the extra cost will be in constructing the road system to-day because of the need to pull down development that has taken place since that time. Again in 1931 the Greater Sydney Bill, which was introduced by our present Governor-General when he was Minister for Local Government, made provision for the Greater Sydney Council to prepare just such a planning scheme as has been prepared by the Cumberland County Council. But again the opportunity for doing something was lost.

The present Senior Planning Officer, Mr. B. N. Weekes, did a great job in assisting Mr. McKell when that gentleman was Minister for Local Government. Since then he has played his part in defending Australia and has spent a considerable time in a Japanese prison camp. He is now back in the Local Government Department and has assisted me in the preparation of this bill for the consideration of the House. He is a very valuable officer and I am sure that hon. members are pleased to know that he is well again, and that despite the privations he went through during the war years, he has been able to continue his good work and to make the substantial contribution that he has made in the preparation of this bill.

With the passing of the years the cost of removing the defects caused by unplanned development have become more expensive. The opportunities to which I have referred were lost largely because of the introduction of party political considerations. In my opinion, this matter transcends party politics and for that reason I ask hon. members to consider the measure on its merits, free from all thoughts of party consideration. I do not suggest that the scheme contains all the measures necessary to solve the problems caused by uncontrolled development. It is, however, the first step and a major one, in dealing with the major defects.

Mr. MORTON: The Minister has said that the State Government will pay half of the cost of this scheme, and that local government will pay half. I have read the bill, but I cannot see any such express provisions. Will the Minister enlighten me on that aspect?

Mr. J. J. CAHILL: I shall inform hon. members of what will be done to meet the cost of the plan.

Mr. MORTON: It is very important.

Mr. SPEAKER: Order! The Minister can attend to that matter in his reply to this debate.

Mr. J. J. CAHILL: Further, I do not suggest that in the preparation of this scheme mistakes were not made. Town Planning is a new field of human endeavour; a field that touches many phases of society. It must be expected that in the development of the technique of planning mistakes will be made. But if there have been mistakes they have been made honestly by persons actuated by a common ideal to make this city worthy of its place as one of the great cities of the world.

In this connection I should like to pay a tribute to Senator John P. Tate, who was Chairman of the Cumberland County Council during the whole period that the scheme was being prepared. Senator Tate was untiring in his efforts and the successful completion of the scheme was due in no small measure to the energies that he directed towards proving that local government has both the willingness and the capacity to take its rightful place in our great democracy. A great many other persons have played their parts well in the preparation of this scheme, and I pay tribute to them. The officers of the Cumberland County Council did a splendid job. I cannot let this opportunity pass without referring also to my own principal officer, the Under-Secretary for Local Government, Mr. S. Haviland, who has been a tower of strength. The First Clerk of the Department, Mr. J. T. Monaghan, who has been a member of the Advisory Committee, also has given yeoman service in the preparation of this measure.

Difficulties will undoubtedly arise in the implementation of the scheme. It will be unique in that for the first time development by the Crown and Crown instrumentalities will be subject to control. In the past some government bodies have been prone to discharge their tasks without regard to those of other government bodies. Their activities in the future will be co-ordinated. In order that that may be done as effectively and as smoothly as possible, I propose to recom-

mend the setting-up of a committee, representative of the various Government departments and Crown instrumentalities and of the Cumberland County Council, to assist in the stage implementation of the scheme. The resources of the Local Government Department, which has gained a considerable amount of experience in planning and which in consequence has been able to render valuable assistance to a number of departments, will be at the disposal of the committee and of the Cumberland County Council, and I have complete confidence that by team work any difficulties that arise will be satisfactorily overcome.

In conclusion, I should like to say that an agreement will be entered into between the Government and the Cumberland County Council under the provisions of section 493A of the Local Government Act whereby the State Government will contribute half the cost of the scheme. The Government will raise its own loan moneys for this purpose and the county council will be required to borrow only such an amount as will be necessary to meet its share of the cost. I commend the bill to the consideration of the House. In doing so, I suggest that hon. members have a great opportunity to bring into force a measure that will have a great influence for good upon the lives of future generations of the people of this city. It is my fervent hope that posterity will not be able to say of us that we cast that opportunity aside.

Debate adjourned.

#### INDUSTRIAL ARBITRATION (AMENDMENT) BILL.

IN COMMITTEE.

(Consideration resumed from an earlier hour.)

Clause 2. The Principal Act is amended—

(a) (i) by inserting in subsection one of section five at the end of the definition of "Industrial matters" the following new paragraph:—

(h) the mode, terms and conditions of employment of any persons employed in any industry as staff employees and the rights of employers

to require such employees to cease to be or to refrain from becoming members of a trade union or to perform work of the nature usually performed by any such members.

Mr. TREATT (Woollahra) [9.0]: Paragraph (a) of the clause purports to amend section 5 of the principal Act by inserting in subsection (1) of section 5 at the end of the definition of "Industrial matters" a new paragraph (h). The amendment empowers the Industrial Commission to consider such matters, and provokes immediately the question: what is the reason for the departure from the existing law and the provision of this additional "industrial matter"? Hon. members have received no explanation of its purpose. I should think that the Government would realise that in some industries staff members have a peculiarly close and particular relationship with the management and that it would have been impressed by the advisability of retaining that association in the interests of the expansion and productive development of industry. Doubtless in some industries many staff men are union members and there is no difficulty in that respect, but the amendment will bring about difficulties in some enterprises by obliging staff men, in effect, to join unions. The first duty of staff members naturally is to the management, with which they work in close association, and I suppose that the principal Act recognised that fact. That loyalty to the executive heads of the establishment is the sort of thing which creates the intense interest in work that has been the foundation of so many industrial undertakings in this country. The Minister has offered no reason for the amendment, and it would be extremely difficult for him to advance any cogent argument for obliging staff operatives to join unions and be put in the position of having to choose between divided loyalties.

It is difficult to conceive of a strong argument in favour of the proposal, and it has been suggested that the Government is being driven by some union to draw the staff employees into the unions

so that those bodies may have greater control over an industry and may wield greater intimidatory power in those instances in which recourse is had, not to arbitration, but to direct action. The attitude of the Opposition to this amendment depends on the reason for its introduction. Unfortunately, breaches of the arbitration laws frequently occur to-day, and time after time it has been found that staff members, who are closely identified with the management, have stepped into the breach, not to break a strike, but merely to keep machinery in order so that on the settlement of the dispute—and these contests have always to be settled ultimately—the workers may be able immediately to return to work and the community to enjoy the service to which it is entitled. On a number of occasions—the latest only a couple of weeks ago—employees at the works of the Australian Gas Light Company have had recourse to direct action and the staff members have operated the plant so that consumers could obtain a pitifully small gas supply in their hour of need. What harm has that action done?

Is the amendment proposed merely to give effect to the reactionary and foolish old adage, "One out" all out," and to make more effective breaches of the arbitration laws, direct action and intimidation? Is it introduced so that those tactics may be more punishing and more drastic and, therefore, in the minds of those who have conceived this proposal, more effective? Opposition members and, I venture to say, most Government members, have been unaware of any demand for the proposed amendment and knew nothing of it until suddenly it was brought forth in this Chamber. The Government may say that the reason for its action is that it wants greater peace in industry, but that would not be a proper reason. The nub of the proposal is that it makes it illegal for staff employees, at a critical time during a dispute, to go to the assistance of the industry, the public, and, indeed, the workers

themselves. The Minister might say that the purpose of this provision is to give the Industrial Commission power to make orders in appropriate circumstances. He might go further and suggest that members of the Opposition or Government supporters who seek to prevent the inclusion of this new clause are showing a lack of faith in the arbitration system. My reply to such a suggestion would be that once it is conceded—as the Government has conceded on many occasions—that it is proper, in the case of fundamental principles, to lay down rules for the guidance of the commission, it is proper also for Parliament to stipulate that so far as staff men are concerned the law should remain as it is. No reason is apparent for assuming that an alteration of the law as envisaged in paragraph (h) would add one iota to industrial peace or production. On the contrary it is most obvious that such an alteration will lead to a state of affairs in which the workers, industry and the community will all be losers. Consequently, I move:

That paragraph (i) of subclause (a) be omitted.

Members on this side of the House are as sympathetic to legitimate unions as is any person or group in the community. Any objection expressed from this side of the House to this or any other clause is designed to improve the bill and to protect the welfare of the community generally, including unionists.

Lt.-Colonel BRUXNER (Tenterfield) [9.13]: My colleagues and I support the amendment moved by the leader of the Opposition. At the second-reading stage I presumed to interpret this clause along the lines mentioned by the leader of the Opposition. I still read into it a clear attempt to bring within the control of unions men who are members of a staff. I listened to the Minister's second-reading speech and observed that he was silent on this amendment. I paid close attention to him while the hon. member for Barwon was analysing this provision on similar lines to those

propounded by the leader of the Opposition and myself and by way of interjection the Minister told the hon. member that he was wrong in adopting that attitude. He suggested that the only purpose of this provision was to enable the court to give some men who had been engaged on a staff—such as yardmen or those in similar positions—over a number of years the benefit of the right of going to the court. I do not know whether the Minister was serious in that suggestion because such an interpretation could not possibly be placed upon the clause. The all-important words are those in the concluding lines giving an employer the right to require employees to perform work of the nature usually performed by any such members of the relevant union.

I repeat what I said in my second-reading speech that this is an example of preventing the system of arbitration and conciliation from functioning smoothly, and can be traced to pressure from certain elements in unions that demand their own way. Government supporters know that as well as anybody else. This provision is clearly designed to force everybody into a union, including persons who would prefer not to be under union control. There will be a far better chance of peace in industry if this kind of provision is left out of the bill. If the law as it stands is given a reasonable chance, industrial peace will be assured, but this kind of provision will only create difficulties and stoppages. If the Minister can satisfy the Committee that this is a harmless provision and merely one of those attempts on his part to be generous to everybody, the Committee will be interested to hear his arguments.

So far he has treated this clause with a great deal of evasion and in his customary free-and-easy manner has brushed it aside as though it were mere "chicken feed." It is not "chicken feed," and that would be the opinion of anyone who read it in conjunction with the existing law. It is obviously designed to prevent members of a staff from stepping in, as

the leader of the Opposition said, and coming to the rescue of the public as they have often done. Over the years millions of pounds' worth of precious equipment used for the purpose of supplying the public with domestic services would have been destroyed for all time had not members of the staff looked after it without treading on the corns of the unions. In due course those who were on strike, thanks to the members of the staff, were able to resume work again. Perhaps the Minister will throw some light upon the matter.

Mr. FINNAN (Darlinghurst) Minister for Labour and Industry [9.20]: Government supporters have come to expect the Opposition to throw sinister suspicion on a provision that does the opposite of what has been suggested by them. This clause is inserted in the bill for one purpose only—to obviate industrial unrest. The question of the employment of staff employees has been a constant source of industrial friction, particularly in the north at Newcastle and in the south at Wollongong and Port Kembla. The question has been raised before the Industrial Commission, but no decision has been given because of doubts in the minds of the judges as to their powers to decide questions concerning staff operatives. I assure the Committee that the Government has complete confidence in the judges of the Industrial Commission and the amendment merely gives to them the right to determine the modes and conditions of employment of staff operatives.

The leader of the Country Party referred to executive officers of the gasworks who have been on the staff for years and have undertaken certain duties at particular times. The amendment will not interfere with them; it merely gives to the Industrial Commission the right to determine the modes and conditions of employment of such persons as yardmen or men stoking engines in yards who are suddenly appointed staff operators. They might have been members of the appropriate union for years but suddenly the office

determines to promote them to be staff operatives, though they continue to do the same work under the supervision of the boss who has bossed them about for years. Some hon. members opposite shake their heads, but I am giving the Committee the facts. I have referred to the employee who suddenly finds himself promoted to the position of staff operative. He continues to work under the same award, under the same boss and in a number of instances it has been found that industrial unrest or strikes occur shortly after his appointment as staff operative and after he has been instructed to resign from the union.

Mr. HEARNSHAW: That is the explanation of the introduction of this new provision.

Mr. FINNAN: He still carries out the same duties as he did before.

Lt.-Colonel BRUXNER: Now we are getting to know where we stand.

Mr. FINNAN: We all know where we stand. If there is anything sinister on the part of an industry in promoting an employee to be a staff operative and directing him to resign from the union, this provision allows the judges of the Industrial Commission to inquire into his appointment. Its sole purpose is to obviate industrial friction and unrest.

Mr. BLACK (Neutral Bay) [9.27]: I know that it is unusual for a new member to make a maiden speech in Committee, but the circumstances in my case are also somewhat unusual. I shall not take much time in making the usual preliminaries to a maiden speech, but wish to place on record my gratitude to Mr. Speaker for his courtesy to me during a difficult period and to pay tribute to him for what he has done for me in his office as Speaker of this Chamber. As I have said, the circumstances of my retirement were unusual and I might have expected Mr. Speaker, so far as he could, to extend me certain courtesies. Those were extended to me in full measure, and for that I am grateful.

Equally, I thank my friends on both sides of the Chamber for their sympathy for and friendliness to me during this trying period, and particularly I extend my thanks to the leader of the Opposition and members of the Liberal and Country Parties. I make my maiden speech in Committee conscious of the fact that hon. members on both sides wish me to speak quite frankly and without restraint in any criticism that I offer.

I listened with great interest to the debate on the amendment moved by the leader of the Opposition, and with close attention to the remarks of the Minister. For the reasons that I shall give, I am compelled to support the amendment with all the vehemence at my command. The provision provides for the inclusion in the definition of "Industrial matters" in the principal Act of the following new paragraph:

(h) the mode, terms and conditions of employment of any persons employed in any industry as staff employees and the rights of employers to require such employees to cease to be or to refrain from becoming members of a trade union or to perform work of the nature usually performed by any such members.

There are at present, broadly, two types of staff employees in industry and they perform specific functions. There are the white-collar workers, such as those employed by the Australian Gaslight Company, men who, when there is a strike, save the plant from destruction, and ensure to the people a supply of that vital commodity, gas. All hon. members, including the Minister, will agree that they play a most important part in the life of our community. But there are other staff employees who play an even more important part. They are the workers—for example, in the steel industry—who drive locomotives, who keep the coke ovens burning, and who keep the blast furnaces and open hearth in operation, irrespective of whether there is or is not a strike.

The Minister very eloquently told hon. members that all the bill purports to do is to provide that these persons may join a trade union. He might have added that they may do so not only so

that they may approach the Industrial Commission for an award, but also so that they may be thrust into a strike when that trade union deems such a course of action opportune. The effect on the people of New South Wales will be disastrous. The employer will be precluded from requesting these workers not to join a trade union if they become members of the staff and enjoy all the resultant benefits. Incidentally, never let it be said that the key employees who keep the coke ovens in operation but are not members of a trade union, do not gain some benefits as a result of being appointed to the staff.

Mr. WATTISON: What benefits?

Mr. BLACK: Hon. members will agree that the staff of organisations such as Broken Hill Proprietary Company Limited and Australian Iron & Steel Ltd. enjoy certain benefits. For example, they get the benefit of a superannuation fund, which is no small thing. Many of my friends have been members of the staff of oil companies, and they received all the benefits that accrued from being "on the staff." The Minister has said that the worst thing that can happen is that the Industrial Commission will determine the matters concerning the awards. I am not a practitioner before that commission, but I know that there are many matters of which it cannot take notice and in which it simply has no interest. The situation in New South Wales and in Australia is so desperate that we, as members of a sovereign Parliament, should not abdicate our powers in favour of even the Industrial Commission. The white-collar worker in the Australian Gaslight Company keeps the gas supply going. But what is the position in the iron and steel industry, which every member of this Committee knows is the prime target for communists? A great mass of members of the Newcastle section of the Ironworkers' Union are opposed to communism, but the members of the southern section of the union, which covers Port Kembla, are subject to communist control. The staff men in the

*Mr. Black.]*

steel industry at Port Kembla not only keep industry going, but they also prevent the coke ovens from being destroyed. What will happen if those men are compelled, as they undoubtedly will be if the measure is passed in its present form, to join the various unions concerned with the production of steel, including the operation of the coke ovens?

Mr. FINNAN: Who will compel them? The Industrial Commission?

Mr. BLACK: Of course not. The communists who rule the ironworkers will compel them to join. What will happen if the staff men are forced into the union, and the union goes on strike? Among other things the coke ovens, which expand up to 18 inches and take weeks to cool down, will be destroyed, or at least severely damaged. Similarly, if the staff men who operate the blast furnaces are "pulled off" the job because the union is on strike, overwhelming damage will be caused to the blast furnaces. That may seem to be a fair thing to the trade unions, but it will not have the approval of one member of this Committee. Hon. members know that the communists are desperately trying to gain control of every union concerned with the production of iron and steel. Whether or not they are in control of unions in the iron and steel industry, they certainly control a vast section of unionists within that industry. If the staff men are not left in a position to continue working and keep the coke ovens and blast furnaces going in the event of a strike the whole iron and steel industry will collapse.

Mr. SIMPSON: That has not happened so far.

Mr. BLACK: Merely because the staff men have kept the industry going. The hon. member will agree with me that without their help the industry would have been irreparably damaged.

Mr. SIMPSON: They not only want to keep the blast furnaces going; they also want to produce.

Mr. BLACK: Notwithstanding the hon. member's loyalty to the principles of trade unionism, would he be prepared, in view of the fact that in the next five years Australia may be menaced as never before in her history, to say that our heavy industries should be destroyed?

Mr. SIMPSON: If the strike were justified the employer would be in the wrong. What would the hon. member do about it?

Mr. BLACK: I do not agree with the hon. member that the staff men have been used to maintain production.

Mr. FINNAN: The hon. member has continually suggested it.

Mr. BLACK: The Minister has now fully revealed himself. I am amazed that he should speak in such a strain. To put it bluntly, he regards all staff men as strike breakers.

Mr. FINNAN: That is a lie.

Mr. BLACK: That is what the Minister just said.

Mr. FINNAN: The hon. member is trying to suggest that.

Mr. BLACK: Every member on this side of the chamber will agree that the staff, who keep the plant alive, are not strike breakers.

Mr. FINNAN: For years the members of the trades unions have been keeping the heavy industries alive—by sweat and hard work, of which the hon. member knows nothing.

Mr. BLACK: The Minister seems to forget that I made my maiden speech in this Chamber nearly six years ago and that I am not to be put off so easily. My colleagues and I believe that but for the staff the steel industry—far from increasing production—would have been destroyed! Australia cannot play its part in world affairs while its steel industry is liable to swift destruction; yet that is the effect of new clause 2.

Without endeavouring to exceed my privileges in this Chamber may I make an earnest plea to the Minister to delete

this clause. Let us be frank. At this stage in our history we cannot afford the luxury of such a clause. In five years we might have a Russian atomic bomb on this fair land, and whatever we may feel about the wicked employer, or the wicked trade union boss for that matter, we should not jeopardise our heavy industry, and our country's security. For that reason I support, most wholeheartedly, the amendment of the leader of the Opposition.

Mr. HEARNSHAW (Eastwood) [9.47]: I support the amendment but I should like to foreshadow another at the end of the clause in the event of the present one not being carried. This provision is a revelation of the industrial disease of the age. Not ten minutes ago the Minister told us squarely that there was friction in heavy industry because trade unionists objected to the staff men doing their job. He made it plain that if anyone is to give way it is to be the management, and that the trade unions are always right. The bill is an attempt to establish the right of the trade unionist to determine the conditions of his employment.

Mr. FINNAN: Does not the hon. member trust the judges of the Arbitration Court?

Mr. HEARNSHAW: The Minister does not; and when I refer to section 88 I shall show him why. The Minister said that there were in industry men who might, perhaps, be sweeping a yard, and then be suddenly promoted to a staff position. They would then resign from the trade union. The Minister would not presume to suggest what the management ought to require of its employees if he were not so anxious to win the support of the trades unions. Management is an important, independent and scientific process. So far as I am concerned its policy shall not be dictated by the trade union bosses. As in politics, so too in industry. It is not merely a question of a particular verbiage in a paragraph, but of loyalties

between men, that determines the relationships between men. Let me say as an industrialist who has been in charge of a steel foundry in this State, and who knows what he is talking about, that the basis of the relationship between staff and management is a supreme loyalty. That is what the trade unions are trying to combat. This provision is designed for that express purpose.

Mr. FINNAN: That is nonsense.

Mr. HEARNSHAW: It says so in the bill. To use the Minister's own words—"if the broom man is promoted \_\_\_\_\_"

Mr. FINNAN: I did not use those words.

Mr. HEARNSHAW: The Minister did use them. He said that if such a person were promoted to the staff the employer should not ask him to use his broom in an emergency.

Mr. FINNAN: I said nothing of the sort.

Mr. HEARNSHAW: The Minister said precisely that the bill prohibits a man from fulfilling his task. Was there ever such poisonous talk? This is the disease of the age. This is where the trade union movement has led us. Let me say, as one who has been trained in scientific management, that the responsibility of management lies in the individual members of the staff who can accept responsibility. Such persons are few and far between, and if the management finds someone in the team who can accept responsibility, it takes the first opportunity to put him on the staff. Management is responsible for conducting the industry in the service of the community, not in the service of the trade union movement. Loyal members of a staff are prepared to accept that responsibility to the community and that is the difference between a staff man and a trade unionist. The Labour Party has sown the seeds of discontent in the trade union movement for fifty years and now we are reaping the result. The controlling trade unions demand from their members a loyalty superior to that which

their members may give to the industry or to the community, and this is fatal to progress and democracy.

The Minister says that a staff man should be in a trade union so that he can approach the court. What utter tommyrot! No individual approaches the court; the trade union does so for him. What is a staff man going to get out of it if the case is presented to the court not by himself but by the union that is against him? Let us at least be clear-headed about the position. This clause gives the trade union boss superiority over the industry and the community, and I for one will have none of this most pernicious provision.

Lt.-Colonel BRUXNER (Tenterfield) [9.53]: I said that, if the Minister could show that the things hon. members on this side of the Chamber feared were not in this clause, I should have an open mind about it. The Minister's remarks show, however, that the clause is designed for the very purpose that I surmised in my second-reading speech. Its intention is to deal with the man who is loyal to the boss. The definition of "employer" in the principal Act includes the Commissioner for Railways, as well as other State-owned socialised undertakings. The Commissioner for Railways, who has under his direction 60,000 men and a capital investment of £160,000,000 or £170,000,000, is a servant of this Parliament. He is affected by this amendment just as much as is the person in charge of a steelworks. The Government, unfortunately, is still playing up to the very people who would destroy the Government and the Labour Party. It would not upset me one iota if the Government were destroyed, but I am greatly concerned because this sort of thing will destroy whatever chance we have left of holding this country. I do not care what happens to political parties or members of them, but I am concerned with what happens to our country, and particularly to the women and children in it. The passing of legislation such as this leaves us but a very slippery hold on our great heritage. The Government cannot suc-

cessfully defend the country and maintain the necessary production to back up the defence if it panders to those whose greatest pleasure is to throw a spanner into the works. I was hoping that the Minister could show us some reason for this little, seemingly innocuous element in the bill, but his speech proved everything we surmised and he became almost intemperate in his eagerness to disclose the real story behind its inclusion.

Mr. DARBY (Manly) [9.58]: The effect of this small paragraph, lightly referred to by the Minister in his second-reading speech, is that a man who is employed as a member of the staff will be caught in the mesh of trade union domination. The provision is obviously framed to discourage the appointment of staff men and to make it possible for men appointed as staff men to be incorporated into the union as members. This is an example of the enthronement of perverted trade unionism and the enslavement of the common man. The nation is being ruined by perverted trade unionism. Strikes first appeared in industrial relations as a means by which trade unions could get what they believed to be justice by saying to an employer, "If you do not give us justice, you will suffer," and suffer he did by the withdrawal of his labour forces, but unionism was not content. It organised itself into industrial trade unionism, so that union bosses, inspired by an alien philosophy, could make strikes their principal business. They have bothered not so much about how an employer would suffer through a strike as about how much the whole nation would suffer. Strikes to-day are organised, not to make the employer suffer, but to make the nation suffer, and sorely has Australia suffered in the last five years. There is no doubt, as the hon. member for Lake Macquarie will concede, that this country has been brought almost to its knees by industrial upsets and by strikes that have been directed, not at the employer, but against the nation.

Mr. SIMPSON: It has been brought to its knees only by lockouts by employers.

Mr. DARBY: Strikes have been designed to make the nation suffer so that it will bow to the demands of militant trade unions. Still militant trade unionism, which has unsheathed its claws in this provision, remains unsatisfied. It plans, not only to continue in its powerful position and to retain its ability to make the nation suffer, but also to demand unto itself the power to bring this nation abjectly to its knees. What did an employer do when a strike occurred? He said, "I will cut my losses and keep my plant alive." In these days what does the nation do? It cuts its losses and walks to work. But let us not beat about the bush in this respect. The employers used a device to save their industries from ruination. They had staff men who could, when a strike occurred, save the blast furnaces, save the gasworks, keep gas in the pipes to continue essential industries and services, and maintain the flow of electricity that is needed to enable sewerage, food processing and like essential services to operate so that the life of the nation would not be sapped. Employers, whether they are private capitalists or State authorities, have used the device of the staff men to save their industries from ruination.

The militant unions, not content with being in a position to cause the nation spasmodic hardships from which it is ever harder to recover, are anxious to obtain complete ascendancy so that they may bring the nation to utter ruin. They seek to place themselves in such a position as to enable them to say to employers or to the nation at large, "Unless you accede to our demands, your industries will be ruined." They wish to place on the employer, on the nation and on this Parliament the responsibility for the ruinous consequences that would flow from a refusal of their blackmailing demands. Communists dominate the unions that have control of the industries that can be ruined overnight, and are bent upon the destruction of this nation. Realising that, should we, as members of a sovereign Parliament,

allow the people's one remaining safeguard to be taken from them? No more sinister clause has appeared in any measure introduced in this Chamber. The Government is taking away the last "woollen singlet" that the community has to protect itself from the biting cold of militant communism.

Mr. CHALMERS: Hon. members opposite are going to be very cold.

Mr. DARBY: Not only we, but also everyone else, will be very cold indeed. The nation will be under the constant threat of blackmail, and unless the people accede to the demands of unions the fires of the nation will die out and the Australian democratic way of life will be destroyed. To-day the people can at least say to the communists, "You can take the men out on strike but, thank heaven, you cannot put out our coke ovens and cause our plants to decay through lack of use."

This measure gives to communists the most powerful weapon that they have ever had—and they are receiving it on a platter! They are being given the power not only to amputate our limbs, but also to stab us in the heart at the very time when the nation faces the most serious threat of oppression from without and from within that it has ever known. All the clauses of this measure—

The CHAIRMAN: Order! The hon. member has had much latitude, but I ask him now to confine his remarks to clause 2.

Mr. DARBY: What does it matter to the essence of this bill if the proposed amendment of subsection (1) of section 5 of the principal Act be withdrawn? The whole measure is designed to make it easier for trade unionists to control the industries in which they are employed. If it is passed as it is drafted, the Government will rue the day that it gave the communists this potent new weapon. The administration has been warned time and again by the Opposition of the consequence of doing what is proposed in clause 2. If the Government insists on holding the course that it has set, we

can only hope that when the communists rejoice and take advantage of the weapons that they have been given, it will not be too late to prevent the ruination of the economy of the nation. This measure will do more to destroy the economic life of Australia than will any other socialist legislation that has been introduced by this administration.

Mr. CRAWFORD (Barwon) [10.9]: I support the amendment. I accepted the Minister's explanation of the clause at the second-reading stage, but over the week-end I became concerned about it. I read it and re-read it, and came to the conclusion that its acceptance would be most unwise. Members of the Opposition have pointed out the possible effects of this provision. The principal Act contains a definition of "industrial matters" with which the Arbitration Court may deal. According to that definition—

"Industrial matters" means matters or things affecting or relating to work done or to be done, or the privileges, and rights or duties of employers or employees . . .

There is no need for this new provision. If it is persisted in an awkward situation will arise. The Minister's explanation is most unconvincing. He said that if a man were a yardman and suddenly became appointed a staff employee his condition of employment should be governed by the Arbitration Court. If a person is offered a better position he may take it, but if the position entails worse conditions of employment he may refuse it and still be a unionist. No man would ever be sacked because he refused to take a staff position. I have waited for Government supporters to express their views of this amendment, but not one of them has said that this provision is necessary. The Minister has not had any help from his supporters, many of whom have been, and still are members of unions. Not one illustration of something that has happened in industry

has been given in support of the provision. It is obvious that this is not a burning question with unions and consequently it should be rejected because of the dangerous position in which it will place various undertakings.

The leader of the Country Party pointed out that "employer" under the Act means anyone who employs, and that could be a Government department, such as the Railways Department or the Department of Road Transport and Tramways. Unionists who work in those undertakings are expected to give loyal service to their employers just as much as if they were engaged by a private employer. Why should a man have to be a staff employee before he gives loyalty to the boss? Loyalty should be one of his first considerations. The employer is the person or body who provides his means of living. It is a weakness in union thinking and practice that the boss is not entitled to loyalty and that the worker should abide by what the union dictates. Some unions suggest that the worker receives only his money from the boss and is not obliged to give him loyal service in return.

Mr. GREENUP: The hon. member does not believe what he is saying.

Mr. CRAWFORD: Earlier in the debate a Government supporter said that when a man became a staff employee he became loyal to the boss and forsook his loyalty to the union. Every worker, whether he is a unionist or not, should be loyal to his boss. He cannot work half the time for his boss and the other half against him.

Mr. GREENUP: Should not the employer show some loyalty to his employees?

Mr. CRAWFORD: Yes, and that loyalty should be reciprocated. If an employee will not be loyal to his employer he cannot expect loyalty from that employer. When trustworthy employees are made staff men they leave the union and become loyal to the boss; therefore the union loses some of its powers. I see no reason for this provision and strongly support the amendment of the leader of the Opposition.

Mr. SIMPSON (Lake Macquarie) [10.16]: If members of the Opposition had closely followed the speeches made during the second-reading debate they would not have asked a number of the questions that they now raise. This afternoon I gave a full explanation of what has occurred in the mining industry. On the Opposition side of this chamber we have a plethora of managerial, scientific experts, and it is doubtful whether any of them have had any experience in practical industry.

OPPOSITION MEMBERS: No!

The CHAIRMAN: Order! The hon. member for Lake Macquarie must be heard in silence.

Mr. MORTON: He has made an irresponsible statement.

The CHAIRMAN: Order! I insist that the hon. member be heard in silence. When a member of the Opposition has the floor silence is observed. Interruption must cease or the Standing Orders will be rigorously applied.

Mr. SIMPSON: The term "staff employee" has a value that is recognised throughout the heavy industries. The staff is composed of managerial employees, and these have always been recognised by the industrial union. In the mining industry staff employees are permitted to perform only managerial functions, except in emergency, when the union recognises their right to perform tasks other than their ordinary duties. These employees also are members of trades unions and work under awards. The remarks of the Opposition are designed to protect not staff employees of a mine but employers in heavy industries who have endeavoured to expand the term of "staff employee" beyond its logical and ethical meaning, and to deprive trade unions of their proper functions and powers. The view of the Opposition is that every strike is the result either of communist action or is the fault of the employees. Knowing a little of the industrial history of this country I aver that 50 per cent. of

strikes are caused by employers, and some of the largest industrial companies, to increase their power, have expanded the term "staff employee" to cover employees who ordinarily would be members of trade unions.

This afternoon I mentioned that one of the large industrial employers in Newcastle classified shunters as staff men. Imagine a shunter on the basic wage, the lowest possible wage, being a member of the staff. The probabilities are that some of the companies require such employees, who perform the lowest form of labour, to become members of the staff not only to act as strike-breakers in the event of a dispute that may be caused by the employer himself, but also to deprive them of the benefits of union obtained awards. They may be asked to work overtime without being paid overtime rates, and that actually occurs. Instead, they may be given a day off at the boss's pleasure. Hon. members opposite lack knowledge of the practical application of such matters to industry. The provision that the Opposition seeks to delete is well designed and should have been introduced into our legislation many years ago.

Mr. HOWARTH (Maitland) [10.22]: I support the amendment, which is in the best interests of the employees. Maintenance work, such as is involved in keeping mines free of water when they are not being worked, has been the means of enabling employees to return to work immediately a dispute has been terminated. If the retorts in a large industry were destroyed because of lack of maintenance it would be weeks before the employees could return to work.

Mr. SIMPSON: The staff of coal mines are members of the union.

Mr. HOWARTH: The proposed amendment to the Act is inspired by the unions, and not by the Minister or his department. The object of the unions is to gain control of members of the staff so that they also can be called out on strike. If, unfortunately, plant were permanently damaged, that would suit the men who are responsible for

many of our strikes better than anything else. The hon. member for Lake Macquarie said that 50 per cent. of strikes are caused by employers. That is definitely wrong. The great proportion of strikes occur because trades unions will not accept the awards of the Arbitration Court. They accept the portions of the award that are suitable to them, but strike against those portions with which they do not agree.

Mr. CHALMERS: I remember John Brown keeping the miners out of work for thirteen months.

Mr. HOWARTH: I am not so concerned with the dead past as with the effect of this bill on employees in industry. I do not want to delve into the past and discuss things that are better forgotten. I want to deal with this matter in the interests of the employees in industry and of industry itself. If we are to have continual strikes we cannot have a prosperous industry—and we cannot have good working conditions.

Mr. CHALMERS: A strike occurs only when two parties disagree.

Mr. HOWARTH: I repeat that the majority of the strikes are caused by unions' refusing to accept the verdict of the Arbitration Court. They do not wish to surrender the right to appeal to arbitration because they know they can always gain something in that way. They merely go on strike against that part of the judgment with which they do not agree. They do not seem to realise that every time they strike they penalise not only themselves but also their country, which so sadly needs a higher production of the world's goods. The hon. member for Lake Macquarie suggests that we have on this side a plethora of managerial experts. That is nothing to be ashamed of. I venture to suggest that there are on this side as many men who worked hard before they became managers as there are hard workers on the other side.

The CHAIRMAN: Order! I ask the hon. member to desist from debating the working capacity of hon. members, and

to restrict his remarks to a consideration of the amendment.

Mr. HOWARTH: I regret that I was provoked into replying to the hon. member for Lake Macquarie. However, his remarks were of no importance and so it does not matter. I repeat that if staff men are unable to carry out maintenance work, the strikers will suffer when they wish to return to work.

Mr. MORTON (Mosman) [10.27]: I should not have spoken but for the irresponsible statements of the hon. member for Lake Macquarie, who doubted whether any of my colleagues had been actively associated with industry. I assure him that many of them have, over the years, gained a profound knowledge of industrial conditions. I began in industry many years ago and have since been associated with not only the manufacturing but also the merchandising activities of this State.

The CHAIRMAN: Order! I ask the hon. member to direct his remarks to a consideration of this amendment.

Mr. MORTON: The action of the Government in opposing an organisation that is legitimately attempting to protect itself and so give service to the community is wrong in principle. In our own organisation we do not inquire whether a staff man is a unionist. After all, what is a staff man? That term might have a different meaning in different factories. A staff man is one who, as a reward for loyal service, has been promoted above his fellows. The Minister will agree that there is no finer virtue than loyalty. A man might have many faults but if he be loyal, whether it is to the boss, to his political party or to his leader, he is true. Surely when a man is loyal he is entitled to be elevated to a higher position. In an emergency the person who is the recipient of that man's loyalty and who has reposed trust in him, whether it is the boss, the Premier or the leader of the Opposition, expects the man who has been elevated in status to rise to the occasion.

In helping in that emergency whom does the loyal man help most? He helps the community—the people. He is carrying out his obligation to the community. What is the position of the unions—in heavy industries if the hon. member for Lake Macquarie wishes to choose those as his example? The unions in some sections of heavy industry are controlled by communists. Hon. members are well aware of that fact and indeed it has been announced by the Premier himself. As that is so, is there anything wrong with the action of an employer in protecting himself in his endeavours to give service to the community and to that end elevating some of his employees to staff positions? Unquestionably the employer is not gaining the greatest benefit from such action. He is endeavouring to fulfil his obligations to the community and to the loyal workman himself. If everyone had that objective in mind, this nation would be saved from a great deal of the trouble that it is experiencing.

The hon. member for Lake Macquarie, for whom I have the greatest respect has distorted views on this question. He is one-eyed and quite unprepared to see the real effect of this clause. I ask the Committee to view this provision carefully. If it is enacted as it stands supporters of the Government are likely to find that it will bite them in a place where they would least like to be bitten. I support the amendment by the leader of the Opposition and urge the Minister to accept it.

Question—That the words proposed to be omitted stand—put. The Committee divided:

Ayes, 45; noes, 42; majority, 3.

**AYES.**

Mr. Arthur	Mr. Fowles
Mr. F. J. Cahill	Mr. Freeman
Mr. J. J. Cahill	Mr. Geraghty
Mr. Cameron	Mr. W. M. Gollan
Mr. Campbell	Mr. Graham
Mr. Chalmers	Mr. Green
Mr. D. Clyne	Mr. Greenup
Mr. Connor	Mr. Hawkins
Mr. Crook	Mr. Heffron
Mr. Enticknap	Mr. C. A. Kelly
Mr. Evatt	Mr. L. B. Kelly
Mr. Finnan	Mr. Lamb

*Mr. Morton.*]

Mr. Landa	Mr. Sheahan
Mr. Lazzarini	Mr. Simpson
Mr. James McGirr	Mr. L. J. Tully
Mr. McGrath	Mr. Wattison
Mr. McMahon	Mr. Weir
Mr. Martin	Mr. Wetherell
Mr. Nott	Mr. Williams
Mr. O'Sullivan	Mr. Wyatt
Mr. Powell	<i>Tellers,</i>
Mr. Renshaw	Mr. Shannon
Mr. Seiffert	Mr. Tonge

**NOES.**

Mr. Anderson	Mr. Jordan
Mr. Askin	Mr. Lawson
Mr. Jack Beale	Mr. McCaw
Mr. Black	Mr. Medcalf
Mr. Brain	Mr. Monro
Lt.-Colonel Bruxner	Mr. Morton
Mr. Cooke	Mr. Padman
Mr. Crawford	Mr. Pelly
Mr. Cross	Mr. J. T. Reid
Mr. Cutler	Mr. Richardson
Mr. Darby	Lt.-Colonel Robson
Mr. Deane	Mr. Rose
Mr. Dewley	Mr. Stephens
Mr. Dickson	Mr. Storey
Mr. Ellis	Mr. Treatt
Mr. Fitzgerald	Mr. Vincent
Mr. Frith	Mr. Willis
Mr. G. C. Gollan	Mr. Wingfield
Mr. Hearnshaw	
Mr. Howarth	<i>Tellers,</i>
Mr. Hughes	Mr. Adamson
Mr. J. Jackson	Mr. H. E. Jackson

Question so resolved in the affirmative.

Amendment negatived.

Progress reported.

House adjourned at 10.42 p.m. until  
2.30 p.m. Wednesday.

**Legislative Assembly.**

*Wednesday, 30 May, 1951.*

Printed Questions and Answers—Questions without Notice—Callan Park Mental Hospital (Ministerial Statement)—Industrial Arbitration (Amendment) Bill.

Mr. SPEAKER took the Chair at 2.30 p.m.

The opening Prayer was read.

**PRINTED QUESTIONS AND ANSWERS.**

ARMIDALE LOCOMOTIVE SHED.

Mr. HUGHES asked the MINISTER FOR TRANSPORT,—(1) Is it a fact that the de-ashing pit at the Armidale locomotive shed is unsafe and a menace to