HOUSE OF ASSEMBLY

Tuesday 12 October 1982

The SPEAKER (Hon. B.C. Eastick) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

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

Prisoners (Interstate Transfer),
Royal Commissions Act Amendment,
Survival of Causes of Action Act Amendment.

PETITION: SEMAPHORE INTERSECTION

A petition signed by 1 835 residents of South Australia praying that the House urge the Government to acknowledge the danger to pedestrians, drivers and passengers of the Military and Semaphore Roads intersection and have traffic control lights installed, as a matter of urgency, was presented by Mr Abbott.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 136, 158, 160, 187, and 188.

MINISTERIAL STATEMENT: NEW ZEALAND TIMBER

The Hon. D.O. TONKIN (Premier and Treasurer): I seek leave to make a statement.

Leave granted.

The Hon. D.O. TONKIN: On Wednesday last, the member for Napier suggested that New Zealand timber was being used in Housing Trust contracts in the South-East, and certain further statements on the matter were made by the Leader of the Opposition over the weekend. With particular reference to the use of radiata pine produced in South Australia, the South Australian Housing Trust specification schedules radiata pine for all structural applications in wall and roof framing, the area of significant volume of timber used in trust housing.

Oregon has been permitted as an alternative, but very little use has been made of this material in the trust's experience since radiata pine became readily available. Where radiata pine is used the trust specifies that it must be of South Australian origin, and this timber is to be used exclusively for wall and roof framing by Empak Homes Pty Ltd in the construction of 21 homes for the trust to commence shortly at Mount Gambier. There is no reason to believe that any radiata pine from other sources (including New Zealand) is being used in any of the trust's activities.

The building industry closely associated with the trust's programme is aware of the long-standing (more than 30 years) requirement for South Australian radiata pine and little doubt is held that any would knowingly default and certainly none has sought approval to use an alternative. A check with the known major-timber suppliers to the trust's builders has revealed:

1. Lloyds timber—has not in the past, nor in the future, imported New Zealand radiata.
2. Reids—as for Lloyds timber.
3. North East Timber—deals exclusively with Woods and Forests for radiata.
4. Roof truss manufacturers—
   (a) Freeman Wauchope does not have or use New Zealand radiata.
   (b) Fastwood Products does not have or use New Zealand radiata.
5. Builders (major)—
   (a) D.J. Feeney—not using New Zealand radiata
   (b) Minuzzo—not using New Zealand radiata
   (c) Advanced—not using New Zealand radiata
   (d) Alpine—not using New Zealand radiata
   (e) Emmetts—not using New Zealand radiata
   (f) Walpole—not using New Zealand radiata

The Hon E.R. Goldsworthy: Have they been telling 'blueys' again?

The Hon D.O. TONKIN: I am afraid that that is another example of the misrepresentations which come from the Opposition. In respect of the trust's Mount Gambier programme, there is no current building activity other than 'labour only' contracts where materials are supplied by the trust, and all of the radiata supplied is definitely of South Australian origin. The South Australian Housing Trust has been closely involved with and actively supportive of the radiata pine industry and has led the progressive increase in the use of radiata pine in domestic construction. It has had continuous representation on the Australian standard specification committees and has, since metrication, based all of its construction detailing and dimensioning on radiata pine standards.

It has assisted the industry in making a number of significant advances in radiata pine usage (for example, finger-jointed structural timber, flooring grades, and the use of 'heart-in' material which would otherwise not have been usable for structural purposes). Timber species specified by the trust for joinery (windows, door frames, and so on) have been determined from common usage by the timber industry, and generally consist of imported hardwoods. No suitable hardwoods originating from South-Eastern South Australia are available for joinery purposes. The use of radiata pine for joinery in the building industry at present is minimal, although developments in lamination technology and preservative treatments may lead to wider use of the timber for these purposes, although at some cost penalty. The trust maintains close contact with the radiata pine industry and will extend opportunities for the use of South Australian timber wherever it is technically and economically feasible to do so.

MINISTERIAL STATEMENT: GAS PRICES

The Hon. E.R. GOLDSWORTHY (Minister of Mines and Energy): I seek leave to make a statement.

Leave granted.

The Hon. E.R. GOLDSWORTHY: I wish to inform the House that, earlier today, I signed an agreement with the Cooper Basin producers regarding the price of natural gas to the Cooper Basin producers. As a consequence, the Pipelines Authority of South Australia will seek to withdraw its challenge to the arbitrator's decision of 10 September, which set the price for 1982 at $1.10, retrospective to 1 January this year. The agreement obviates the need for arbitration proceedings in relation to the PASA price until after 1985. However, it is the hope of the Government, PASA and the producers that it will be possible to reach agreement upon a long-term framework for price reviews that would make

arbitration unnecessary for a substantially longer period. In the meantime, the agreement between the State, PASA and the producers provides that the price payable by PASA will effectively be as follows: 1 January 1982 to 9 September 1982, 85.67 cents (that will save taxpayers $60 000 000 this year); 9 September 1982 to 1 January 1984, $1.10; 1 January 1984 to 1 January 1985, $1.33; and 1 January 1985, $1.62.

I do not know what the Leader of the Opposition is muttering about, but we know of his attempts to sabotage this matter in public. Two significant features of the agreed pricing arrangements are that the increase between 1 January this year and the date of the arbitration is halved and that the price will remain at $1.10 for the whole of next year.

It is the Government's view that this pricing arrangement protects the interests of all South Australian consumers in terms of the actual rate of price increases and eliminates the uncertainty inherent in the arbitration process. The agreement provides that, in the event that agreement is not reached on long-term pricing arrangements and arbitration again becomes necessary, the agreed escalation of prices should not prejudice such proceedings after 1 January 1986. It also recognises that it is PASA's view that its challenge to the arbitrator's decision is well founded in law.

A major concern of gas consumers in this State has been the exploration effort aimed at identifying natural gas reserves for the State after its present entitlement, under arrangements approved by the former Government, expires in 1987. This is specifically addressed in the agreement. Within the context of their plans to spend $100 000 000 on natural gas exploration between 1983 and 1986, the producers have agreed to a guaranteed minimum expenditure of $55 000 000 on an accelerated gas exploration programme between 1983 and 1985 inclusive. This programme will involve between 23 and 26 wells, depending upon how it develops, and 2 400 kilometres of seismic. A very important feature of this programme is that it is the result of agreement between the State and the producers as to the actual work to be carried out, and the producers have agreed to review, on a monthly basis with the State, the technical operation of the programme and progress made by it towards delineation of economically producible gas reserves. I am advised by my department that the programme aims to identify up to 900 billion cubic feet of additional reserves.

In addition to seeking a long term pricing strategy, the parties have also agreed to discuss the following matters with a view to reaching agreement: the extent of available reserves in the Cooper Basin; rationalisation and sharing of existing and future discoveries between PASA and the Australian Gas Light Corporation; proposals for early development of what is known as 'tight gas'; the sale to PASA of gas outside the subject area; and, additional gas exploration following determination of the A.G.L. price which is currently the subject of arbitration. Throughout these negotiations I have kept major purchasers from PASA closely informed and involved. As a result of the agreed arrangements, domestic and industrial tariffs for gas and electricity will be significantly lower than would have been the case had the arbitrator's decision been upheld for this year and the existing arrangements for annual arbitration over the next few years not changed by this new agreement.

I believe that the arrangements I have just outlined represent a major benefit to South Australia. The impact of the recently arbitrated gas price increase is ameliorated. The uncertainty presently inherent in the annual arbitration arrangements for natural gas prices is overcome. A binding commitment has been obtained from the Cooper Basin Producers to explore for natural gas, as opposed to oil. The likelihood of natural gas being available from the Cooper Basin to meet the State's needs after 1987 is substantially enhanced. It is a major step in redressing the imbalance between New South Wales and South Australia, embodied in contractual arrangements approved by the former Government. The negotiation of this agreement has been a difficult and delicate task. It was not helped by premature disclosure by the Leader of the Opposition of details which were, at the least, commercially confidential.

Mr Bannon: You don't give up, do you?

The Hon. E.R. GOLDSWORTHY: Unfortunately, the Leader does not give up jeopardising the well-being of the people of this State.

The SPEAKER: Order!

The Hon. E.R. GOLDSWORTHY: In these circumstances, I believe it only right to thank officers of the State and the producers who, notwithstanding the difficulties created by that incident, negotiated energetically to produce the agreement which I have just outlined.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Ethnic Affairs (Hon. D.O. Tonkin)—

Pursuant to Statute—

South Australian Ethnic Affairs Commission—Report, 1982.

By the Minister of Education (Hon. H. Allison)—

Pursuant to Statute—

I. Education Act, 1972-1981—Regulations—Book and Materials Grant.
II. Kindergarten Union of South Australia—Report, 1981.

By the Minister of Environment and Planning (Hon. D.C. Wotton—

Pursuant to Statute—

I. Libraries Board of South Australia—Report, 1981-82.
II. Art Gallery of South Australia—Report, 1981-82.
III. Corporation By-laws—Thebarton—No. 46—Lodging Houses.

By the Hon. D.C. Wotton, for the Minister of Transport (Hon. M.M. Wilson)—

Pursuant to Statute—

I. Metropolitan Taxi-Cab Board—Report, 1981-82.
II. Road Traffic Act, 1961-1981—Declared Hospitals for Blood Analysis Regulations.

By the Hon. D. C. Wotton, for the Minister of Recreation and Sport (Hon. M.M. Wilson)—

Pursuant to Statute—

Racing Act, 1976-1981—Greyhound Racing Rules—

I. Trials.
II. Identification, Weights and Trials.

By the Minister of Health (The Hon. Jennifer Adamson)—

Pursuant to Statute—

I. Criminal Law Consolidation Act, 1935-1981—Regulations—Prescribed Hospitals for Abortion.
II. Health Act, 1935-1980—Regulations—Control of chloropicrin.

By the Hon. P.B. Arnold, for the Chief Secretary (Hon. J.W. Olsen)—

Pursuant to Statute—

Friendly Societies Act, 1919-1975—

I. The Independent Order of Odd Fellows Grand Lodge of South Australia.
II. Australian Natives' Association.
III. Independent Order of Rechabites Albert District No. 83.
IV. The South Australian Ancient Order of Foresters Friendly Society.
V. The South Australian District No. 81. Independent Order of Rechabites Friendly Society.
VI. Hibernian-Australasian Catholic Benefit Society of S.A.
VII. The South Australian United Ancient Order of Druids Friendly Society.

MINISTERIAL STATEMENT: WESTERN MINING CORPORATION

The Hon. D.O. TONKIN (Premier and Treasurer): I seek leave to make a statement.

Leave granted.

The Hon. D.O. TONKIN: I wish to advise the House that in its latest quarterly report, released today, Western Mining Corporation has disclosed the results of further exploration on the Stuart Shelf. The company has reported that drilling in the Wirrda area, 20 kilometres south south-east of Olympic Dam, has intersected copper. The intersection covers 215 metres between the depths of 419 metres and 634 metres. The grade of copper is 0.8 per cent. One section of 14 metres has 2.1 per cent copper.

The Deputy Premier has discussed these results this afternoon with the Chairman of Western Mining Corporation (Sir Arvi Parbo). This is a significant intersection. It is the best so far located outside the Olympic Dam project area and will further stimulate the joint venturers in their exploration work. It is not always realised that, under the terms of the Roxby Downs indenture, provision is made for possible development of 10 mines as well as Olympic Dam, although the detailed arrangements for infra-structure apply only to the initial project.

The fact that this latest find is 20 kilometres from Olympic Dam is further confirmation of the enormity of this ore body and means that another mining development in addition to Olympic Dam could be a real possibility. The Government has been advised that Western Mining Corporation will now undertake further drilling in this area.

QUESTION TIME

The SPEAKER: Before calling on questions, I indicate that any questions to the honourable Minister of Transport and Minister of Recreation and Sport will be taken by the honourable Deputy Premier, and any questions to the honourable Chief Secretary will be taken by the honourable Minister of Industrial Affairs.

GAS PRICES

Mr BANNON: In view of the new natural gas prices just announced, involving a 40 per cent increase retrospective to between January and September of this year with further increases scheduled thereafter, can the Premier advise the House of the effect on the comparative costs of power for South Australia and the other States, and what plans, if any, he has to minimise the impact of those increases on the competitive position of South Australian industry?

Members interjecting:

The Hon. E.R. GOLDSWORTHY: I happen to be the Minister who deals on behalf of the Government in this area, so that the Leader would understand that I have the facts. The Government and I, as the Minister responsible, have managed to negotiate an agreement which will ameliorate very largely the increase in prices which accrued to every man, woman and child in South Australia in terms of electricity tariffs, and to the people in terms of gas prices. As the Leader will know, the contracts were written by his Government and they not only did not guarantee our supplies.

Members interjecting:

The Hon. E.R. GOLDSWORTHY: I pointed out that the legislation was approved but details of the contract are commercially confidential. I saw details of those contracts only after coming into Government. Nonetheless, not only did they fail to secure South Australia's supplies, but they failed to make satisfactory arrangements in regard to price. At that time the A.G.L. negotiators were far smarter than was the Labor Government, in that the arbitration was not restrospective, and it had two arbitrators. Therefore, the Government was lumbered with an arbitrated price of $1.10, to apply from the beginning of this year, as a result of arrangements entered into by the Labor Party. As a result of the Government's negotiations, we will be able to minimise price increases for gas from Sagsco to commercial users, and we will be able to minimise the increase in electricity tariffs.

In regard to the specific questions asked by the Leader, I point out that, if the Labor Party's arrangements had been allowed to flow on, we would have been looking at something like a 31 per cent increase in the price of gas and probably an increase of about 20 per cent in relation to electricity. The Government will participate in further deliberations in relation to the Labor Party's tax on gas and electricity. Members of the House would recall that the Government of which the Leader was a member, in taxing the tall poppies, also decided to tax every man, woman and child in terms of electricity usage, and imposed a 5 per cent turnover tax for the use of electricity and gas.

The Hon. R.G. Payne interjecting:

The Hon. E.R. GOLDSWORTHY: Also, there was an exploration levy introduced by the Labor Party. I thank the honourable member for reminding me of that. Because of the enormous troubles the Government has had in relation to supplies as a result of the defective contracts negotiated by the Labor Party, it was necessary to increase the exploration effort. Fortunately, as a result of negotiations, the necessity for South Australian Oil and Gas to undertake the bulk of the exploration work for gas has now been ameliorated, in that the producers are screwed down for the first time to a firm exploration commitment for gas.

The Leader asked about the effect on tariffs in relation to those in other States. I was told by the Electricity Trust that, even if the full impact had to flow on, South Australia would still be in the middle of the range in electricity tariffs in Australia. As a result of my successful negotiations on behalf of the Government, I believe that South Australia will still be at the bottom of the range in regard to electricity tariffs in mainland Australia. I am quite sure that the Leader of the Opposition is disappointed about this news, because he has done his utmost to sabotage this attempt to save the taxpayers $16 000 000 this year. The Leader in this House leaked commercially confidential information in an attempt to discredit the Government in its attempts to successfully renegotiate downwards the price award, which was legally binding. I am quite sure that the Leader of the Opposition will be disappointed in my answer, because in fact South Australia should be still at the bottom of the range in relation to electricity tariffs applying around Australia.

POLITICAL ADVERTISING

Mr ASHENDEN: Will the Minister of Education advise the House of the policies relating to the use of school facilities for political advertising? I have been advised that a Rotary youth exchange briefing weekend was held at Banksia Park High School on Saturday and Sunday, 25 and 26 September. That group hired the resource centre, the kitchen and the gymnasium of that school. About 300 people attended the event. On the Sunday, during the official sessions of the group, the Leader of the Opposition, an unknown lady, the past member for Newland, and some children, not known to any of the local parents, turned up at the Banksia Park High School, with cameras and lights, and stationed

themselves outside the resource centre, which had been hired by the Rotary youth exchange group, and commenced filming what appeared to be a political television commercial.

Members interjecting:

Mr ASHENDEN: It might strike members opposite as being funny, but they should wait until the rest comes out.

The SPEAKER: Order!

Mr ASHENDEN: As part of the filming, the children upended litter cans, spreading the litter contained in them over the school grounds, and this was filmed as part of the commercial. In addition, the camera crew rudely demanded that these persons from Rotary (who had every right to be at that school) keep out of the way of filming, even though it was pointed out to them that it was the Rotary people who had officially hired the school premises. I am also advised that the past member for Newland had a set of keys to the school and that he and others entered various parts of the school during the activities of the filming of what appeared to be a commercial.

It has been put to me that this should not be part of Education Department or Government policy, and my constituents wondered who approved the use of Banksia Park High School for this purpose and who allowed the children to spread the litter over the school yard. They are interested to know who will pay for the power, because I am advised that very powerful lights were used in the filming of this commercial, and whether, in fact, the episode I have outlined is an abuse of school property.

The Hon. H. ALLISON: I have to express some surprise at one or two aspects of that disclosure by the member for Todd. There are some points to consider, even if it were quite legitimate for any organisation to move into a South Australian high school to use it for political advertising (and I not sure that it is; it is unusual, in my experience—I generally would take photographs from outside the school grounds, and I have never heard of the use of a school for that purpose, but other people may see it in a different light). I do not really know whether the Chairman of the school council or the Principal was involved in hiring out the premises for this purpose or in making available the school keys. I would assume that some stamp of officialdom was given to the visit in view of the fact that school keys were involved.

However, I think one thing must stand out, and I am quite sure that we will all be hanging on for this particular advertisement, if indeed advertisement it was, just to see whether in fact there is any attempt to create an improper view of South Australian schools. I think that the emptying of rubbish bins, when in fact the school was probably very tidy, is rather a snide attempt to hint that South Australian schools are not being well looked after at weekends. We will be keeping a close watch on the end product, shall we say.

It does not surprise me that the Australian Labor Party should be involved with rubbishing South Australia's education system, or rubbishing South Australia, because that has been par for the course. That Party seems to have joined with the Institute of Teachers in carrying that out and helping to drive away students from our fine Government schools. I am concerned that Banksia Park should have been chosen, because that school needs all the help it can get. I have been watching the district fairly closely over the past two or three years, and it has been brought to my notice that several hundred youngsters every school day leave that area to go to Birdwood (away in the hills), to Norwood, and to other schools in the metropolitan area. I would have thought that the Australian Labor Party would be more interested in getting youngsters into that area, close to home, where they belong.

I will be investigating gently to see whether the Principal and his school council did condone this visit to the school. However, it does really concern me that there may be misrepresentation. The school obviously would have been of neat and tidy appearance if the rubbish bins had to be deliberately emptied in order to create what must surely be a false impression of South Australia's schools. Bringing in strange children is almost reminiscent of what happened in the United States 20 years ago, where high schools like Tallahassee Cotton were subject to bussing of recalcitrant youngsters from some 20 to 30 miles away to create a false impression. I would hope that the Leader of the Opposition and his crew were not involved in that type of activity. I doubt very much whether they were, but it makes one think.

GAS PRICES

The Hon. R.G. PAYNE: Will the Minister of Mines and Energy say why he waited three years to negotiate with the producers the new arrangements regarding the price for gas and increased exploration in the Cooper Basin? All members of this House and members of the public of South Australia have been subjected to a continual tirade from the Minister, in which he has been saying that soon after coming to office he discovered the details of what he has described as the horrendous and horrible contractual arrangements, yet until now apparently the Minister has been content to accept those contractual arrangements, which all members know were approved by his Party when the Cooper Basin (Ratification) Act was passed in 1975 with an indenture which referred to the contracts and which was endorsed by his colleague the Minister of Industrial Affairs.

The Hon. E.R. GOLDSWORTHY: The Government did not wait for three years before addressing this problem. I have said several times in this House that one of the major problems facing this Government was the problem it inherited in relation to the continuity of our gas supplies. We have been addressing this problem since we came to office. As the honourable member knows, some months ago we took the departmental head, the Director-General of Mines and Energy, away from his normal duties to allow him, with an officer from the Crown Law Office, to concentrate on this problem and to do some work in relation to it. The contracts are tight, and I understand that they were not even shown to the select committee that inquired into the Bill.

The Hon. R.G. Payne: The select committee had access to them if it wished.

The Hon. E.R. GOLDSWORTHY: They are commercially confidential, and I certainly did not see them until we came to office. The Government was not in a strong negotiating position: in fact, it is in a weak negotiating position, because the contracts are legally binding, and I understand that anything the Government might do unilaterally could be challenged successfully in the courts. The more pertinent question that the honourable member should be asking himself is why the Labor Party wrote these contracts, which were so disadvantageous to South Australia, against the written advice of one of the producers, Mr Bob Blair, who, as Manager of Delhi, advised the Government at the time that the contracts were not in the best interests of South Australia, a view which was also reinforced, I understand, by at least one senior public servant.

The reason it has taken so long is that we were not in a strong negotiating position. The contracts and the arrangements for arbitration were clear. I point out that this is not the first time that gas pricing has gone to arbitration. The reason why the procedures went the way they did this year was that these were the terms of the contract which the

honourable member's Party negotiated. The arrangements were made particularly pressing because of the arbitrator's decision. Of course, any arbitrator from here on in would have been capable of handing down a price: if it had not happened this year, it may have happened next year. That is the stupidity and the uncertainty to which the Labor Party agreed. As a Government we were faced with the arbitrator's decision, which was legally binding. We worked extremely hard to convince the producers on this issue: we had this gas price increase, and it was not easy to convince them of that. It was only at the last moment that all the producers agreed to this increase.

The Hon. R.G. Payne: I should think they would.

The Hon. E.R. GOLDSWORTHY: The honourable member does not seem to comprehend the fact that this $1.10 applied from 1 January this year, and the producers had it; it had been awarded. If the honourable member was suddenly given $1 000 000 this year and then decided to forgo $500 000, the negotiator on the other side of the deal must have been able to convince him of something. The question he should be asking himself, to his eternal shame, is why on earth did the Labor Party enter into these contracts, which were so disadvantageous to South Australia in terms of contract, supply and price.

Having reached this agreement, which brings some certainty into the scene until the end of 1985, I am also quite confident that we will be able to negotiate satisfactory arrangements, in terms of sharing, with Australian Gas Light. The honourable member might well ask himself why his Government did not do something about it when it was in office and realised that the contracts were disadvantageous. We are in Government, we have addressed the problem and have achieved more success in relation to these difficult contracts than the Labor Party certainly did during its tenure of the Treasury benches.

FOOTROT

Mr RODDA: Has the Minister of Agriculture any information about a report of a flock of 1 400 sheep allegedly infected with footrot which have been destroyed in the Naracoorte district? I have been informed that the sheep were bought at the Naracoorte market on 10 September, were subsequently found to be infected with footrot, and are subject to a destruction order. Further, I understand that these sheep were bought at the auction, by a farmer who then traversed them on certain roads in the area while they were infected with this notifiable disease. Great concern has been expressed by graziers that infected stock should be offered for sale and that the flock was moved throughout the district along the roads. There is particular interest about what publicity has been or is being given to this grave contravention of the Stock Diseases Act and about what action is being taken against the offenders.

The Hon. W.E. CHAPMAN: I am aware of the incident to which the honourable member refers. He reminded me of the urgency and importance of this matter during the latter part of last week, and I have with me in the House today a report on it from my officers. It is true that at a recent livestock market in Naracoorte, where both the demand and prices were depressed, an employee at the local abattoirs, Mr Charles Thomas, purchased at a minimal cost approximately 1 400 sheep, for which there was little or no other offer. These sheep allegedly were not suitable for domestic sale and consumption at the time of purchase. Having only a few hectares of land of his own (indeed, insufficient to satisfactorily carry the sheep), Mr Thomas began grazing them along the road, on both sides, in the Naracoorte district. In response to a telephone call from an officer of the local authority, an inspector of stock inspected the sheep on 16 September.

Some of the sheep appeared to be lame but, because the owner was not present, arrangements were made with Mr Thomas's stockman for a further inspection to be made on the following day. In the presence of the owner the next day, the stock inspector carried out an inspection, and one sheep was found to be infected with footrot. A smear was found to be positive at the South-East Veterinary Laboratory. Mr Thomas was then issued with an instruction not to move the sheep without permission of the stock inspector. For several days Mr Thomas then tried without success to locate meat buyers for the sheep. On 20 September an instruction was issued to Mr Thomas to return the 1 400 sheep to his land at Naracoorte. On 21 September Mr Thomas's land and the mob of sheep in question were placed under quarantine, in accordance with the Stock Diseases Act.

On 22 September, one quarantined animal was found on land owned by a neighbour. At that stage Mr Thomas was not able to resolve the problem since he was unable to feed the sheep on his own land for more than a few days (they would, of course, starve); he was unable to move the sheep to alternative grazing because of the quarantine; he was unable to sell the sheep as there were no buyers; and he refused to destroy the sheep. Accordingly, because of the requirements of disease control and health issues (the Thomas land is on the Naracoorte town boundary) and on welfare grounds, the department took steps to destroy the sheep. A written order was given to Mr Thomas to dispose of the sheep on 30 September.

An approach was made by the regional animal health adviser to Mr Maney of Mount Schank Meat Company. Mr Maney agreed to process the sheep through his company's dry-rendering plant if they were delivered to the works at the owner's expense. The sheep disposal was completed on 6 October. Mr Thomas was allowed to retain approximately 150 sheep (which appeared to officers upon inspection to be clean), on his land under quarantine. The costs incurred to date, as well as can be identified, are approximately $1 000 for the purchase of the sheep, approximately $250 for the stockman's wages involved in droving the sheep for the period that they were on the roads in and around Naracoorte, and cartage to the works of the sheep for disposal at a cost of about $750. Altogether the costs incurred amounted to about $2 000, constituting a fairly expensive exercise for Mr Thomas and the officers involved in the clean-up exercise. In fact, Mr Maney of the Mount Schank Meat Company was involved in a cost for which our officers and the community generally are grateful.

Successive Governments and sheep owners of this State have spent millions of dollars in an attempt to clean up foot rot disease in South Australia and in the South-East region of this State in particular. Landholders have applied themselves deliberately and positively to rid their region of the disease. I can understand their concern for the aforementioned incident, which has all the hallmarks of an attempt by an individual to make a quick dollar and run the tremendous risk of incurring personal expense and massive loss to the community. I do not know whether Mr Thomas is in a position to meet the costs involved, but if he is not, and signs indicate that he is not, it becomes a community or public expense.

That sort of thing, I am sure members would agree, we can all do without. Deep concern to local landholders, an additional work load for the authorities (both local government and departmental) and embarrassment to those involved in the marshalling and offering for sale the sheep in question collectively makes the whole incident a very unsavoury affair, to say the least. I understand that the

range of earmarks and brands on the sheep made it difficult, if not impossible, to identify the original owners of the sheep. Therefore, the problem of identifying the property of origin of diseased sheep is remaining a real area of lingering concern.

PORT PIRIE HARBOR

Mr ABBOTT: Will the Deputy Premier, representing the Minister of Marine, advise the House as to when the proposed dredging in connection with the widening and deepening of the approaches to Port Pirie harbor will commence? Will the dredging be performed by the Department of Marine and Harbors?

The Hon. E.R. GOLDSWORTHY: I will obtain a report for the honourable member.

TELEVISION INTERVIEW

Mr RANDALL: Has the Premier had his attention drawn to the statements made by Mr Hayden (I believe on television on Sunday), in which he outlined plans to fund job creation schemes in Australia? From my recollection, Mr Hayden was interviewed alongside Mr Bannon and said that he would raise funds to create such jobs by increasing the Budget deficit and, secondly, by implementing a resources tax.

The Hon. D.O. TONKIN: I did notice the report of that interview which appeared in the daily press. I was very surprised because, even by some of the standards which have been adopted by the Labor Party in this State, it was way out.

The report said that 15 000 jobs would be created under Labor Governments in the first year of office of Commonwealth and State Labor Governments, and I found that extraordinary. A little bit of mental arithmetic reveals the fact that to create 15 000 jobs by the sort of job creation schemes that are being advocated by the Labor Party generally would run into something like $450 000 000.

An honourable member: Temporary jobs.

The Hon. D.O. TONKIN: They are temporary jobs. I was not too sure where the $450 000 000 was to come from until I read about it later in that article. Perhaps it would be better if I dealt with the various points that were raised. The other comment made in the article is, as follows:

> Four years ago, South Australia was the pride of all the States. Mr Hayden said today it is the most disadvantaged of all the mainland States.

Obviously, somewhere along the line either Mr Hayden has been grossly misled by his colleague in South Australia, or he is adopting the same misleading tactics, because we all know perfectly well that when my Party came to office, South Australia's share of the committed mining and manufacturing industry at that stage was some 3 per cent, compared with very much higher totals in other States. We have progressed from $255 000 000 of committed investment in the mining and manufacturing industry at that time, to something like $4 000 000 000 of committed investment in mining and manufacturing. I believe that we are presently running at a rate which is much better than the other States. I am quite certain that Mr Hayden should know this. I am amazed that Mr Bannon did not inform him of this fact. It could be, of course, that the Leader of the Opposition is desperately trying to hide this fact. He also talked about South Australia's natural advantages which, 'The Federal and State Labor Governments would exploit with foresight and skill and return South Australia to a sound economic footing, even in these economically tough times.'

An honourable member: He's export material.

The Hon. D.O. TONKIN: He is export material; he is certainly not foreman material. It is a completely contradictory statement. Obviously, Mr Hayden is suffering from a great deal of misapprehension. He has been misled.

The Hon. E.R. Goldsworthy: He got a dose of the blueys, too.

The Hon. D.O. TONKIN: As my colleague says, perhaps he had a dose of the blueys from the Leader of the Opposition. Another statement was that, since the Liberal Government took office in South Australia, the economy has sustained downturn after downturn. I do not know whether he thinks that the Liberal Government in South Australia is responsible for the international downturn economically, or even the national downturn, but I must say that in the figures and indicators which we are consistently seeing now, South Australia is showing a performance which is better than that of the other States. Obviously, he was dealing with figures which had been fed to him by the Leader of the Opposition. I certainly agree with the first part of his statement, as follows:

> Unemployment here is a major problem, especially youth unemployment.

I think everyone agrees with that. He then went on to say:

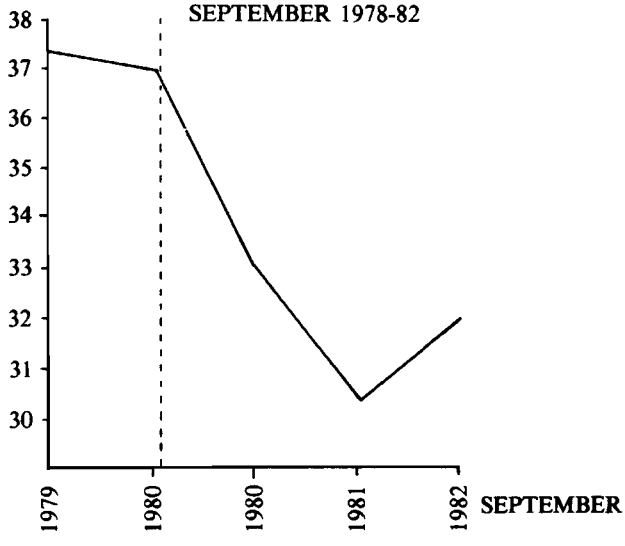
> Figures show that 29 per cent of your young people are unemployed, and that's why our Labor Government's first priority has to be job creation.

The Bureau of Statistics figures in relation to the number of teenagers looking for full-time work as a percentage of total persons unemployed for the period from September 1978 to September 1982, indicate that in 1978 the percentage was 37.3 per cent, in 1979, 37 per cent, in 1980, 33.1 per cent, in 1981, 30.4 per cent, and in 1982, 32 per cent.

I seek leave to have inserted in *Hansard* a statistical graph which demonstrates a fall in the share of teenagers looking for full-time work during the time of the Liberal Government.

Leave granted.

NUMBER OF TEENAGERS LOOKING FOR FULL-TIME WORK AS A PERCENTAGE OF TOTAL UNEMPLOYED SEPTEMBER 1978-82



The Hon. D.O. TONKIN: The graph shows quite conclusively that the conclusions reached by the Leader of the Opposition are quite wrong. In fact, the graph shows quite clearly that the share of teenagers looking for full-time work has fallen considerably since 1980, particularly in 1981 (which

is during the term of the present Government). I do not know how the Leader thinks he can explain that. Again, he is deliberately misleading not only the people of South Australia but also his own colleague, the Leader of the Federal Labor Party, and inducing him to make misrepresentations, thus misleading the public of South Australia. The most fascinating thing in the report to which I referred is the following statement:

Mr Hayden said the jobs creation scheme and a big capital works programme, to attract industry and increase economic optimism in South Australia, would be funded by resources rental and excess profits taxes on Australia's mineral industries—

and the following, which the Leader just tosses away—

and a Budget deficit of $2 500 000 000.

The mind boggles. I would have thought that even Mr Hayden, who was Treasurer during some of the rather disastrous Whitlam years, would have realised exactly what Budget deficits of that size (and that would not be the extent of it) would do to the Australian economy. We have already seen the result of an escalating inflation rate, that went up to over 17 per cent during the life of the Whitlam Government, as a direct result of running Budget deficits of that magnitude. If a $2½ billion deficit is necessary for job creation schemes, I can only say that the mind boggles about the size of the deficit that would be incurred for the general administration of the country.

Resources rental and excess profit taxes are exactly what we do not want to see in Australia, because those taxes will effectively ensure that mining resource industries will not be able to viably enter into the development of resources that we have. That would be a tragedy for South Australia. As a result of the rather surprising and frightening statements made by the Federal Leader of the Opposition, obviously at the urging of the Leader of the Opposition in South Australia, all I can say is that the Labor Party in Australia and in South Australia must be the last socialist party in the world that believes that artificial job creation schemes can get over the world-wide problem of unemployment. That simply does not occur, and it will not occur. It would lead to increased inflation, increased costs, and increased taxation, not only for resource development companies but also for every Australian, and in the long term it would cost jobs, not create them.

TANCRED

Mr WHITTEN: Will the Deputy Premier, on behalf of the Minister of Marine, advise the House whether it is intended to replace the Department of Marine and Harbors' tug *Tancred,* which is nearly 40 years old and approaching the end of its useful life?

The Hon. E.R. GOLDSWORTHY: I will obtain a report.

TOUR COMMENTARIES

Mr GLAZBROOK: Will the Minister of Tourism advise the House whether any action is necessary and could possibly be taken to ensure that tour guides and the commentaries given are not only accurate but truly reflect the best of South Australia, and that there is sufficient in-house training to ensure that the staff at the Travel Centre is kept up to date with the latest tourist literature? Last Saturday in the Adelaide *Advertiser* there appeared an article written by Alex Kennedy, in which it was suggested that, following a tour, the writer was shocked to find that the guide's commentary was not only sketchy, but in parts erroneous. It was also suggested that some of the staff at the Travel Centre were, at times, unaware of the tourist advantages in parts of the State and that many brochures were outdated and scant in information.

The Hon. JENNIFER ADAMSON: I should make it clear that the Government does not conduct bus tours; it contracts to private operators tours which are made available to anyone who wishes to buy a package bus tour, normally a day trip. Earlier this year, the Tourism Development Board considered whether those tours should continue, and agreed that they should. Again, I say that they are not Government bus tours.

Having said that, I know that the tour operators undertake staff development courses to ensure that their drivers have some instruction in appropriate narratives, but in the light of the criticism that has beeen levelled (and I stress that the department itself has received very few complaints over recent months and years; indeed, it has received quite a number of complimentary letters), the department and coach operators will certainly be working together to examine the need for further development because, after all, that is the responsibility of management. One could hardly blame a bus driver if his commentary is inaccurate, if he has not been shown how to make an entertaining, accurate and appropriate commentary.

Some people who have contacted me over the weekend at home and in the office say that they agree with what was said in Alex Kennedy's article about the bus tour commentaries, and that they would like to see tour guides accompanying the buses in the same way as it is done in some European countries. That, of course, would impose considerably higher costs on tour operators and consequently on passengers who undertake the tours. It may also encounter some kind of industrial resistance. For the immediate future, it seems to me that efforts should be made to assist those bus drivers, where appropriate and necessary, to upgrade their commentary.

A number of new staff members have recently been appointed to help cope with increased inquiries at the Travel Centre and they, in some cases, have replaced experienced staff who have transferred to other sections of the department. An in-house training programme is being undertaken, and those staff members are undergoing staff development and information programmes. The department is about to undertake a survey of the information needs of people who visit the Travel Centre, and the results of that survey will certainly assist us to upgrade the service that is provided.

Again, I stress, as I did in the press at the weekend, that, because the department wishes to upgrade much of its literature and to incorporate the new corporate image which has been designed for South Australia as a tourism destination, stocks of some materials have been allowed to run down so that the new and appropriate material can be introduced as soon as possible. I am conscious that all has not been perfect in recent weeks, but I stress that the department is trying to upgrade the performance of the Travel Centre and is putting considerable resources into ensuring that this occurs.

GRANGE HERMITAGE

The Hon. D.J. HOPGOOD: Will the Minister of Environment and Planning say what representations the Minister of Industrial Affairs (who is, of course, the member for Davenport) has made either to the member personally or to the Cabinet as a whole in relation to the listing of the Grange Hermitage?

Members interjecting:

The Hon. D.J. HOPGOOD: It is too late to make them now. What modification of Government policy, or action,

has resulted from these representations and, if none has resulted, why was the Minister not more persuasive?

I think it was last Thursday week, in the evening, that an extremely well-attended meeting at the Burnside Town Hall called unanimously, as I recall, on the Government to list the whole of the Grange Hermitage. The Minister addressed that meeting and, in the course of his comments, said, amongst other things, that he realised that he was in a fairly difficult position, that he was bound by the rules of Cabinet solidarity, but nonetheless any matters which were raised genuinely at that meeting would be placed by him before Cabinet. No public announcement has been made by the Government of any change of policy since that meeting.

The Hon. D.C. WOTTON: My colleague, the Minister of Industrial Affairs, has spoken to me personally about the matter, particularly in relation to the outcome of that meeting, and he has also passed on to Cabinet information relating to the meeting. I think it was on Thursday of last week that the Minister of Industrial Affairs announced that he was seeking the assistance of other people to find a suitable use for the buildings and the winery itself. I would certainly support what the Minister is doing in that regard, because it is vitally important that it be retained.

I repeat once again, for the benefit of the House, that it was as a result of the Premier's direct intervention that the company did in fact agree to preserve the winery, and that is why it is important that a proper use should be found for those buildings and to preserve the Grange cottage and a section of the vineyard. The Government has acted in relation to the area and it has been placed on the interim list. To answer the question, the Minister of Industrial Affairs has discussed the matter with me and has reported to Cabinet.

DOG FENCE

Mr LEWIS: In the interests of the farming community in the Murray lands, and in particular those living near Ngarkat Conservation Park, could the Minister say what funds will be made available this financial year for the fencing of the park? Since coming to this Parliament I have constantly drawn the attention of the House and the Government to the problem that arises when native animals (emus, kangaroos and dingoes) are allowed to roam from their farm, the conservation park (in this case the Ngarkat Conservation Park), across the farms of other people in that locality, and I have urged the Government to take an interest in the provision of adequate fencing to ensure that one neighbour's animals do not graze on his neighbour's property. I am keen to learn of any details of the fencing programme now to be undertaken by the Government in response to that understanding.

The Hon. D.C. WOTTON: I am well aware of the problems being experienced by landholders adjacent to the Ngarkat Conservation Park. In fact, the member for Mallee has brought a deputation of concerned people to see me about this, and I have had numerous discussions with him on ways of overcoming this problem. As the honourable member would know, about $23 000 was spent during the last 12 months on fencing in that area. I am pleased to report that another $19 000 will be set aside this year for fencing a further section of the Ngarkat Conservation Park and also the neighbouring Carcuma Conservation Park, which is just to the north-west of Ngarkat.

We are well aware of the problems and I am particularly anxious to overcome some of the difficulties being experienced. We believe that, with the expenditure last year and the proposed expenditure for 1982-83, we will be able to successfully overcome some of the problems now being experienced.

WEST LAKES SHORE PRIMARY SCHOOL

Mr HAMILTON: Will the Minister of Education investigate the allegations of overcrowding at the West Lakes Shore Primary School and the large class sizes in that school? Recently I received correspondence from a constituent who states:

As a concerned parent, I would like to bring your attention to the West Lakes Shore Primary School. My son started at this school in March 1982 in a class of 10. Since then the class has increased to 27 children and still more to come. The teacher is capable but with more children at this young age it would be extremely difficult for her. She has the children grouped into their appropriate stages, but I feel that the children are not receiving the attention that they deserve and need. At this stage the children are excited and willing to learn but another intake would be unfair to all concerned.

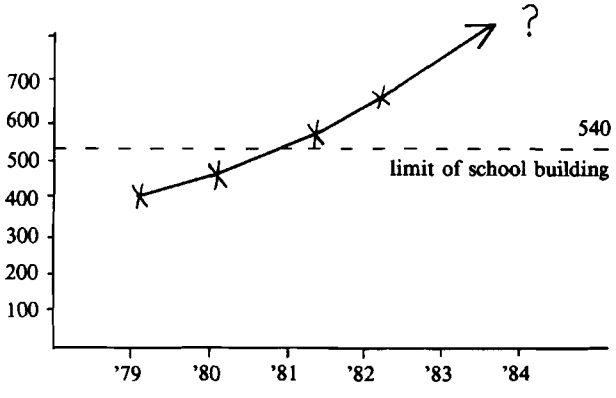
The classroom is not large enough to accommodate more children. As reception is a very important basis for the rest of their education, I feel that another teacher and classroom are needed. Most of the parents are concerned and are at their wits end. It would be an emotional trauma for the child to have to adjust to another school and teacher at this stage.

My son has had two teachers since he started. He was not taught the basics in the first three months, so the teacher he has now has to make up that time. This is extremely difficult with extra children needing her attention. The school is in a young and growing area and definitely needs another teacher and classroom and reception before the end of the year.

In addition to that, I have received correspondence in the form of the West Lakes Shore Primary School newsletter, in which it is pointed out that in 1982 the school size is 540, the limit of the school building, but the anticipated number of children attending that school by 1984 is about 740. Could the Minister advise what action he will take in the immediate future and in the long term to overcome these problems? I seek leave to have inserted in *Hansard*, without my reading it, a statistical graph.

Leave granted.

West Lakes Shore Primary School. Where is it headed?



The Hon. H. ALLISON: The honourable member has raised two questions really, the latter one of which related to the ultimate size of the West Lakes Shore Primary School. If the school is in a natural growth area, and should there be no alternative accommodation within a relatively short distance, then obviously the Education Department would in its forward planning be making provision for expansion and redevelopment of the school so that sufficient accommodation is available.

The first issue to which the honourable member referred was the case of one specific class. This is not the first time

that a similar instance has been brought to my attention. Indeed, I have received a couple over the last two weeks and in each of those cases it was a school-based decision that a staff member should be made available at the beginning of the year to take charge of the anticipated increase in the numbers of children going to school in the first year, so that in fact it was quite possible that in a number of schools one teacher would have seven, eight, nine or 10 students in term 1, and 15 to 20 students in term 2, rising to a maximum of 25 to 30 students in term 3. The maximum enrolment is generally on the first day of the third term in each school year. The honourable member will recall that we did in fact decide to staff schools next year on an anticipated September enrolment, to make provision for just that to happen in any school which chooses to employ its teachers in that way.

So, it is quite possible that, in the case of isolated classes, this is a school-based decision, arrived at with the full consideration and consent of the school principal, staff and council. I have not heard of a specific complaint about class sizes from that school, but I will investigate that matter and the question of where the school is going with its future enrolments, and report back to the honourable member in due course.

SAND DUNE EROSION

Mr BECKER: Will the Minister of Environment and Planning inform the House what action his department proposes to take to prevent the continual erosion of sand dunes and the foreshore at West Beach? Some time ago, the Minister accompanied representatives of the West Beach Trust and local government, and me, to an area on the western side of Marineland Park, following high seas and general storm damage to the foreshore and the only sand dunes left unprotected in the area. The damage was so great that the water inlet from the beach that feeds Marineland Park was at risk.

I understand that the Minister asked the Coast Protection Board, in his department, to undertake investigations as to the best method of protecting this area. I also ask the Minister whether consideration was given to continuation of the rip-rap walling along our metropolitan foreshore, particularly in this area. As everyone knows, the walling that was placed at Glenelg North followed suggestions made by me to the previous Government, but, for some unknown reason, it was stopped at the front of the treatment works and was not continued through to link up with the other walling at West Beach. Not carrying out this rip-rap walling has left this large sand dune at risk, and I believe that some 90 feet of sand has now been lost into the gulf because of this lack of protection.

The Hon. D.C. WOTTON: As the member for Hanson has indicated, I did join him some short time ago to look at problems being experienced in his electorate. The Coast Protection Board has been aware of those problems for some time and has been anxious to take some remedial action. I am pleased to be able to inform the House and the member for Hanson that steps are to be taken to counter the sand drift in the areas to which he has referred. Only very recently agreement was reached with the West Beach Trust for a second revegetation of the dunes. I say 'second', because back in 1976 the Coast Protection Board temporarily took over the West Beach sand dunes and developed a programme of rehabilitation in which the dunes were stabilised by the planting of marram grass vegetation and the erection of sand-drift fencing. This work proved to be most effective, and the dunes were handed back to the West Beach Trust. Unfortunately, the vegetation has deteriorated to the point where, resulting from wind erosion, sand is being lost inland, with consequent erosion of the front face.

The new work, for which I expect contracts to be let in the near future at a cost of $40 000, involves reshaping some of the dunes, repairing and augmenting the effluent irrigation system, provision of fences, and planting of marram grass. The West Beach Trust has undertaken to accept future responsibility for maintenance of the dunes. The Coastal Management Branch of the department will continue to provide protection for the seaward side of the dunes through its sand replenishment programme and, of course, repairs to storm damage will be handled by the department. As far as the matter of the rip-rap walling is concerned, I will have to seek further information from the department, which I will make available to the member for Hanson.

The SPEAKER: Call on the business of the day.

RIVER MURRAY WATERS BILL

The Hon. P.B. ARNOLD (Minister of Water Resources) obtained leave and introduced a Bill for an Act to approve and provide for carrying out an agreement entered into between the Prime Minister of the Commonwealth of Australia and the Premiers of the States of New South Wales, Victoria and South Australia with respect to the Murray River and other waters; to repeal the River Murray Waters Act, 1935-1971; and for other purposes. Read a first time.

The Hon. P.B. ARNOLD: I move:

That this Bill be now read a second time.

The presentation of this Bill, the intention of which is to ratify a new River Murray Waters Agreement between the Commonwealth Government and the Governments of South Australia, Victoria and New South Wales, is an historic occasion. To appreciate the significance of the occasion it is appropriate to remember that the first formal negotiations between the States, in respect of the management of the Murray River, commenced with a convention in 1863. However, attempts to come to some mutually acceptable and beneficial agreement between 1863 and 1906 were singularly unsuccessful. During that period there were three conventions, three conferences of Premiers, one convention proposed which did not eventuate, mountains of correspondence generated, three royal commissions (one in each of the three States), and an agreement signed by the three Premiers in 1906, in relation to the locking of the river and the allocation of water, which was never ratified by any of the State Parliaments.

Between 1906 and 1913 negotiations between the States continued mainly through correspondence, and Victoria established yet another royal commission. Finally, in July 1913, the basis for a formal agreement, just 50 years after the first convention called for that purpose, was accepted. The River Murray Waters Agreement was signed by the Prime Minister and the three Premiers on 9 September 1914 and ratified by the four Parliaments in 1915. This agreement established a works programme and a formula for cost sharing, established a water-sharing formula including an entitlement for South Australia, confirmed the rights of New South Wales and Victoria to use the water in their tributaries and created the River Murray Commission with narrow powers to implement the water-sharing provisions.

Notwithstanding the limited powers accorded the commission, much was achieved over the following 60 years. Between 1922 and 1939 there were 13 locks constructed on the river, six within South Australia, and the Murray mouth barrages were completed in 1940. By 1973, however, it was recognised, particularly in South Australia, that it was no longer appropriate to try to achieve mutually beneficial river

management by effecting minor amendments of the agreement or by the adoption of informal practices, especially in respect of increasing water quality problems. At a meeting of heads of Government in March 1973, a working group was established to completely review the existing agreement. A steering committee of responsible Ministers received the recommendations of the working group in 1975. These recommendations proposed that the River Murray Commission be given additional powers to take account of a range of matters, concerned with water quality, in its management of the river. The four Governments involved agreed that, pending further consideration of the agreement, the commission should generally operate as if it had the proposed additional powers. The commission was also asked to review the agreement to determine necessary amendments to improve its operation.

The first draft of a revised agreement was submitted by the commission in May 1978. Negotiations between the Governments on the principles of a new agreement reached fruition in October 1981 when a meeting of heads of Government agreed on the matters to be included. The agreement appended to this Bill is in accordance with the principles accepted at that meeting. While the new agreement is a great improvement on its predecessor, the most significant additions, particularly for South Australia, are the new initiatives included in Part IV which sets out provisions for water quality and control.

The principal initiatives in this Part provide power for the commission to—

- consider any or all relevant water management objectives, including water quality, in the investigation, planning and operation of works;
- monitor water quality;
- co-ordinate studies concerning water quality in the Murray River;
- recommend water quality standards for adoption by the States;
- make recommendations to any Government agency or tribunal on any matter which may affect the quantity or quality of Murray River waters;
- make representations to any Government agency concerning any proposal which may significantly affect the flow, use, control or quality of Murray River waters;
- have regard to the possible effects of its decisions on any river or water management objectives when exercising its powers under the agreement.

The new agreement therefore, for the first time, requires the commission to take account of water quality in its management of the Murray River. To South Australia this is a major advance. The ability to set and work towards water quality objectives will enable this State to proceed with confidence with its internal programmes for the better management and use of its water resources. In the long term, the combination of commission and State water quality management should enhance the quality of Murray River water in South Australia to the benefit of all users. In the context of the long and difficult negotiations, commencing in 1863 and more recently in 1973, and of the acceptance by the Commonwealth and the three States of this greatly improved agreement, it can be seen that the introduction of this Bill is an historic occasion indeed. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the Act to come into operation on proclamation. Clause 3 contains the interpretative provisions required for the purpose of the ratifying Act. Clause 4 provides that the Act binds the Crown. Clause 5 provides for approval of the agreement. Clauses 6, 7 and 8 provide for the appointment and conditions of office of the South Australian Commissioner and Deputy Commissioner.

Clause 9 empowers the commission to exercise the powers conferred by the agreement and enables the Supreme Court to make orders for the enforcement of decisions and orders of the commission. Clause 10 enables the commissioners and authorised persons to enter land for the purposes of the agreement. Clause 11 authorises the construction, maintenance, operation and control in South Australia of the works contemplated by the agreement and the carrying out of operations contemplated by the agreement. Clause 12 authorises and requires the Minister to carry out the obligations of the State under the agreement. It also authorises other contracting Governments and constructing authorities to carry out works and operations contemplated by the agreement in South Australia.

Clause 13 confers a power of compulsory acquisition for purposes related to the agreement. Clause 14 empowers the Governor to grant interests in or over Crown lands for the purposes of the agreement. Clause 15 empowers the charging of tolls in respect of boats passing through locks.

Clause 16 provides for the payments required of the State under the agreement to be made out of moneys provided by Parliament. Clause 17 exempts works carried out under the agreement and property held for those works from State taxation. Clause 18 is an evidentiary provision. Clause 19 provides for the laying of reports before Parliament.

Clause 20 confers jurisdiction on the Supreme Court in respect of the commission. Clause 21 makes malicious damage of works constructed under the agreement an indictable offence, punishable by up to 10 years imprisonment. Clause 22 is a regulation-making power. Clause 23 provides for the repeal of the present River Murray Waters Act and contains a transitional provision in respect of the present Commissioner and Deputy Commissioner.

The Hon. D.J. HOPGOOD secured the adjournment of the debate.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 September. Page 1130.)

The Hon. J.D. WRIGHT (Deputy Leader of the Opposition): I consider it appropriate to mention the general historical background to this legislation. For almost the whole of this century the Commonwealth Legislature and the State Legislatures have legislated for a system of industrial relations based on the concept of compulsory arbitration. In the broadest outline, this system proceeds on the basis that industrial disputes should be prevented in advance or solved if not prevented by established procedures for conciliation and, where this fails, by arbitration. It has been central to the process of conciliation and arbitration that there exist organisations of employers and employees who, for the overwhelming part, are responsible for submitting industrial matters, including disputes, to the process of conciliation and arbitration.

The original Conciliation and Arbitration Act of the Commonwealth (1904)—section 2—provided, in part:

> The chief objects of the Act are . . . to facilitate and encourage the organisation of representative bodies of employers and employees and the submission of industrial disputes to the court by organisations and to permit representative bodies of employers

and employees to be declared organisations for the purposes of this Act.

This object has remained in the Act ever since 1904, although with some verbal changes, presently reading:

(e) to encourage the organisation of representative bodies of employers and employees and their registration under this Act.

The provisions in the Act for the registration of organisations and for various requirements, as to their rules and administration, have been constitutionally justified by the essential role played by the employer and employee organisations in the system. Secondly, it is a fact that the existence of Federal and State systems of conciliation and arbitration sometimes lead to anomalous situations as between the two systems reflected in anomalies in working conditions applicable to the same or like industries, depending on whether the employer/employees are covered by a Federal or a State prescription.

Thirdly, it has been a universal rule that Legislatures, and tribunals established by legislation have, in the area of industrial relations, recognised that the problems arising in industry are most diverse and that, accordingly, the subject matter of disputes, and the means of settling them, are similarly diverse. If one needs any proof of this proposition it is necessary only to look at an award as reported in one of the very early volumes of South Australian industrial reports on the one hand and a modern award of the commission on the other.

In that historical context, today, in this House, we are witnessing a deliberate, calculated attempt to destroy South Australia's record of industrial peace. I do not make this serious claim lightly. It was my experience as Minister of Labour and Industry in the Dunstan and Corcoran Governments, that industrial relations will only work if there is a balance between employers and unions.

The Government's primary role in industrial relations should be to support the machinery of conciliation and arbitration to ensure that this often delicate balance is maintained. That is common sense, and primarily industrial relations is about just that—common sense.

Instead of common sense, this Government (in hopefully its last assault against working people before it is tossed out of office), has deliberately introduced legislation designed to damage that balance. The Minister well knows that if this assault succeeds, and these amendments become law, the level of disputation in South Australia must inevitably rise. Workers will suffer, employers will suffer, and the community as a whole will suffer. But in many ways this legislation has little to do with industrial relations. The motive behind this Bill is political. The Government wants to fuel industrial disputes as part of its lead up to the election campaign. It has had three years to do something in this area but has done nothing. It thinks it might get some electoral mileage out of bashing the unions. It is as cynical and shabby as that.

With the economy in a mess, with retrenchments after retrenchments, with the highest unemployment on record, the Government that promised to 'stop the job rot', is desperate to find diversions. The Government's solutions to its political problems is quite simple: when your policies are not working and you are bankrupt for ideas—let us run a sideshow. Well, today it is seeking to run a particularly expensive sideshow. Apparently Cabinet's collective wisdom is that the long-term interests of the public and industry in South Australia can be sacrificed for short-term political gain. The Government's motives were not hard to pick. Last year the Minister of Industrial Affairs appointed Industrial Magistrate Frank Cawthorne to undertake an independent review of South Australia's industrial legislation.

All interested parties were invited to contribute to this review. Mr Cawthorne released a detailed discussion paper, including recommendations for reform, in February. Again, interested parties were invited to comment. But that is when this commendable record of consultation and open Government ended. Mr Cawthorne presented his final report to the Minister in April, more than five months ago. Again and again the Minister of Industrial Affairs has refused to release this important report on our industrial laws. That report was supposed to be independent; so much so that Mr Cawthorne had to make clear publicly, shortly after his appointment, that the Minister was wrong in suggesting he was there to advise on the implementation of Liberal Party policy. That was not his brief, and he publicly resisted the Minister's attempts to interfere with his independence.

Mr Lewis: Garbage!

The Hon. J.D. WRIGHT: You cannot read if you did not see that in the paper. The report was also financed by the South Australian taxpayer, but the Minister still refuses to release it and did not even have the guts to debate it with me on the A.B.C. programme *Nationwide*. It is not hard to work out why the Minister will not release the final Cawthorne Report that he so mysteriously claims is 'personal and confidential'.

One can only conclude that Mr Cawthorne recommended against many of the policies that the Minister now wants to force upon unions, employers and the State of South Australia. Indeed, Mr Cawthorne's discussion paper specifically recommended against the kind of action that the Government is now pursuing. Let me quote from pages 13 and 14 of that draft report:

> Ideally, the legislation should reflect a broad consensus of the views of interested parties. If it does not, it is suggested that there will be no substantial commitment to it... It should aim for sufficiently broad acceptance to ensure that perhaps, with the exception of some fine tuning after 12 months or so, there is no need for piecemeal amendment. As the legislation sets the ground rules it is highly undesirable that it is constantly changed to the disadvantage of one side or the other to meet particular perceived difficulties or interests.
>
> Such a course is hardly likely to assist in attaining the commitment to the system so often called for. Finally, it is suggested that what should be avoided is the introduction of legislation which is wholeheartedly and vehemently opposed by one Party, or the other because it will almost certainly prove ineffective and be repealed on any change of Government, whenever that might be. Such legislation will not advance the cause of industrial relations and will only further denude public confidence in both the effectiveness and basic fairness of the industrial law.

They are not my words, but the words of magistrate Cawthorne, and I agree with them emphatically. The Government is now doing exactly what Mr Cawthorne specifically recommended against. By throwing in its lot with one side against the interests of the other, the Government is placing in jeopardy our whole industrial relations system, and no side will gain.

There was other evidence to show that malice was the motive behind this Bill. These amendments were prepared in secret. I understand that the officers in the Department of Industrial Affairs who were asked to work on this legislation were instructed not to discuss it with anyone. Once again, there was an absence of any real consultation. That, however, is not new, despite the Government's election promise to consult with employers and the Labor movement on its industrial legislation. Last year, two Draconian amendments to the Industrial Conciliation and Arbitration Act were introduced without any prior consultation with unions or the Industrial Commission. Even the President of the commission was not consulted or given the courtesy of a prior copy of legislation directly affecting his responsibilities.

The Hon. D.C. Brown: That's not true.

The Hon. J.D. WRIGHT: Apparently, he heard about it on the radio, and the U.T.L.C. read about it in the *Advertiser*. The Minister knows that it is true. This time, despite a fresh pledge about consultation from the Premier in this House, unions were again dealt with shabbily. They were summoned on the Thursday afternoon and told to give their response by Friday. Significantly, it has been revealed that employer groups were given copies some time before, and may have even been involved in preparation of the amendments. So much for the Minister's even-handed approach.

Later, I intend to detail the Opposition's objections to this Bill, point by point, clause by clause. Before that, however, I want to make a specific undertaking about the consultation process. I take the view that a Government that is not prepared to consult does not deserve to have the responsibility of managing the industrial relations affairs of the State. It was my privilege as Minister to chair the regular meetings of the Industrial Relations Advisory Council. Many proposals were put before the council, and sometimes it was obvious to me prior to the meetings that some of the proposals would be criticised.

However, discussion and debate are a necessary part of the search for more equitable, responsible and better laws. I must admit that it was not always easy, and the process of consultation was sometimes frustrating and time consuming. But it enabled us to test our reforms against people who had a deep experience of industrial relations. In the final analysis this approach helped us to achieve a consensus approach to industrial relations, and its success record does, I think, speak for itself.

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When we attain Government at the next election, I propose to establish the Industrial Relations Advisory Council by Statute. The council will comprise the same range of tripartite membership as the current body. Its members will be provided with resources, and the three partners will be expected to report quarterly on agreed matters. This will establish a true consultative framework. However, more importantly, the next Labor Government and any other future Governments will be required to provide members of the council with draft copies of proposed changes to legislation three months prior to a Bill being introduced into the Parliament. Every piece of legislation relating to industrial relations and the management of the labour market will be dealt with in this way.

Let us look at some of the key areas of this Bill in general terms. In yet another attack on the Industrial Commission, the Government is setting out to remove the commission's power to give preference to unionists in awards. This move has been sold to the media as a ban on compulsory unionism, supposedly in defence of individual rights. What they forget is that we have never had compulsory unionism, only preference to unionists in some awards. Under existing legislation the commission has the power to authorise preference to unionists clauses, in other words, where two people of otherwise equal merit, skill and competence are seeking the same job, the commission has the power to authorise an employer to engage the labour of the person who belongs to a union in preference to the person who does not. But this can occur only if the people are otherwise equal in all respects. Quite frankly, this power is somewhat ineffective, because one seldom finds situations where people's talents are in all respects 'otherwise equal'.

The existing provision is hard to police and seldom ever used. Despite these reservations, I believe that the preference clause does have value and should be retained. It is useful in convincing people unversed in industrial law of the desirability of joining a union or association, in order to make our industrial relations system work.

Mr Lewis: Bacon and eggs for breakfast.

The Hon. J.D. WRIGHT: All of a sudden, the member for Mallee has become an expert on industrial relations. I do not think he can spell it. This clause can on occasions be an important method of maintaining industrial peace in situations where employers attempt to employ non-unionists to work alongside union members. The preference clause can simply be a way of recognising that, without making any contribution at all, the non-unionist is seeking unfairly to share in the conditions, benefits and wage increases achieved by union members through their unions.

The commission's power to award a preference clause is, in my view, a recognition of the legitimate role of trade unions and enchances workers' confidence in the system of conciliation and arbitration. As I have pointed out, in some areas preference clauses have proved absolutely essential if industrial peace is to be maintained. It is in these situations that the so-called rights of the individual must give way to the public interest, in the same way that the laws of our State act on behalf of the community against anarchy.

It is not in the interests of the public that a few individuals should avoid paying union dues and, therefore, precipitate an industrial stoppage affecting the livelihood of many. It is a distortion of the industrial facts to stress the need to protect workers against unions, whilst not giving due recognition to the need for strong and effective unions to represent and protect workers in their relationship with employers. The deletion of the preference clause is yet another attempt to remove the discretionary power of the Industrial Commission to make just and fair decisions in the public interest. The awarding of preference to unionists has been part of the industrial relations scene for decades. This has been a recognition of the fact that there are only limited grounds for objecting to union membership and that in most cases the objections are based on prejudices or on misconceptions as to the role and functions of trade unions. Even the High Court of Australia, hardly a radical institution, supported preference when it stated:

> It is a legitimate aim... The act is based upon the existence of industrial organisations of employers and employees.

The simple, plain fact is that the arbitration system will not work unless there are unions. The arbitration system is desirable, and unionism is to be encouraged in order to make the system work. I refer again to Frank Cawthorne's conclusions (page 266 of his discussion paper) as follows:

> Unless one views unions and unionism in an entirely negative way—which is totally inappropriate—it can be fairly argued that Industrial Commissions should have within their discretionary armoury the power to award preference.

That is the finding of Mr Cawthorne, Industrial Magistrate, after a long inquiry. He specifically recommended the widening of the present limited preference powers. That is a reason why the Minister does not have the guts to release the whole report. Further, when I move into the office of the Minister of Industrial Affairs one of my first priorities will be the release of the entire report.

Under existing industrial laws, a person is able to register as a conscientious objector only on religious grounds. If the legislation before the House is passed, conscientious objectors

will no longer have to prove a religious objection to joining a union. Instead, they will simply be able to sign a statutory declaration to the effect that they have a conscientious objection, without saying what that objection is.

Mr Mathwin: That's fair enough.

The Hon. J. D. WRIGHT: There is no onus on them to prove that their objections are based on conscience. The member for Glenelg tells us that that is fair enough. However, it is fair enough if one wants to disrupt a union, which is what this legislation is about and which is one of the things that the member for Glenelg has advocated ever since I have been in this House, namely, the bankrupting of trade unions.

Mr Mathwin: That's not true, and you know it. That retort was made in anger.

The ACTING DEPUTY SPEAKER (Mr Glazbrook): Order!

The Hon. J. D. WRIGHT: I believe that those who do not wish to pay their union dues on political grounds or on some other basis of prejudice can be likened to taxpayers who dislike the Fraser Government and who wish to pay their taxes to charity.

Mr Ashenden: That's nonsense, because the Labor Party gets money from the unions.

The Hon. J. D. WRIGHT: So, we have found out the real cause of this: not only does it concern bankrupting the unions, but it is because the unions donate funds to the Labor Party. However, big business, donates funds to the Liberal Party, and I refer to thousands of dollars.

Members interjecting:

The ACTING DEPUTY SPEAKER: Order!

The Hon. J. D. WRIGHT: Some might sympathise with people with such views, but such a situation is not realistic. Income earners cannot expect to be exempt from paying tax, because all of us enjoy the benefits provided by Government, such as roads, schools, hospitals, etc., funded from taxpayers' revenue. I have said publicly over the past couple of weeks that I believe that I should pay my taxes, club fees and council rates. I also believe that if I am working in an industry covered by a union I should pay my union fees. It is as simple as that. Anyone who does not agree with that supports down the line the concept of non-unionism.

The same is true for non-unionists who want to reap the benefits of union activities but not pay for them. If non-unionists are concerned about the way a union is run, they should participate more fully in the union's activities and not seek to undermine the union and their fellow workers by attacking the union's financial base, while still receiving the rewards of union action. If a person does have a proper conscientious objection, then it should be tested to see whether it is in fact genuine. Under this legislation there is no test to see whether an objection is genuine. All one has to do is say so in a statutory declaration. This is quite different from the Federal Act, and the Minister well knows it. This poorly drafted piece of legislation is laying the ground work for enormous problems and is downright thuggery.

One can well imagine a situation where an unscrupulous, dishonest, anti-union employer could use his position to force his or her employees to sign statutory declarations for conscientious objectors when, in fact, the objection or prejudice could be in the conscience of the employer only.

Mr Schmidt: What about a union that forces people to pay membership fees?

The Hon. J. D. WRIGHT: I will deal with that. The Government has, using as a defence civil liberties and the individual rights of people, dressed up these provisions concerning conscientious objection and the deletion of the preference to unionists clause. The Government's argument is nonsense, and members opposite know it. These amendments are purely an attempt to erode the membership of trade unions; there is no other reason for them. They have been formulated on the mistaken belief that, if a Government can chip off union membership by persuading people not to join, somehow disputation will decrease and unions will be less militant.

That shows a lack of logic, because the Government goes interstate and overseas telling industrialists and investors that we have by far the lowest level of disputation in Australia. The fact is that industrial relations will deteriorate if these provisions of the Bill are passed. The evidence from the United States confirms this.

The Minister of Industrial Affairs should not be too young to remember the Taft/Hartley laws designed to encourage people not to join trade unions: 20 out of the 50 States in the United States have taken advantage of the Taft/Hartley Act to pass anti-union laws, glibly described as'Right to Work' laws. In doing so these States claim that they protect individual freedom and the concept of freedom of choice. I have taken a look at the results of'Right to Work' legislation in those States, and they are astonishing. The evidence shows that there is an increase in industrial disputation and that high unemployment and low living standards occur where trade unions are weak or non-existent.

In 1976 an average of 29.9 per cent of workers in non-agricultural industries in the United States were organised into trade unions, compared with 57 per cent in Australia. The percentage for all workers in the United States at that time was about 24 per cent. Of the 19 States that were above the national average in terms of trade union membership, only one, Nevada, is a 'Right to Work' State, and that has union membership amongst non-agricultural workers of 31.9 per cent. None of the 10 States with the highest trade union membership has 'Right to Work' legislation. At the other end, however, nine of the 10 States with the lowest union membership have legislation similar to what this Government is trying to introduce.

But let us look at the economic impact of this kind of legislation. If the opponents of trade unionism were correct, we would expect to find the 'Right to Work' States enjoying a higher standard of living than those without such laws, but this is not the case. Of the 10 wealthiest States in terms of per capita income, only one (Nevada) is a 'Right to Work' State, but seven of the 10 poorest States have 'Right to Work' laws. Only 15 per cent of 'Right to Work' States enjoy a per capita income above the national average, whereas 50 per cent of non 'Right to Work' States have an above average per capita income. Trends are showing that the gap between incomes of citizens of non 'Right to Work' States and those living in States where the Taft/Hartley legislation has been passed is widening.The States which have the kind of laws that this Government wants to pass are characterised by prejudice, economic depression, low living standards, poor levels of investment, and general malaise.

Those Taft/Hartley 'Right to Work' laws were opposed by former President Lyndon Johnson, by John F. Kennedy, by Hubert Humphrey, by the National Council of Churches, by the Catholic Church, and by many leading industrialists.

Mr Mathwin: We haven't got them in this Bill.

The Hon J.D. WRIGHT: This legislation is about the right to work, and the honourable member knows it. I refer to a statement made by former United States Attorney-General and New York Senator, Robert F. Kennedy, as follows:

> It is my view that collective bargaining demands strength on both sides of the table, and it is my view that section 14 *(b)* of the Taft-Hartley Act must be repealed. Some have tried to justify the so-called 'Right-to-Work' laws that have grown out of 14 *(b)* by saying they preserved individual liberty. In my judgment their aim was not to preserve liberty but to weaken labour unions.

This Government is trying to weaken labour unions; it is trying to break up unions. Senator Kennedy went on to say that he would fight for the repeal of 14 *(b)*. The same is true with this legislation. The intent is not to protect civil liberties but to attack trade unions and erode their bargaining power.

The Opposition has other fundamental concerns about this Bill, which I will summarise before going through each clause in detail. If this legislation is passed, an official who is convicted of an offence arising out of an industrial dispute shall lose office and not be able to be re-elected for five years. In legal circles that is called 'double jeopardy', where a person is punished twice for the same offence. Let us imagine a situation where a union official is bailed up by an angry employer on a picket line, defends himself, and in the heat of the moment a scuffle breaks out. If both employer and trade union official are charged and convicted of assault, there will be an essential difference in the outcome. Sure, they both have to pay fines or some other penalty, but the union official would lose his job for five years. That would not happen to the employer. That is totally discriminatory.

The Minister claims that this clause is fair because it will also apply to officers of employer organisations who might commit an offence during a dispute. But let us be realistic, in this House at least. By far the greatest proportion of 'association officers' are trade unionists. It is union officials who are likely to be involved in disputes on picket lines where such incidents could flare up. Despite the wording of this clause, it is quite clearly an attack on trade union officials. It breaches the fundamental principles of British and Australian law that someone should be punished only once for an offence. In defence, the Minister of Industrial Affairs quotes incidents relating to the Painters and Dockers Union in Melbourne. Those incidents did not relate to any industrial dispute.

If trade unionists are also criminals, they should be treated as criminals. But there is no evidence of this in South Australia and the Minister has not produced any. It is a cheap stunt designed to get electoral mileage. Significantly, Industrial Magistrate Cawthorne did not feel that there was any need for such a provision in South Australian industrial law. Once again, we have yet another sideshow. It is also significant that there are no provisions for employer association officials to be removed from office if they commit an offence in a situation other than an industrial dispute, but where they are more likely to be involved. The Minister well knows that officials representing employers are unlikely to be involved down at the picket line. Why not be even-handed and bring down legislation that will call for the removal of association officials if they are found to have been involved in illegal tax avoidance schemes? If the Minister wants to be fair he should put that provision in his legislation. What is the difference? Surely the principle is the same. Perhaps the Minister of Industrial Affairs can explain the difference to me.

If this legislation is passed, no-one will be able to 'advise, encourage or incite' a person to discriminate against a non-union member. Therefore, it would be an offence for a trade union official to talk to a personnel officer and advise him against employing someone because he or she had refused to pay union dues. In my opinion, this provision is a veiled attack on a union's legitimate role of trying to maximise its coverage of potential members. If this provision is not malicious, then it is clearly poorly drafted. After all, it would mean that, if union members on a particular working site argued with their employer because he was considering employing a non-union member, they would be guilty of an offence. So much for this Government's belief in individual liberties and freedom of speech. Under this legislation, one can be pinged by the law just for opening one's mouth. I do not believe that is is a drafting error. I believe it is a clear attempt by the Minister to weaken unions by limiting their ability to protect themselves from being undermined by non-unionists.

There are extensive new provisions for conducting elections and ballots on association matters and for challenging election results. The Minister clearly intends these provisions to be directed against trade unions. If passed, these provisions could tie up unions for months on end in administrative work and open them to possible frivolous challenges to election results by the malicious. My question to the Minister is: where is the proven need for such sledge-hammer tactics to get unions into line? Where and why are the current provisions inadequate? If the Minister has evidence of rigged union elections, let him table that evidence. Let him tell the people of South Australia about it. Once again, Industrial Magistrate Cawthorne found no evidence to suggest that such changes were warranted.

There are also extensive new provisions for proper accounting and auditing procedures for union finances, but where is the proven evidence that they are needed in South Australia? If the new legislation is passed, unions will also be able to be deregistered by the action of other unions, employer organisations or by one of their own members or even ex-members.

This much broader provision for deregistration is clearly designed to open the way for legal attacks on unions which would tie up their resources. In fact, it is a further way of bankrupting the unions. Prior to the last election, this Government promised to introduce compulsory secret ballots before strikes could be held. Indeed, before the introduction of this Bill, the Government leaked to the media that it would include such provisions in this legislation. This provision has not been included—at least, that is what we have been led to believe. However, either through poor drafting or malice, the Minister has introduced a provision that is so vague in its wording that it could relate to a vote on strike action. I am referring, of course, to section 120a (1) *(g)*. The danger is that this provision might be used as a 'backdoor' method of holding formal or secret ballots for industrial action.

Members will be aware that the Registrar would be empowered under the provisions of this Bill to alter the rules of an association to provide for such things as absentee voting, procedures to ensure that every eligible member is able to vote on an issue, and so on. The danger with this provision is that an employer organisation might seek deregistration of a union on the basis that it had not taken steps to ensure that every financial member had a right to vote on a call for strike action. This clause should also be opposed on the basis that it is too vague and that voting on minor issues could become ridiculously cumbersome if the strict letter of the law is to be adhered to. Indeed, this provision could have the reverse effect in that it would simply encourage union executives to decide issues on behalf of their members in order to avoid cumbersome and long-winded processes that a formal ballot would involve.

I will now go through the clauses in detail. Clause 5 amends section 29 of the principal Act by striking out subsection (1) *(c)* and subsection (2). Subsection (1) *(c)* provides that the commission may:

> Subject to subsection (2) of this section, by award authorize that preference in employment shall, in relation to such matters, in such manner and subject to such conditions as are specified in the award be given to members of a registered association of employees;

Subsection (2) provides:

> An award referred to in paragraph *(c)* of subsection (1) of this section shall only provide for preference in employment to members of a registered association of employees in circumstances where and to the extent that all factors relevant to the employment

of such members and the other person or persons affected or likely to be affected by the award, are otherwise equal.

The legal effect of this amendment would be to remove from the powers of the commission the express right to award preference in employment to members of a registered association of employees. Clause 7 of the Bill contains the same provision in relation to the powers of conciliation committees.

In my opinion these amendments would deprive the commission and the committees of the power to make an order for any sort of preference in employment to members of a registered association of employees in any industry, at any time, in any circumstances, for any reason and subject to any conditions. This view is based on the absence of any reference to preference (by that or any other name) in the definition of industrial matters (section 6) and the absence of any other basis for the making of the order. The present power is a strictly limited power. It is limited in two ways: first, in that the preference can be ordered only to members of a registered association of employees (as opposed to members of a particular association) and is limited (section 29(2)) to situations where all other things are equal. The power is much more limited than is accorded to industrial tribunals by the Federal Act and by the Acts of most other States.

It is my view that the proposed amendment runs counter to two of the fundamental aspects of the development of the Australian system mentioned in my introduction, as follows:

(a) by removing the power of the commission to use the tool of preference to meet the perceived justice of a given situation or to settle a given dispute the amendment runs against that tendency to increase the powers of tribunals so as to allow greater flexibility in the prevention of and finding solutions to disputes; and

(b) by removing the power, the amendment deprives the Commission of the possibility of 'encouraging the organisation of representative bodies' (including the effective maintenance of an established organisation) in circumstances where such encouragement appears reasonable in all the circumstances.

That will no longer exist if this amendment is passed. The proposed amendment is contrary to the views expressed by Mr Cawthorne in his discussion paper and it is revealed in the second reading speech that it is directly contrary to Mr Cawthorne's report to the Minister.

In the second reading speech the point is made rather strongly (it cannot be denied) that in practical terms, since the power to grant preference was introduced, very few unions have sought to take advantage of the power. It is stated that 'of the two hundred odd awards of the ... commission and ... the committees, only nine have clauses substantively dealing with this matter.' It appears to me that this argument entirely misses the point. What is in dispute is a power, not a practice. The very fact asserted in the speech indicates that the unions have not automatically sought a preference clause without regard to circumstances, nor have the tribunals been prepared to concede the preference without regard to circumstances. The significant fact is that in the industrial areas covered by nine different awards in this State it has been considered appropriate by tribunals to exercise the power to award limited preference. Having regard to the other provisions of the principal Act, this means that a number of different tribunals, at varying times, in relation to different awards, must have come to the conclusion, under section 25 (2), that the making of the order appeared to them 'right and proper for ... preventing and settling disputes and for settling claims by amicable agreement between parties'. It is the power to act in this way which is proposed should be struck down by this Government. In the second reading explanation the following passage occurs:

> The recommendation of the (Cawthorne) Report on preference claims has been rejected because positive discrimination against employees who are not union members is a gross infringement of human rights.

The Hon. D.C. Brown: Don't you agree with that?

The Hon. J.D. WRIGHT: The Minister should not be in a hurry—if he listens, he will hear my views. My observations on that statement are:

(a) the Commonwealth Conciliation and Arbitration Act of 1904 section (4) included in the definition of 'industrial matter' the words 'the employment, preferential employment, dismissal or nonemployment of any particular sex or age or being or not being members of any organisation, association or body ...'

This brought the question of preference to union members within the jurisidction of the (then) Commonwealth Court of Conciliation and Arbitration. Despite changes of emphasis in industrial relations, changes of Government, and changes in public feeling that have occurred in the intervening 78 years, and despite the fact that this Act has been before the National Parliament on more than 50 occasions for amendment in the intervening period, the concept of preference as a possible award prescription has never been written out of the Federal Act. The current definition of industrial matter is in section 4, and the relevant placitum is *(j)*, as follows:

> The preferential employment of the non-employment ... of persons being or not being members of an organisation.

(b) Mr Searby Q.C. and Mr Taylor of Melbourne were asked to advise the present Federal Government on desirable changes to the Federal Act, and in their report they do not recommend any change to the preference provision.

(c) The Commonwealth commission makes orders granting preference to members of a registered organisation on suitable occasions. It can be seen that two eminent people like Mr Searby and Mr Taylor of Melbourne did not make a recommendation similar to what the Government is trying to introduce. Also, the local magistrate, Mr Cawthorne, made a similar recommendation, and yet the Government defies those recommendations.

In relation to clause 6, the proposal is to insert after section 40 of the Act new section 40a. Broadly, this relates to co-operation between South Australian industrial authorities and their counterparts in the Federal sphere and other States, but particularly in the Federal arena. In the second reading explanation it was said:

> In the first instance, members will no doubt be aware of the discussions which have continued in recent years at officer and Ministerial level on ways in which the dual industrial relations systems operating in this country can be brought closer together to achieve greater efficiency and effectiveness. I first attended such discussions in late 1979. These discussions recently culminated in the matter being considered at the Premiers Conference in June 1982, where Premiers undertook to facilitate the establishment of complementary industrial systems in Australia. That agreement covered four main areas of approach:
>
> (1) to provide for joint sittings of the Federal and State commissions;
>
> (2) to allow for State Industrial Commissions to act as local industrial boards under the Commonwealth Act;
>
> (3) to enable, by agreement, the exercise of State jurisdiction by the Federal Commission, and
>
> (4) to include in the State Acts mirror provisions to section 67 of the Commonwealth Act which provides that the President of the Australian Commission may convene conferences with State Industrial Tribunals with a view to securing co-ordination between Commonwealth and State awards.

While it will be seen that some of the above points touch on matters solely within the jurisdiction of the Commonwealth Parliament, steps have been taken to include the necessary facilitative provisions in the State Act to support the Premiers' undertaking. Accordingly, the Bill enables the President of the Industrial Court, in circumstances mutually appropriate to the State and Federal tribunals, to arrange with his Federal or State counterpart for a joint sitting to be held between the two tribunals, or to confer with those tribunals in order to secure consistency between the awards of the tribunals.

It is appreciated that the Commonwealth Government has yet to reveal the substance of its proposed legislative changes, and that, indeed, the State provisions cannot come into affect until the reciprocal Federal provisions are in operation. However, it is considered essential that, in order to give effect to the spirit of the Premiers' commitment, South Australia is seen to be actively moving towards the development of a closer working relationship between the various industrial tribunals. South Australia is the first State to introduce legislation following the Premiers Conference agreement. It is a step which will further improve industrial relations in this State by resolving some of the problems caused by the division of powers within the Australian Constitution.

I do not disagree with that statement. I think, in the long term, it will have some merit. I will make some observations as I see the situation at the moment. In my opinion, this amendment is premature. It will not and cannot contribute to 'resolving some of the problems caused by the division of powers in the Australian Constitution' for the reason stated in the speech, namely, that 'the State provisions cannot come into effect until the reciprocal Federal provisions are in operation'. The consequence is that, if this amendment is passed, the Act will certainly have to be further amended to make this amendment fit in with Federal legislation.

The premature nature of the legislation is shown by the terms of proposed new section 40a (2), which provides that, in certain circumstances, a State authority may hear a matter before it in joint session with a Commonwealth industrial authority (or that of another State) and confer with that authority in relation to the proceedings and the order, award, decision or determination to be made. As it stands, this would allow this conferring to be done behind the backs of the parties and without the parties even knowing of the fact or being aware of or having an opportunity of answering the points raised by the non-South Australian authority.

The Hon. D.C. Brown: Who wrote this for you?

The Hon. J.D. WRIGHT: I wrote it myself. Obviously, when the Commonwealth legislation is passed it will deal with this and other matters and provide the framework and procedures for the joint co-operation. The South Australian Act will then have to be amended to make similar provisions. Not only that, I am informed—

The Hon. D.C. Brown: It doesn't sound like you.

The Hon. J.D. WRIGHT: I do not care whether or not the Minister agrees that it sounds like me. I am not in the same position as the Minister, because someone prepares his legislation for him. I do not have any staff; I have to do it all myself. I am informed by someone in a very high Federal position that the Constitution may have to be changed as well as the legislation. The Minister shakes his head, but I point out that he has made a lot of blunders in the past. I would certainly trust the word of the person who told me, long before I would trust the Minister.

Mr Mathwin: I think that Mick Young is misinformed.

The Hon. J.D. WRIGHT: We shall see. I was given this information by Clyde Cameron, the best industrial relations Minister this country has ever seen. It is quite clear that he believes that the Constitution will have to be changed before this can occur.

Clause 8 proposes the insertion of new sections 120a and 120b dealing with the subject of elections to office. This provision follows the substantive provisions of section 133 and 133AA of the Commonwealth Act; the effect will therefore be to introduce a common code which, of course, has some advantages. However, in my view this provision should be carefully scrutinised on a number of points. Crucial to the understanding of this legislation is the definition of 'office' in clause 4 of the Bill, because it is to the positions (to use a neutral term) that fall within the definition of 'office' that these proposed new sections relate. Much of what follows is directed to problems arising out of the definition of 'office'; it goes without saying that the committee of management (howsoever called, whether council, committee of management, or whatever) ought to be elected by a properly conducted ballot of the membership. There is nothing in what I discuss subsequently which in any way impugns that proposition.

First, why should an association be required to elect (as opposed to appoint) it's secretary, assistant secretary or other executive officer (by whatever name called). Traditionally in the blue-collar unions the secretary was an officer, a member of the management committee and usually a most influential person in the organisation; but there are associations, particularly in the white-collar area, where the secretary is not a member of the management committee, and not a policy maker but a manager, an executive person, an employee paid to perform various tasks on behalf of the organisation, and under the control of the management committee. In a large organisation there may be a number of such people. In my opinion, this is a perfectly valid form of organisation and one where appointment made by a committee of management may well be preferred to election. Appointment allows for advertising of the position, interviewing, examination of references, and so on. That is the method by which most organisations of the most diverse kind engage full-time paid executive officers.

In my view, it is a totally unwarranted interference in the affairs of organisations to insist upon one method rather than another. For example, the rules of the Public Service Association provide for appointment of the Ggeneral Ssecretary by the council; the rules of employer organisations make similar provision, as I understand. In my opinion, it should be left to organisations to choose. If the secretary is to be a policy maker and a member of the management committee then, of course, the holder of that office should be elected by the members; if the office is that of a person engaged to put into effect policies and decisions determined by others, I personally see no justification for compelling an election (of course, that would still leave it open to the organisation to elect its secretary, if it desires).

Secondly, it appears to me that the term 'other executive officer by whatever name called' (placitum b of the definition of 'office') is extremely imprecise and virtually impossible of confident interpretation. Is an accountant in a large organisation an executive officer? Is an organiser, part of whose duties is to convey the decisions of the management committee to the members at their work places and perhaps to seek the support of the members for those decisions and perhaps to assist members to carry out certain of those decisions, an executive officer? Thirdly, and from a similar standpoint, I refer to placitum c of the definition of 'office'. Is a member authorised to collect dues and required in due course to pay those dues to the administrative officer of the association, whether called a steward, a dues collector or otherwise, a 'person holding . . . property of the organisation . . . '? I would tend to think so, but in my opinion there can be no objection to the appointment, as opposed to election, of such people. Indeed, is the tea person or the stamp person who conducts an imprest petty cash account, such a person and thereby the holder of an office requiring election?

I refer to placitum d of the definition of 'office'. The phrase 'related to management' occurring is extremely wide and extremely imprecise. Fifthly, in my view there is a

contradiction between proposed new subsection 120a (i) *(e)* and proposed new subsection 120b (1). The first provision (which in terms applies only to associations applying for registration) prescribes that the rules of the applicant must provide that every election for an office within the association shall be by postal ballot (that is, whether the election is by a direct voting system or by a collegiate system). Proposed section 120b (1) provides that 'every election by a direct voting system for an office shall be . . . by secret postal ballot'.

In short, my suggestion is that this whole proposal should be closely scrutinised; the definition of 'office' is imprecise in many respects and will create unnecessary difficulties for associations. In particular, the definition of 'office' is too wide. Essentially what is necessary is that the committee of management (which will, of course, invariably include a principal office holder—president and vice president) should be elected by well conducted ballot. This would require only a simple amendment of the Act. This is in line with the suggestion contained in Mr Cawthorne's discussion paper.

Clause 9 proposes the repeal of section 129 of the principal Act, which requires that the secretary (or equivalent officer) of each registered association shall file audited financial statements with the registrar. This proposal is connected with the elaborate proposals for accounting and audit contained in the Bill, to which I will refer later. Clause 10 proposes an amendment to section 132 of the principal Act, which deals with the question of deregistration. The first proposal is to extend to a registered association the right to make application for the deregistration of another registered association. This is so worded that a registered association, whether of employers or employees, can apply for the deregistration of another registered association, whether the latter be an association of employers or employees. The existing provision is that a registered association may make the application to deregister in respect of itself but otherwise the right to apply is limited to the registrar and a member or former member of the association in respect of which the application is made.

Experience indicates that this is an undesirable extension. Applications by an association of employees to deregister another association of employees is very likely to be associated with a competition for membership and possibly with demarcation disputes. Such applications are unlikely to make any contribution whatever to the amicable solution of such problems. Indeed they are much more likely to be solved within the structures of the trade union movement than by legal proceedings for deregistration. Similarly, an application by an employer organisation in respect of the deregistration of an employee organisation is almost certain to create tensions and additional problems rather than solving any problems. There are two main reasons why a question of deregistration is ever raised:

(a) The first is because of complaints about the administration of the organisation, the state of its rules or the way in which the rules are applied: it would appear to me that the provision for an application by a member is the appropriate way of dealing with this situation; together with the existing right of the registrar to make the application, which would be particularly appropriate if the administration of the organisation was such that returns required to be filed with the registrar were not being filed or were clearly not satisfactory.

(b) Because of its activity in the public area: in this case it appears to me that the Registrar is the appropriate person to make the application if an application is to be made.

I do not regard this proposed amendment as of any great significance but, frankly, it does not appear to have a great deal of merit and, unless a need for its passage is demonstrated, it would appear to me that the Act is more satisfactory as it stands.

The second proposed amendment is to empower the tribunal in deregistration proceedings to receive in evidence transcript of evidence taken in proceedings before any court, commission or tribunal established by the Commonwealth or by another State or Territory, draw any conclusion from the evidence taken in those proceedings that the court thinks proper, and adopt any findings of such court, commission or tribunal. It may be doubted whether such a provision is necessary in the light of the fact that the industrial tribunals are not bound by the strict rules of evidence; however, if this amendment is to be made, it should, in my view, be limited to situations where the other tribunal has received evidence relating to and/or made findings concerning the association registered in South Australia and not apply where the evidence and findings are limited to the activities of branches of an organisation in another State or Territory.

Clause 11 proposes the extension of operation of section 133 of the Act until 31 December 1984. Section 133 is a stop-gap provision designed to overcome in part the dual incorporation which results from the registration of a branch of a federal organisation pursuant to the State Act. It is the problem usually referred to as the *Moore v. Doyle* problem after the case which highlighted it ((1968) 15 F.L.R. 59). The proposal to extend the operation of the stop-gap is worthy of support, but a solution to the problem is still required. I will be asking the Minister some questions about his intentions in that area when we get into Committee.

Clause 12 proposes the insertion of two new Parts into the Act to be headed Part IXA (relating to accounts and audit) and Part IXB (relating to disputed elections). They are unrelated fields and I deal with them in that order. Before doing so, however, I would like to quote from the report which has been referred to and which was prepared by Mr Richard Searby, Q.C., and Mr Taylor, as consultants to the Department of Industrial Relations (Commonwealth). They say (page 9):

> It is our concluded view that the provisions in the Act relating to organisations need total revision. We have not embarked on this task because a preliminary to doing so would be consultation with first, we should have thought, the A.C.T.U. and the C.A.I. and then through those bodies with particular organisations . . . we appreciate that the intention lying behind the elaborate amendments made in recent years has been that full opportunity should be given to individuals in organisations to participate in the management of their respective organisations and that that should be achieved by democratic process.

I would not agree more with the comments of those two eminent gentlemen. There has been no consultation, either with the T.L.C. or with individual organisations. I respectfully agree with those observations. I quote this passage because in this proposed Bill there is a more or less wholesale takeover of some of the most complex of the recent provisions of the Federal Act, particularly those relating to elections, (already dealt with), and the two matters dealt with in the section of the Bill now being considered.

The proposed Part IXA, borrowed from the Federal Act, lays down a detailed and stringent set of requirements relating to accounting and auditing. Nobody will dissent from the proposition that funds of registered organisations ought to be properly handled, the transactions recorded, records audited, and the results reported to the membership. The present Act and regulations (in part directly and in part by force of the requirements as to rules) make provision generally for these matters but could be legitimately criticised on the score of a failure to require a reporting of the accounts and audit to the membership. (I do not mean to

assert that this is not done. What I say is that the Act does not in terms require it to be done). It may also be argued that the present provisions are not sufficiently comprehensive as to what is to be covered by the auditor's report.

The proposed Part is extraordinarily convoluted. The present Act requires that the auditor shall be 'a registered company auditor within the meaning of the Companies Act 1962, as amended'. This sensible provision takes 13 words and four numerals to express. The proposed addition has a subsection (142g) devoted to this problem. It has seven subsections and creates five offences. The first of these, which can only be committed by an association, carries a penalty of $1 000. The other four offences, which can only be committed by the auditor or by each member of the firm of auditors, carries a penalty of $500. The gravamen of this 30-line tedium is that the association is to appoint an auditor and that the auditor or auditing firm be competent. Four subsections and three offences later it is provided by subsection (7) that:

> A reference in this section to a competent person is a reference to a person who is, by virtue of the regulations, a competent person for the purposes of this section.

The Minister must agree that it could be done much more easily. In my opinion, if there is required to be an amendment to the present Act (and there is a case for some amendment on the question of publication of accounts and auditors' report, and perhaps on the requirements of the auditors' report), it could be done very simply and in the style of our Act by an addendum to section 129. It is quite a simple matter.

It is a generally accepted view that statutory intervention in a given area is justified as a response to an evident need for reform. It appears to me that this proposed amendment is a very doubtful quantity on that score. The second reading explanation does not disclose any evident need of reform. The registered associations under the South Australian Act are comprised in large measure of branches of Federal organisation already bound by these provisions as contained in the Federal Act. Of the remainder, the associations of great or distinct significance are the P.S.A., S.A.I.T., the Police Association and the fire fighters. These associations maintain, as I understand both from my instructions and my general knowledge, a high standard of administration and financial accountability. There are no doubt other small State registered organisations which can little afford to be advised of the complexities of this proposed amendment. It occurs to me that over a long period of time there is no trade union (at least in my memory, and I have been around a good while) which has crashed by reason of financial mismanagement or misappropriation of funds. It has not always been the case with other types of organisations.

The other new Part, Part IXB, comprises a suggested section 143a of the Act. The suggested section is derived from section 159 of the Federal Act. It relates to disputed elections in organisations. I think that, in approaching this matter, it needs to be borne in mind that at the present time the Supreme Court has some jurisdiction in this area, based upon the contractual relationship (arising out of rules) which exists between an organisation and its members and the members amongst themselves. There is undoubtedly a strong view in the trade union movement that industrial matters (in the sense of questions between employers and employees) are better dealt with in the industrial tribunals than by the civil courts. It may well be, therefore, that trade unions (or some trade unions) would consider that a jurisdiction conferred on the industrial tribunal to deal with intra-association industrial problems is an appropriate step.

It is, of course, a separate question as to whether the proposed section is appropriate if one accepts the desirability of an industrial tribunal jurisdiction in this area. In my view, certain points should be considered. An inquiry is sparked by a claim of irregularity in an election for an office in the organisation (or a branch) and there is a requirement that the alleged irregularity be defined. Once the inquiry is embarked upon by the tribunal, the inquiry is completely open ended and is not limited to the matters raised by the member who claims the irregularity. The result is that the inquiry can and does subject the election under review to a scrutiny which far exceeds that to which any election in any other sort of organisation is subjected and indeed far exceeds that to which a Parliamentary disputed election is subjected. It would appear to me that serious consideration ought to be given to the question of whether the inquiry should be limted to the matters of alleged irregularity raised in the application, and perhaps to matters directly related thereto.

The proposed section contains the provision from the Federal Act which enables the tribunal, if it finds an irregularity to have occurred, to order the Registrar to make arrangements for a further election (via the Electoral Commissioner); and also provides that an association or branch may request the Registrar to arrange for the conduct of an election to office in the same way.

But within them there is a futher question which ought to be considered. The person conducting an election in either of such circumstances is empowered (proposed section 143r) to take such action and give such directions as that person considers necessary in order to ensure that no irregularities occur, notwithstanding anything contained in the rules of the association. In short, the registered rules of the association can be overridden in these circumstances. The exercise of this power can lead to dissatisfaction, and I see no justification for it.

Clause 13 merely renumbers sections in the light of other amendments, and I have no comments on that. Clause 14 proposes to amend present section 144 (which relates to persons having a conscientious objection to being or becoming a member of a registered association or of paying fees to such) by:

(a) simplifying the procedure for becoming registered as a conscientious objector;

(b) enlarging the ground of conscientious objection from one based on religious belief to one described merely as a 'genuine conscientious objection';

(c) provides that it shall be an offence to do what the Act already declares shall not be done (section 144c), namely, differentiating between the position of a person who is a member of a registered association and the position of a person who holds a certificate under the section in so far as the fact that a person is or is not a member of the association is relevant.

It should be noted that the existing measure provides for a certificate which remains in force for a period of 12 months (or less as specified). The proposed amendment contains no such time limitation, and a certificate, once granted by the Registrar, runs without time limit.

The statement that the proposed amendment simplifies the procedure is really an understatement, in that it is so simplified as to fundamentally alter the position. The existing provision requires that the Registrar is satisfied that a person 'has . . . a genuine . . . objection'. The proposed amendment requires only that the person lodge with the Registrar a statutory declaration to the effect that he has a genuine conscientious objection and, upon this being done, the Registrar has no option but to issue the certificate. The proposal would open the way to an employer (or, indeed, a disaffected employee) producing a batch of statutory declaration forms already prepared and prevailing upon employees to declare the same. Taking into account the

almost hysterical attitude which has developed towards various unions at various times, the possibility of this ought not to be discounted.

In my view, there is no possible justification for this amendment. The second reading explanation made some reference to would-be applicants dissuaded from proceeding with an application because of the degree of formality surrounding the present procedure. In fact, the present Act requires no formality at all; the applicant is merely required to satisfy the Registrar. It is hard to imagine a serious conscientious objection which is unable to sustain this requirement. It goes without saying that the effect of this proposed amendment is also to be considered against the background of the proposal to abolish the power of the tribunal to award preference.

Clause 15 proposes an increase in penalties, and I shall deal with that in Committee. Clause 16 proposes a new section 157a. This is a beauty. The proposed section has its origin in section 132A of the Federal Act (inserted in 1977). The proposed section will make it an offence for a registered association to advise, encourage or incite a person (employer or not) to take discriminatory action against a person by reason of the fact that such person is not a member of an association or is or is not a conscientious objector; or to take or threaten to take, industrial action against an employer with the intent to coerce the employer to take discriminatory action against a person by reason of the same fact; or to take or threaten to take industrial action against an employer with the intent to coerce an employer to join an association.

For the purposes of this proposed new section, the action is deemed to be the action of the association if taken by the committee of management of the association or of a branch, or by an officer, employee or agent, or by a group of members, or by an individual member who performs the function of dealing with an employer on behalf of himself and other members for example, a shop steward. In short, the association may be guilty of an offence by virtue of acts of which it has no knowledge, and which it did not authorise.

In point of fact, there are the following significant differences between the proposed section and section 132 of the Federal Act:

(a) The definition of discriminatory action is wider than in the Federal Act;

(b) The prohibited action on the part of an organisation in the Federal Act relates to membership of that organisation; whereas in the proposed amendment prohibited action relates to membership of an assocation;

(c) The Federal Act (in this section) contains no reference to conscientious objection.

These differences are comparatively insignificant, however, compared with a matter which I now raise. The second reading explanation states:

> As an additional measure, the Government intends to include in the Act a provision along the lines of section 132A of the Commonwealth Act relating in effect to independent contractors, but to extend to cover discrimination against persons who hold or do not hold a certificate of exemption. (Certificate of exemption refers to the conscientious certificate).

However, in my opinion, the Minister or the draughtsman, in an anxiety to widen the operation of the section as compared with section 132A of the Federal Act, has completely changed it. The Federal Act relates exclusively to action intended to operate against an 'eligible person' and an eligible person is defined, in effect, as a subcontractor who is not an employee but whose involvement in the industry is such that if he were an employee he would be eligible to join an (employee) organisation; hence the heading to the section in the Federal Act, 'Offences in Relation to Independent Contractors etc.'. But the proposed amendment to the South Australian Act completely writes out the words 'eligible person' and inserts in place of 'eligible person' the word 'person' in two placita and 'employer' in the third placitum.

I suspect that the reason for this is a preoccupation with the position of the conscientious objector who, as mentioned, finds no place in the Federal section 132A, but is introduced into this proposed amendment. That introduction of the conscientious objector forces the concept of 'eligible person' out of the section, since an 'eligible person' in the Federal Act is by definition not an employee, whereas a conscientious objector must, by definition, be an employee.

In any event, whatever the motivations may be for the change, the result is absolutely bizarre. I invite attention to the first of the offences mentioned previously. An association will now commit an offence (carrying a heavy penalty and even a per day penalty) if a shop steward speaks to the personnel officer of an employer about to engage labour and encourages the personnel officer to employ a union member against a non-union member or conscientious objector; and this, no matter how reasonable the approach, how reasonable the arguments advanced, how amicable the situation existing between the employer and the union concerned.

Likewise, the association commits the same offences if the approach is made in the same circumstances and in the same way by a group of members of the association at the work place or by a representative of the association. The same offence will be committed in circumstances where an employer, as happens in some instances, telephones the union office and asks the secretary whether there are union members out of work available to take up a vacancy. If the secretary says, 'Yes', and arranges for one or two members to attend for an interview there is no offence; but if he encourages the employer to employ the union person as against any non-union applicant there is an offence. This result follows from the use of the phrase 'a person' (which naturally includes an employee or a potential employee), instead of the phrase 'eligible person' who, by definition, in the Federal Act is not an employee but an independent contractor.

The nakedly discriminatory nature of this section, reflecting the character of the Bill as a whole, can be seen from this. An employee association commits an offence if it advises, encourages and incites an employer to discriminate against a non-union member; but an employer organisation commits no offence if it advises, encourages or incites its members to discriminate against a union member. There is in my view no alternative to outright opposition to this clause.

Clause 17 of the Bill proposes the insertion of new section 166a. The effect of the amendment is that, where the holder of an office in an association is convicted of an offence involving violence or intimidation and the circumstances of the offence arose out of an industrial dispute, the office is by force of the section vacated and the convicted person disqualified from election or appointment to any office in an association for a period of five years from the date of the conviction. The operative words 'convicted of an offence involving violence or intimidation' are most imprecise. The words 'the circumstances of the offence arose out of an industrial dispute' are also most imprecise.

Union officials who go onto a job in the course of a dispute can be 'set up' and effectively disposed of from the industry. The disqualification from office follows by force of the section. This has two consequences:

(a) The section operates so as to vacate the office and disqualify the convicted person, no matter how trivial may be the conviction and no matter how much provocation may have been involved in

its commission, nor how long the particular officer may have operated in the industrial field without being involved in any incident of this sort, no matter how good the officer's standing and reputation, and no matter how unlikely is any repetition.

(b) Since the words mentioned above are so imprecise, it may well be unclear whether or not an office has been vacated and whether or not a person is disqualified.

The section is absolutely discriminatory in its operation. Anybody with any experience at all in this area knows that the sort of situations where tension may arise and tempers flare are situations at the work place. It is the tradition that in many such cases officers of the union will be present and participate; their opposite numbers, however, will be the employer or the representatives of the employer, not the officers of the employer organisation. Accordingly, officers of employee associations are at risk; officers of employer associations are virtually not at risk at all. In the second reading explanation there is reference to this provision, as follows:

The report does not comment on two provisions in the Bill. One is protecting the independence of subcontractors on union or employer association membership. The other is the conviction of officials of associations for violence and intimidation. Again this matter has arisen as a consequence of the findings of a recent Royal Commission.

If that latter reference is to the Costigan Royal Commission, then the reference is not apt. A reading of the Costigan Report does not show that the violence which it discusses arose out of the circumstances of a dispute in the sense in which that is used in the South Australian Act. (Industrial dispute is defined in the Act so as to relate to employer/employee questions). The convictions to which Mr Costigan refers would not be convictions to which the proposed amendment relates, no matter how violent the conduct. But if a trade union officer is arrested for failing to move on at a peaceful protest in the course of an industrial dispute and is convicted of resisting that arrest, it would appear that, under this proposed legislation, the union loses its officer for five years and the officer loses his job for the same period.

It is to be noted that the employer who uses the ultimate intimidation in a dispute (that the work place will be closed down if the employer's position is not accepted) will never be caught by this section, first, because he will not be convicted of an offence involving intimidation, and secondly, because such a statement would be the statement of the employer, not the employer association. The Bill does not contain any positive proposals for the smoother running of the process of conciliation and/or arbitration. It is largely directed against the trade union movement, and, in matters where there is an element of merit, that element is destroyed by the prescriptions going too far and too wide. I look forward to a useful discussion with the Minister during the Committee stages.

Mr McRAE (Playford): I heartily endorse the remarks made by the Deputy Leader and congratulate him on his excellent analysis of the Bill as a whole, and then his clause by clause discussion. My view is that the Bill should apparently be titled, 'A Bill to assist the Tonkin Government's re-election circus, by stirring up as much trouble as possible, to promote problems where none exist, to introduce unnecessary measures, to compound non-existent difficulties, and generally to maximise the chance of strikes and disputes'.

Mr Whitten: And for other purposes.

Mr McRAE: Yes, none of them healthy. The Government's industrial record is deplorable. It has the worst record in the industrial field of any South Australian Government ever known. Wherever one speaks to people, whether it is those in union or employer groups, in the commission, in the Public Service or anywhere, one finds dissatisfaction with the attitude of the Minister and the attitude and policies of the Government, for the reasons so very ably outlined by the Deputy Leader, that is, because the policies of the Government are so blatantly anti-union.

No-one living can remember a time such as in the past three years when, for example, court reporters, of all people, formed picket lines across the entrance to the Industrial Court; a period when, for the first time ever, teachers went out on strike; and when, for the first time that I am aware of, fire fighters went out on strike. It was a period when the whole Public Service was in upheaval and disruption, a period when the Industrial Commission and Industrial Court were treated with contempt, when there was no consultation, and aggressive attempts by the Minister to stir up trouble wherever possible. The Bill now before the House is a blatant example of that attitude. One notices the *ad hoc*-ery of the Bill; a few ideas have been bundled together, I suspect, to placate some of the crazier elements of the Liberal Party.

Mr Trainer: Industrial quackery.

Mr McRAE: Yes. A few ideas have been thrown together, as the Deputy Leader has demonstrated, taking some of the ideas direct from the Commonwealth Act, but in the process not even getting the drafting correct. I make quite clear that I do not blame the Counsel who prepared the Bill. I feel terribly sorry for him in regard to the instructions that he must have received. The Parliamentary Counsel must have had nightmares trying to sort out what on earth the instructions meant. Likewise, I have no complaint against the officer who wrote the second reading explanation; in fact, I recognise it as a masterpiece of anticipated self-defence. It is a masterpiece of writing which I think any Q.C. could be proud of. Perhaps a Q.C. drafted it—I am not sure. As the Deputy Leader stated, members on this side must do our own work, which, in my view, we have done well.

I want to go through some of the points raised. First, I refer to the proposal contained in the provisions of clause 6 concerning co-operation between industrial authorities. When the Deputy Leader dared to suggest to the Minister that there might be some constitutional problems about this, the Minister sneered and said that they had been meeting for three years, that there had been eminent lawyers involved and that there were not any constitutional problems. I point out that in recent discussion with industrial lawyers (and I have been in practice as an industrial lawyer for some 20 years), it has been revealed that it is a matter of very considerable alarm indeed as to precisely what the constitutional position might be.

If there is one thing that is quite clear, it is that this clause is premature because, until we have the Commonwealth clause to look at, it is quite impossible to draw a piece of legislation, to draw a clause, which might be compatible with the Constitution and with the proposals of the Commonwealth. In fact, if one looks at the *Hansard* reference to the second reading explanation (page 1125), one can see that this is nothing but a propaganda campaign. It is an attempt by the Minister to bob ahead and say 'Well, we have been discussing that for three years and we have reached general agreement. With all these lawyers that we have had around us, the Commonwealth still has not managed to draft anything, but we will bolt in, and throw this lot in and hope for the best.' It is a disgraceful propaganda exercise. Things get worse as one proceeds with the amendments.

One then comes to clause 7. I think the Deputy Leader dealt very well with the question of preference to unions. This is a fundamental principle of the Labor movement,

and one that we will not back down on. It has been a fundamental principle ever since trade unions were formed in this country; it is obviously a fundamental principle, because it is obvious that only in unity lies strength. Those people who receive the benefits of the unions' work should be prepared to pay for the work that is done on their behalf.

The statement made at page 1126 in defence of this clause is quite ridiculous; in fact, of all the somewhat crazy statements that are made, this is one of the best. It points out that there is a fundamental difference of opinion on this issue between the two major political Parties in the State. That is rather obvious. It then goes on to say that very few unions have sought to avail themselves of the opportunity of getting the benefit of the clause anyway. That is patently obvious because, as it stands, the clause is worthless. Nine awards out of 200 have a provision like this in them, because the clause is so drafted that you cannot give preference to a specific union; you can only give preference to unions generally. What you are doing is to take away a nothing, and that is known to the members of the bench, known to the employers and also known to the unions.

Mr Hemmings: But not to the Minister.

Mr McRAE: Apparently not to the Minister, or his advisers. Another thing that is very interesting is that, although the Minister deals with the Commonwealth and the committees, he does not deal with agreements. This is the absolutely ridiculous part of it. We have, right throughout, certain industries (metal trades, mining, transport, warehousing, storing, packing and retailing), all having a series of closed shop agreements and preferential agreements, with the complete free consent of the employers. Many very famous men have stressed their alarm at the thought that these agreements could be torn down.

Every major retail establishment along the Hindley Street and Rundle Street belt has a closed shop preference agreement. Every major organisation in the transport field has exactly the same arrangement. I can only put it down to humbug on the Minister's part: on the one hand, he is trying to stir up the unions; on the other hand, he has done nothing to prevent the unions and the employers continuing that agreement, because he has not dealt with that part of the Act. The hotel industry is another very good example of the closed shop proviso, as is the brewing industry. In fact, there are dozens and dozens of others, and I will not waste Parliament's time by listing them all. The fact is that employers want these provisions. It is not a question of the unions demanding this and the Minister's having the opportunity to bash the unions. If he is going to bash the unions let him bash the retail traders, and let him bash the leaders of the transport industry, the mining and metal trades, and all the rest of them.

When we come to clause 8, I agree with the Deputy Leader; on the face of it, one cannot object to the principle. There are, however, one or two things I want to say about this. My first concern (and I hope the Minister's officer will be considering this very carefully) is the impact that this will have on the *Moore v. Doyle* situation. It seems to me at the moment that, while both the existing section 133 and the proposed amended section 133 grant immunity in this State to unions that may be in a *Moore v. Doyle* situation, they certainly do not get immunity at Federal level and they will not get immunity in the Federal court. My principal worry with the whole of clause 8 is that people desirous of causing trouble inside unions will point to the existence of these rules as part of an organised challenge to demonstrate that there are in fact two incorporated bodies masquerading as the one recognised organisation in the Commonwealth sphere. That is a very real and very genuine concern. I ask that that be given proper consideration.

Secondly, I point out that, in any event, most of the unions concerned have their elections carried out by compulsory ballot, secret ballot or postal ballot, right now. Thirdly, let me add that, at least under the Commonwealth system, the Commonwealth pays the costs. Under this system, the union membership would have to meet the cost. I agree with what the Deputy Leader had to say as to the very loose drafting.

When we come to clause 11, the *Moore v. Doyle* situation arises again, and I am most intrigued as to why we have chopped this around yet again. I should have dealt first with clause 10, because that is an important matter which should not be overlooked. As far as registration is concerned, we, as a Government, introduced section 132 (2) deliberately to stop an avalanche of litigation that was going on in the early 1970s, engineered by various individuals who were deliberately creating unnecessary litigation among registered organisations. We did that with the full consent and backing of the trade union movement and also the employers, who were sick to death of it, not to mention the ordinary members, who were having to meet the costs of it.

I could not agree more with the Minister's proposal that, if an organisation has disgraced itself federally and something has to be done in the State, it should be done, but I point out that the Registrar can do it. He is empowered to do it now, and he will still be empowered to do it. Why is it (I can think of no reason other than malice) that organisation is being invited to fight organisation? If there is reason to deregister an organisation, let us have the courage to simply have the Minister request the Registrar to put the necessary machinery into effect.

Clause 11 deals with the *Moore v. Doyle* situation, and here I am confused. I do not know why we have changed from the existing draft, which gave six years protection. I do not know why 31 December 1984 has been chosen; there is nothing particularly magic about that, but I would have thought that protection much further into the future was desirable. However, what is most important of all is that heed be taken of what Mr Frank Cawthorne has said; it is time that the so-called Hilton proposal was examined very carefully by both the State and Federal authorities in an endeavour to solve this awful mess.

With all due respect, I think that the Sweeney proposal will not work. In fact, I had the opportunity to discuss this matter with His Honour some years ago, and he had revised his opinion even at that stage, but I believe that the Hilton proposal has the backing of the State court, and it may well be that that is well worth following up. Whatever happens, certainly something has to be done.

We now come to the question of accounts and disputed elections. In relation to accounts, I make perfectly clear that I am totally in support of unions, like any other organisation, accounting to their members for the members' money and expenditure of the members' money, and I am totally in favour of members having full access to what did happen and to having independent audits. However, I point out that what has really happened here is that the Minister, in trying to stir up trouble, has used the Costigan Report in a most blatant way, and he has also used the B.L.F. report in a most blatant way. He has suggested that dreadful crimes have been committed, as found by Mr Costigan and indeed by law courts throughout the country, involving certain officials and members of the Painters and Dockers Union and allegedly also officials of the B.L.F. (although I notice that none of them has faced criminal charges as yet). I certainly brook no excuses for painters and dockers whatsoever: they are involved in criminal offences, and they have been dealt with as criminals, as they have deserved to be.

Mr Whitten: Not of an industrial nature.

Mr McRAE: Not of an industrial nature, as the member for Price states. Quite apart from that (and my colleague the member for Price will be dealing with this in more detail), I have struggled to get from the Chief Secretary the substance of what was going on in South Australia. I was alarmed that we might have a painters and dockers protection money racket or a builders labourers alleged protection money racket going on here. I was frightened that we might have people with rifles over their shoulder stalking the streets or the construction sites. I was frightened genuinely that something like that was going on, because at page 1 126 of *Hansard* that is certainly the impression that the Minister seeks to convey in his second reading explanation.

He says that there is fear in the community that there will be a spread of stand-over tactics and intimidation. I have not seen any stand-over tactics or intimidation among South Australian unions, and in fact the Chief Secretary finally admitted that there was no evidence at all of South Australian unions being involved in such activities. My colleague the member for Price will be dealing with that and referring to the precise passages. Let me point out that the Acting Police Commissioner was sitting right beside the Chief Secretary when those questions were asked and that answer was given.

The question of disputed elections is highly technical, and I think it is best dealt with in Committee. However, it is a peculiarity of this piece of industrial 'quackery', as one member so rightly put it, that sometimes the basic ideas are quite good. In other words, I think that this disputed election section has the potentiality to play a better role than the existing provisions in the Act, but in an attempt to do one thing various other mistakes have been made which potentially will cause awful troubles and difficulties. It is the vagueness, the wideness and generalities throughout clause 12 in its entirety that give rise to the concern.

We then come to what the Deputy Leader said were two 'beauties', but I would say that they are real 'lulus'. I am referring to clauses 14 and 16, dealing with conscientious objection. This really is an absurdity. I am assured by the Registrar that at the moment there is no problem. People come to him explaining that they have an objection on religious grounds, he satisfies himself that they are genuine, gives them a certificate, they pay the money to the Children's Hospital, and that is the end of the matter. There are no problems: I have not seen people walking up and down in front of Parliament House saying that the existing legislation is desperate or awful (and this State is well known for its capacity for people to demonstrate). Now we have this nonsense put in, and it is obvious that dubious and malicious employers would incite their employees to draw together a statutory declaration which would *(a)* get them off the hook of paying their share of the benefit that all employees receive as a result of the work of their, or what should be their, union; and *(b)* have the effect of creating more industrial disputes. What staggers me is that the whole thrust of this is to create more industrial disputes rather than lessen them.

The other 'lulu' is clause 16. The Minister referred to the 1977 Federal amendment, and this is the one which I suspect is related to the B.L.F. incident of the independent contractors. What seems to have happened is that the whole thing has been taken out of context, and we have a split-up of the conscientious objector and the independent contractor, both thrown together into the one clause, with the most Draconian of penalties. If a union official, an employer or an employer's official is guilty of a criminal offence, I am the first to say that he should be charged. If union officials in this State are guilty of criminal offences, I say that they should be charged. If employers in this State are guilty of criminal offences, I say that they should be charged—they deserve to be charged—and let the criminal law deal with them. We have learnt that the hard way in Australia, and I would have thought that this Government might notice a few little problems like the O'Shea case a few years ago and a few other cases sprinkled around Australia over the last half a century that might indicate that to try to deal with criminal acts or penal clauses generally through industrial legislation does not work.

Mr Trainer: Like surgery with a meat-axe.

Mr McRAE: Something like that, yes. The other curious thing about this, as has been pointed out, is that the Costigan Report showed that, whilst the painters and dockers had some villanious people among their membership, when it came to the employers side, they had some of the most unbelievable rogues in the country who have savaged the taxpayers of this country fraudulently to the tune of something like $10 000 000 000, which is suspected (God knows what the reality is), and we have an Attorney-General of this State who does not even recognise that as fraud: he sees that as tax minimisation.

I point out the extraordinary situation where, on the basis of the Costigan Report, the Minister justifies this Draconian measure, yet if one looks at the same report one finds that employers have been guilty of offences that are absolutely horrific. Then we have the strange situation where the Attorney-General, the upholder of law and order in this State, finds that really not surprising: that is tax minimisation, he told the Council the other day. That is not so, according to Mr Costigan: he says that that is fraud, and if one is guilty of fraud one is a criminal and should be dealt with as such. I say that such people should be dealt with by the criminal law.

The Police Force of this State is an admirable one. My colleague the member for Price and I had a long discussion with the Minister and the Acting Police Commissioner here in this Chamber on this very matter. The police are well placed to take action against violent or fraudulent people, and they will do so. Our courts are well controlled and well manned, and if such persons are brought before them the courts will give them a fair hearing. If the jury accepts the evidence placed against them, it may convict them, and those persons will be dealt with. I believe that that is what should be done.

On the whole, as I say, this is an election mock-up, and it is true to form. This Government has produced the worst industrial record of any Government ever in this State, and it continues to produce industrial messes. This is exactly consistent with everything the Minister has done. All he has done is drag the whole industrial problem into the gutter again. The employees and the community of this State do not deserve quackery like this. We on the Opposition will continue to expose it and shall certainly be following the Minister through hard, clause by clause, line by line.

Mr GLAZBROOK (Brighton): One or two points about this legislation have taken my interest, particularly as I have had some representations from constituents regarding trade union affairs. The two particularly interesting points deal with the insertion of the Federal provisions relating to accounting and auditing procedures, requirements and registration of associations, and the reinstatement of the moratorium on challenges to the rules of registered associations.

It has been suggested to me that there is an area of concern, particularly relating to the latter point. A number of unions in South Australia have, for whatever reason, elections whereby those elected to an office in the organisation hold office in the State registered association and the Federal association by the same warrant. This single ballot for both offices at the same time, which is suggested, could raise serious doubts as to the validity of any such election.

Of course, there is no doubt that, upon registration of an association in South Australia under section 115, that association becomes a legal entity with corporate status, pursuant to sections 138, 139 and 140. But in a situation like this members of an organisation could challenge an election under the Commonwealth Conciliation and Arbitration Act, 1904, and the Federal court could subsequently declare void that election in a branch of the organisation, yet some members, under the State Act, would still legally and properly be elected.

One example given to me which highlights that case is the Federated Clerks Union of Australia (South Australian branch), which is registered pursuant to section 132 of the Commonwealth Act and section 115 of the South Australian Act. It has corporate status under section 136 of the Federal Act. In South Australia we have, of course, a branch of the organisation, the Secretary of which is Mr Krantz. I understand that over the past few years five members of the Federated Clerks Union in South Australia have actually made five separate applications to the Federal court challenging the right of the Secretary to run the branch as a separate legal entity from the organisation within South Australia.

These challenges originally related to the validity of the six-year term of office which, as members would recall, was outlawed in 1977 under the Federal Act. The challenges also related to the validity of the rules not providing for the election of a committee of management, which would seem to be quite a serious and reckless affair. It was interesting to hear the Deputy Leader of the Opposition this afternoon state that he emphatically believed the appropriateness of holding democratic elections for committees of management.

It seems that, with this particular union in case, in 1951 a decision of the Supreme Court in this State against Mr Krantz, handed down by the then Chief Justice, Sir Mellis Napier, ruled that the section rules were ineffective and invalid as rules of the branch, or the federation (the section rules purportedly provided for the election of the committee of management), and that there had not been a valid and lawfully constituted committee of management since 1940, which is an incredible length of time.

It would appear that this state of affairs was allowed to go on until 4 December 1981, almost 30 years, until the Federal executive took the responsible steps to constitute a proper body for the South Australian branch. The Federal court was told only of this only on Friday 4 December 1981. When one looks further into the case and into the Federal court case one finds that this invalid committee of management was attacked in matter No. 4 of 1981. It was then confirmed, at long last, that the committee of management was unlawful, and it was requested by the Federal executive, under Federal rule No. 12, to set up a validly constituted committee of management for the South Australian branch.

The interesting part of this, if we extend it that much further, was that my constituent had written to me some time before that regarding a question of looking at the validity of some of these union problems, and he drew my attention to a long service leave arrangement. It would seem that in 1974 a motion was sponsored by the Secretary of the Federated Clerks Union (South Australian branch), Mr Krantz, and a Mr Haseldine, and it was put to the purported committee of management, which we have already established was unlawfully elected as a committee of management, that long service leave should accrue at the rate of 13 weeks for every 10 years of service, but that this should be made retrospective to 1941.

That is an incredible length of time, because it really represents 30 years of retrospectivity. At current salary rates, of course, this would mean a very large sum of money. We have to remember that in 1965 the Long Service Leave Act provided for 13 weeks for 20 years service; then it was altered in 1965-66 to provide for 13 weeks for 15 years service, and in 1972 to provide for 13 weeks for 10 years service.

When I looked at this information I was particularly concerned, more so when my constituent produced a copy of the 1974 decision from the union minutes which suggested that the Secretary also be paid long service leave or part thereof while still at work. He was also concerned about the fact that, with the Secretary and other officers retiring, it would take out of the union funds about $130 000, which excluded any superannuation provident fund contributions.

The problem deepens when one realises that current members of the Federated Clerks Union of Australia believe that they are part of the overall body and that their subscriptions go into the Federal body. Apparently, that does not occur. As I understand it, the Federated Clerk's Union was also incorporated under the State Act; that is quite legal and there is no problem, because it is under section 115 of the South Australian Act. Therefore, the union is legally constituted, but the money paid by members does not go to the Federal coffers—rather, it goes to the State coffers, which changes things a little more.

Some years ago I believe the State body decided to purchase a building to be controlled by the State body, not by the Federal body. That seems to be all right on the surface. In August 1981 my constituent wrote to the Secretary of the Federated Clerks' Union (South Australian branch) and asked about some of the finances, as follows:

I request information regarding the financial affairs in our branch and refer to the auditor's reports for the years 1978, 1979, 1980... Whilst you have unreasonably chosen not to reply to my other letters regarding activities in the State branch, nor have you supplied me with when requested, on 1 May this year, a proper copy of the State branch rules—this causing me to advise the Federal registrar—nor did you, when I requested a copy of the 1980 auditors report on 12 June, permit me to have a copy of that report even though, I might add, that auditors report was prepared on 20 May, you are reminded that you are still obligated to answer questions from members.

He did not get any answer to his letter to the Secretary. He further asked:

The following information is requested. On what dates were the audited reports for 1978, 1979 and 1980, presented to a specially convened meeting of the committee of management of the State Branch, for this purpose?

Mr Peterson: Legally?

Mr GLAZBROOK: I am not sure whether we have changed from the illegal to legal, because the rules of the South Australian branch were somewhat changed after the Federal branch decided to intervene. He went on to ask:

Have the auditors ever attended a committee of management meeting or an annual general meeting...? In respect to the auditor's report... What date was this report presented to a specially convened meeting...? What clerks' union publication (if any) were the auditors reports for 1978, 79 and 80 published in? On whose authority was $33 164.00 of State branch members funds withdrawn in 1978, and for what purpose? On whose authority was $15 000.00 of State branch members funds withdrawn in 1978, and for what purpose? On whose authority in 1979, was $37 561.00 of State branch members funds withdrawn, and for what purpose? On whose authority in 1979, was $5 047.00 of State branch members funds withdrawn, and for what purpose? On whose authority in 1980 was $30 000.00 of State branch members funds withdrawn, and for what purpose?

The total of these withdrawals appears to be about $120 000.00 of State branch members funds and, as a consequence, you will, I am sure, appreciate my very grave concern. In addition, I would request you clarify the following: Is the purported President Viergever, and the purported Deputy President Fellows, aware that no rules of the State Branch are distributed to members and consequently the certificate both have signed on or around 20 May 1981 appears to be incorrect? On whose authority and when was the building at 12 Regent Street purchased, and whose name is it in? Is the building at 12 Regent Street in some name other than the State branch of the Federation?

He asked whether the point could be clarified. I questioned this situation, because it seems to be a serious matter. I was handed copies of the memorandum of transfer of the building that the federated clerks had purchased. The seal at the bottom belongs to the Federated Clerks Union of Australia (South Australian branch). It seems that there is a confusion of interests over having a South Australian branch as part of the Federal branch, because the two branches are separate bodies. Members might believe that they are paying their subscriptions to a Federal body, but could find that the money is being used by a State body. It is interesting that the President of the State body is not a member of the Federal body because of the differences of opinion in relation to the branch as part of the Federal body. The confusion to members is such that, when they legally and quite properly challenge some of the decisions by asking for information and, subsequently, that information is not provided, these questions become rather more serious. A little later another letter was written by my constitutent, a member of the union, to Mr Krantz.

Mr Peterson: Is he still a member?

Mr GLAZBROOK: No, I believe that he has been expelled for raising certain issues. This is an interesting letter, addressed to Mr Krantz, as follows:

> On Thursday 22 April, you told the Federal Court that you initiated a motion at the January executive meeting to waive all fees for some 20 to 30 members whom you claim are 'life' members of the Federated Clerks' Union of Australia. You also told the court that not one member from this list ever approached you or the union with a request and or a proper case for the cancellation or waiver of his or her union subscriptions. As a consequence of the above, could you advise me as to what rule you got the executive (purported)—

he is referring to the purported executive, as I previously mentioned, when no election has been held, and that has gone on for close on 40 years—

> to make a decision to waive the fees of so many members of our union, as it appears that there is no rule which allows you to conduct the financial affairs of our union this way. In addition to the above inquiry, I request a certified copy of the Federal South Australian branch rules. Please find attached a cheque for $1.00. Secondly, could you advise me as to what rule the purported executive and committee of management used as its authority for the expenditure of members funds in the purchase of the building at 12 Regent Street, Adelaide.

He had not had an answer after 12 months. Later, he asks:

> ... the date of that decision, and was Federal Executive or Federal Conference approval ever given to disburse funds of the members of the South Australian branch in this manner. Thirdly, please supply me with a copy of the statement showing the number of members of the branch, male and female, adult and junior, financial and unfinancial, as at 31 December 1981.

He then states:

> Finally, it appears from information that you received a union loan of $5 000.00 at 5-6 per cent interest for the purchase of your car in 1979. Could you advise therefore, if this loan was from the funds of the South Australian branch.

Members opposite have stated quite emphatically today that it was quite right and proper to have democratic elections, and that the financial affairs of any union were quite open to its members. Quite clearly, that is not so, because when a member asks a legitimate question of his union as to what is happening with the money and whether or not it is being used in the correct manner, he does not get an answer. Surely, a member is entitled to receive an answer to his question. The court had shown previously that a committee of management of a union was unlawful, yet nothing was done about it. It was unlawful, and in 1951 it was said to be unlawful, yet nothing was done about it until 1978. That is an incredible indictment upon that particular type of trade union.

How can anyone stand up and whitewash the trade union movement and say that it is perfectly right and proper to have democratic elections and to publish accounts, because that just does not happen within certain trade unions? All we are asking for in this legislation is to bring it out legally. I have no objections to unions. In fact my father was a trade unionist; he was a secretary of a trade union and I have lived on the periphery of the trade union movement for many years. However, if the trade union movement wishes to be seen to be upstanding in all these things, then let it do so. The trade union concerned should not hide from its own members the facts contained in the letters I have read, because the person concerned asked for legitimate answers to legitimate questions. He wanted to know where the money was spent; he wanted to know whether it was true that union officials had some money to buy lease cars. One of the letters that have been handed to me refers to union loans, as follows:

> Mr Haseldine and Mr Lesses received union loans during the period 1976 to 1980 for, it appears, the purchase of their cars at 5 per cent to 6 per cent interest.

And yet I cannot get any more information on it. He is a union official who has paid up all of his fees and has done all of the right things: he simply wants to ask questions and obtain further information, which he could not obtain. However, members opposite stand up and say that this legislation is not necessary? If it was not necessary, the situation I have referred to would not arise.

Therefore, this legislation is necessary to provide some legality and to bring out into the open the true facts regarding the union movement and what it stands for, not only in its ideals, but also in its financial management. If unions have nothing to fear, let them publish this information. We would be quite happy if unions would provide these answers but that does not happen. Therefore, legislation is required. I hope that I have been able to demonstrate why this legislation is necessary. I hope that members opposite will not keep standing up and saying that unions are blameless, that they have nothing to fear, that they believe in the democracy of elections and in publishing all accounts. If that is the situation, the union concerned should provide the information that has been requested.

Mr GREGORY (Florey): I wonder why the Government has brought this Bill before the House, because, after reading the advertisement that appeared in the *News* on Friday (following the Minister's announcement in this place that he would be introducing this Bill), one could be excused for believing that some of the things that he mentioned were not provided for by the current Act and its predecessors. I have made a short list of some of the provisions of this Bill. There is deletion of preference. Auditing is already provided for within the Act; this Bill simply applies more stringent procedures. Financial reporting is already provided in the Act; the Bill provides more stringent procedures. Elections are provided for in the Act. Disputes in relation to elections are provided for within the Act. Conscientious objection is already covered in the Act, but this Bill extends the grounds. Protection for the conscientious objectors, I think, is still there but, again, more extensive provisions are provided in this Bill. The only new ground is the exemption of certain classes of people from holding office.

I can only agree with my Deputy leader and conclude that this is an election stunt. After listening to the member for Brighton, the old adage that an empty barrel makes the most noise has just been proven, because for the last 23 minutes or thereabouts he has talked a lot of rot about something that he knows nothing about. The member for Brighton was talking about the effect of the *Moore v. Doyle* case and the complex craziness of our Constitution and the State Parliaments. All members would know that there will be problems between a federally registered body and a State registered body.

The principal Act already provides for that through a moratorium. The Bill contains some extending provisions because, without them, industrial relations in this State would become unworkable. As for the aggrieved member mentioned by the member for Brighton, I do not think he was a member at the time he wrote those letters, so he was not entitled to get the answers. One only has to understand that to realise the complexity of the situation. The reason given for some of the amendments contained in this Bill was because of allegations of poor behaviour by certain people somewhere else, not in South Australia. The member for Playford mentioned that, during the Estimates Committees, he asked several questions and found that the Police Department and police officers were not aware of these allegations in relation to industrial matters. However, the reports have been able to provide information about people in other areas not connected with trade unions who have been making bundles of money defrauding the State of income tax.

I believe that the Government has got nothing going for it to present to the people at the next election: it has sought to trot out the union can again and give it a kick in order to obtain some votes. The conservative forces have been doing this for a long time. This Bill will confuse the situation even more. Employers and employee organisations are fed up because the Commonwealth Act is unworkable. The newly restored Minister for Industry and Commerce, Mr Peacock, when Minister for Industrial Relations, said that it is unworkable and that he, as a lawyer, could not understand it. That shows that the conservative forces have no understanding of the concept of industrial relations, because they muck things up. We believe that this Bill, which has been promoted by the Minister, will do precisely that.

Industrial relations is not about forcing people to do things; it is about encouraging people to settle industrial disputes. This Bill forces people to do precisely that. If the Government could demonstrate that elections were not being properly conducted in South Australian unions, that the financial affairs of unions were not being properly audited and that there was gross misappropriation of funds, perhaps I would be prepared to listen. But that cannot be done. Further, four or five weeks ago he was still not able to tell us how many unions have been deregistered, or how many have failed to put in returns or put in proper returns. I suggest that the Minister cannot provide that information because unions are well behaved and do submit those returns.

Attacking unions is a little like throwing mud; when one stoops to pick it up one gets it on one's own hands and sometimes it splashes back. If ever there were a Government that was served up by the public because of its kicking the union can all the time, by its taking on its workers, and not adopting a conciliatory action towards them, it was the Victorian Government, which was turfed out of office at the last election. That example should be clearly understood by members opposite. In his second reading explanation, the Minister mentioned such things as strengthening the rights of individual people, of people being elected by secret ballots, and he mentioned annual financial statements. Throughout, there was a thread of consistent care for the well being of the people of South Australia. All those things are being done now, so why extend these provisions, which will make it more difficult to effectively operate this legislation. The Government would do better to ensure that members of incorporated associations, industrial provident societies or organisations registered under the Friendly Societies Act were able to be guaranteed the right to elections, to audited reports and to know exactly what is going on in their associations, as well as being guaranteed the right to object to something going on, or to what they think is not correct.

When the Labor Party decided to introduce legislation to right those wrongs in the Incorporated Associations Act, by introducing a new Act known as the Associations Incorporation Act, members opposite, then in Opposition, complained about the financial disclosure aspect, about the democracy of members having elections and the appeal provision for aggrieved members. The Liberal Party opposed those measures. However, those Acts do not contain the provisions contained in the current Industrial Conciliation and Arbitration Act. Even so, those rights were denied to those associations. We find that members of building societies and credit unions have no real guarantee of democracy; they have no real guarantee of any financial reporting in relation to what is happening in their organisations; and they do not know anything about ballots or when annual general meetings are held, and so on.

I would be prepared to listen to members opposite if they demonstrated their concern for members of these organisations, because they are voluntary organisations, like trade unions, made up of the same classes of people for the same purpose, who gather together to protect the interests of their groups. I would be prepared to listen to members opposite if the Government was prepared to go after those organisations that have annual returns totalling tens of millions of dollars per annum.

Reference has been made to preferences. It seems to me that members opposite just cannot appreciate the fact that arrangements can be reached, agreements made and awards negotiated that will give preference to someone who pays his way. In industrial relations, if one works in an industry, whether as a member of a union or not, one gets the benefits of the awards and the benefits of the conditions that generally prevail. Those awards and benefits are achieved after the trade union movement goes to court and negotiates with the employer. The non-unionists, those people who do not want to pay, get the benefits as well. In regard to the question of those who pay and those who do not pay, the Government is not recognising that those who pay should have any preference. If one tried to pull that stunt with the R.A.A., if it had to provide the same service to all those using the roads whether or not they were members, there would be a squeal from people at the R.A.A.

It seems that the Government wants to do away with these measures because of the paranoid fear of members opposite who have had no experience in industrial relations, but who think they know everything about it. They just do not understand and have no feeling or conscience. In regard to co-operation between industrial bodies, has there ever been a demonstrated need in this State for further co-operation? The discussions with which I have been involved from time to time have led me to believe that the only problem that has arisen occurred in New South Wales in relation to an oil refinery. Such problems have never been experienced in South Australia. Therefore, if there is no demonstrated need, why should we embark on something simply because it is a first?

We know that amendments to other Acts will be required and that we will have to go through this procedure again. If the Government is dinkum about what it is doing, I would have appreciated some reference in the Bill to the United Trades and Labor Council's being able to sign industrial agreements. Obviously, the Government is not concerned.

Ballots in trade unions have been conducted on a fairer basis than most other organisations that I know of. For instance, the union to which I belong has conducted ballots, when it has been allowed to do so, since 1851. That has been the general procedure adopted in this country. However, I point out that it was not compulsory. The Act already

provides for all these things, so I am at a loss to understand why the provisions of this Bill must be so extensive.

The Hon D.C. Brown: Have you asked Jim Naqui about the A.M.W.S.U. election? He seemed to win his case in the Federal court.

Mr Mathwin: You got a guy in there you didn't want; he was put in a corner.

Mr GREGORY: If we had the member for Brighton at work, Mr Naqui would still be the official of one union and not of another.

The Hon. D.C. Brown: Are you suggesting that the court made the wrong judgment in terms of the Jim Naqui case?

Mr GREGORY: I am suggesting to the member for Glenelg, if he cares to know what occurred, that, if the member for Brighton's attitude were adopted today, Mr Naqui would be an assistant secretary of one union and Mr Lean would still be an assistant secretary of another. If those people are aggrieved, the provisions in the Act provide a method for them to seek redress. It is not set out in great detail; it is a very broad and wide-ranging power, but the Industrial Commission in South Australia has never had to use that power because things have been conducted properly. Section 134 of the Act refers to persons being repressed, or things being unreasonable or unjust.That gives a very broad area of action for people who are aggrieved to seek redress.

We are now finding that this business concerns elections. If Mr Naqui had been a member of the Liberal Party and had paid his dues to the Liberal Party in the way that he was paying them to the Amalgamated Metal Workers and Shipwrights Union, he would not have been a financial member of the Liberal Party. Members opposite do not understand how financial rules operate and how judges interpret them, particularly in that case, which was not appealable. If such rulings were appealable I think it would be a different situation; one would not be so careless throwing around people's names if those persons were the bastions of freedom and democracy.

I have referred to current audited financial statements. I believe that the provisions of this Bill contain very stringent descriptions in relation to what should happen. As one looks through it, I wonder whether that is necessary. As I said earlier, this is a voluntary organisation. It is not a company, dealing with millions of dollars worth of shareholders funds, but a voluntary organisation which has more to do with its members, listens more to its members and consults more with its members than any company ever consults with its shareholders. Yet, we find that the rules on financial reporting are almost as stringent.

That is not all. The people who have inquired into the Commonwealth Industrial Conciliation and Arbitration Act find that it requires rules which are oppressive and nearly unworkable. We have found that some unions have had to engage additional people just to comply with the Act. We even had one auditor who wanted the numbers of all the typewriters, because he was of the view that, as part of his duties, he had to report the numbers.

We find that the Minister is seeking the right to order an investigation into the financial administration of the association. The Minister has yet to demonstrate in this House, or indeed anywhere else, that there has been something crook going on with the finances of the unions. The member for Brighton went on at great length about what happened with the Federated Clerks Union. If we were to adopt that situation of having separate Federal and State branches, we would find that industrial relations would become unworkable. Those who do operate in the industrial relations area know that, because of the *Moore v. Doyle* situation, very few unions in this State could actually be registered in the State Industrial Court, and some of the employer organisations could not be registered there either.

What is the State Industrial Commission? It is a venue for conciliatory action between employers and employees. It has been agreed upon by the unions and the employers that they use that court to settle industrial disputes. All this amendment is going to do is make this harder, make that court unworkable, and we will find that the provisions will lead to the deregistration of some unions. It will not mean anything, because the Public Service Association was deregistered for some two or three years, but it operated and protected its members, enlarged its membership by recruiting people, and looked after their interests. I do not think that members opposite understand what they are embarking upon by putting up these amendments.

One part of this Bill that I find most objectionable is the reference in clause 10 to the receiving in evidence of a transcript of evidence taken in proceedings before any court, commission or tribunal established under the law of the Commonwealth or a State or Territory of the Commonwealth; the court may draw any conclusions from the evidence taken in those proceedings that it thinks proper. Anybody in another court or commission can make all the wild allegations in the world without those who are having those allegations made against them being aware of what is going on, without the right to refute it; the court can, if it wishes, take that down and draw any conclusion from evidence taken in those proceedings, or adopt any finding from such a court, commission or tribunal. Something can happen somewhere else in Australia and we can find, by virtue of this Act, that people, without having any say or being able to contest what is being done, find themselves already penalised. That, in itself, is a grave miscarriage of justice.

Under the current proposals, anyone can sign a statutory declaration to say that they do not want to be in a union (they do not have to be), and they then put the money towards the Children's Hospital. What is so important about the Children's Hospital? Why cannot it be paid to somebody else? Why cannot it be paid to the union for all the services it provides for those people who want to bludge on it? Perhaps providing for bludgers is something the Party opposite supports, because it has not been too vigorous in going after people who dodge taxes. It does not want to conduct inquiries in this State as to whether there are any bottom-of-the-harbor schemes, because members opposite probably would find that all of their friends are caught in it.

Mr Lewis: You know about some, do you? Have you some of them in the painters and dockers?

Mr GREGORY: If they were, they would be working for smarter people than you associate with.

Members interjecting:

Mr GREGORY: We will find that the conscientious objectors' provisions will enable people who do not want to accept majority decisions to opt out. It is like members on this side of the House saying that we were not elected to Government, so we can opt out of paying our taxes. It will allow people to opt out. It will allow organisations that have negotiated closed shop agreements, that have stood the test of time for years, to be busted. Sir Reginald Ansett was never known as a supporter of the Party on this side of the House. From my information and advice, he was a supporter of the Party on the other side.

At one time a person decided to exercise his right as a conscientious objector and not be in the union, and he asked Reg Ansett to support him. Reg Ansett said to him, 'You think I am going to have my whole aeroplane fleet brought to a halt because of you. Either you work here as a unionist or you do not work here. You can make up your own mind.' Sir Reginald Ansett had reasons for doing that, because the only people who can be represented in industrial negotiations are those organisations who represent other people. That gives legal obligations, and elected represen-

tatives are then obliged by those obligations to do their best for their members. If a person is not a member of the association, he cannot represent anybody but himself. When having negotiations, employers who understand industrial negotiations and understand how to manage businesses, ensure that they are talking to those who can deliver, those who represent the people who work for them, and that is precisely why employers and unions reach these agreements. This Bill will bust that, and that will bring about another series of industrial disputes. I find the provisions of the Bill to protect these scabs objectionable, because that is what they are. Nowhere in this Bill, do we find that the same penalties have been placed upon employers who wander around workshops and encourage people not to be in unions. We do not find those penalties there at all. It is all one sided.

We go now to the last part, which I think is really adopting a double penalty. It talks about an offence of violence or intimidation and it refers to an industrial dispute. We have all been involved in disputes. I suppose some members opposite have been involved in disputes with their wives or their families, and a certain amount of intimidation goes on there, as it does in all disputes. People can be prosecuted and convicted of being illegally on the premises when they are occupying an office site so that they can keep their jobs. Those people could cease to be employed as union officials.

If the employer decided that he was going to weigh in and was convicted of a criminal offence, perhaps all he could lose as far as this Bill is concerned is his right to be a member of his employers' association. He does not lose his right for five years to earn his livelihood in that chosen profession he is currently in, as will happen to the union officials. If there was a provision here that said to employers, 'If you are caught intimidating people you can be convicted criminally, you cannot work in that area for five years, or you cannot be a manager', perhaps there may be some reality in that, but it is not that.

[Sitting suspended from 6 to 7.30 p.m.]

Mr GREGORY: Before the adjournment, I was referring to clause 17 of the Bill which inserts new section 166a, which provides:

166a. Where—
(a) the holder of an office in an association is convicted of an offence involving violence or intimidation;
and
(b) the circumstances of the offence arose out of an industrial dispute,
the office is, by force of this section, vacated and the convicted person shall be disqualified from election or appointment to any office in an association for a period of five years from the date of the conviction.

It is inappropriate that the Bill should provide that if somebody is convicted of such an offence there should be a double penalty. If they are convicted of these offences under the criminal laws of our State and country, they are already suffering a penalty. Union officials (and this means any union official, particularly in reference to intimidation) can be debarred from holding office. With some of the terms of officers of trade unions, they can be debarred from holding office for a long period of time. With full-time employees, that is their employment, their bread and butter, but the converse does not apply to the employers. Whilst they have been debarred from holding office in their association, it does not affect their ability to earn a livelihood.

We see this piece of legislation as one directly aimed at ensuring that union officials themselves are intimidated. In many instances on the job there is confrontation at times which could, with the way in which the law is interpreted from time to time, be called violence and intimidation, and people could find themselves in the position of losing their job. Many of the provisions in the Bill are there, on the basis of the Minister's words, to 'look after people in South Australia'. I find that strange when the current Act makes adequate provisions for proper auditing and balloting, and the democratic operation of trade unions.

The current Act has served the State well. If these amendments fail in another place it will continue to serve us well. However, if they are carried and the Bill becomes an Act of Parliament, it will not serve the State well. I believe that the Government would be wise not to persist with these amendments.

Mr WHITTEN (Price): From the outset, let it be clear that I oppose the Bill. I have listened to the Deputy Leader of the Opposition, a person who has had wide industrial experience in this sphere and who understands what is necessary for good industrial relations and I endorse all the remarks he made. The member for Playford is a person who has had wider industrial law experience than has anyone in this House; he has had wide industrial law experience throughout the State. Finally, I refer to the member for Florey, who was a trade union official and an official of the union to which I belong and have belonged for many years. More recently, he was the Secretary of the United Trades and Labor Council. All of the speakers have handled this Bill extremely well pointing out to the Minister the problems that he will have should this legislation be passed. As the Deputy Leader said, it is Draconian legislation and is not warranted. I seek to continue my remarks later.

Leave granted; debate adjourned.

APPROPRIATION BILL (No. 2)

Returned from the Legislative Council without amendment.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).
(Continued from page 1375.)

Mr WHITTEN: Perhaps the speech made by the member for Brighton did not warrant mention, but there was one matter that did intrigue me when he was union bashing, and that was his reference to a former Chief Justice of South Australia, Sir Mellis Napier. I was unable to ascertain how he related that matter to an industrial matter, but be that as it may I take what he said as being the truth and accept it as such.

Many times when speaking on industrial matters I have endeavoured to give the Minister of Industrial Affairs some advice, but unfortunately he will not take such advice, because here we have another Bill in this House endeavouring to create bad industrial relations. Of course, there are only two types of industrial relations; good industrial relations, which we had in the period when the Deputy Leader of the Opposition (Jack Wright) was the Minister of Industrial Affairs; and now we have got industrial relations under the present Minister, who sees an election looming and says, 'I have to create all the bad relations I can, and I can do it by bringing this type of Bill into the House.' In his explanation he said that this Bill would create good industrial relations, and he said that we have had good industrial relations in this State for many years. Well, perhaps we have, despite the Minister who has been in office for the

last three years. In his second reading explanation he said in the first paragraph:

It has been designed to strengthen the rights of individuals and to build on South Australia's industrial relations record, which is already the best in Australia.

If the situation in South Australia is already the best in Australia, why does the Minister have to try to create bad industrial relations by introducing this Bill? If we have a look at what has happened in South Australia since he has been the Minister, we see that for the first time ever there was a dispute involving court reporters. Never before has there been such a dispute with court reporters, but under this Minister we had one. Then we had a strike by teachers; never before in the history of South Australia have teachers gone on strike, but under this Minister we had teachers go on strike. We also had the first strike by the the Public Service Association; that has never ever happend before. Under this Minister it happened, and it will continue to happen whilst we have this type of person as a Minister of Industrial Affairs.

It can only happen under the Liberals, when there is no consultation, only confrontation. That is the unfortunate part about it with the Liberals: they think that they can force unionists to do things which are no good for the trade union movement. The Conciliation and Arbitration Act, as I understand (and I have been involved in the trade union movement for many years), was designed to bring about good relations and to be used as a type of clearing house when there are disputes, but we are not going to have good industrial relations while we have a Minister such as the Minister we have at present. He said in his second reading explanation that the Bill was based on the Cawthorne Report. Unfortunately, there were two Cawthorne Reports: the first report and the second report.

I believe that the Minister considered that the first report was not good enough, because it would not be good for industrial relations and so requested Mr Cawthorne to prepare another report. Unfortunately, the second report was an exclusive report for the Minister's eyes and ears only. Evidently, the Minister has something to hide, because I believe that Mr Cawthorne is a fair and honest person who would have brought down a report illustrating the fact that things can happen in the correct manner and that we can have good industrial relations if we follow a certain course. Unfortunately, the Minister chose not to release that report. In his second reading explanation the Minister said:

... by giving people the choice of whether or not to join a union, any person may fill out a form registering as a conscientious objector.

I do not know whether the Minister is aware that over the past six or seven years only six or seven people have filled out a form to register themselves as conscientious objectors, people who object to joining a union on religious grounds, who must go before a court and give reasons why they feel that they should not join a union. However, the Minister does not like that sort of thing, because it is fair. The Minister considers that any person need not join a union and need not have a reason for not joining, that all a person needs to do is make a statutory declaration and thus be absolved from paying union fees. The main thrust of the Bill concerns the paying of union fees. Unions must exist to further the rights of members and they can only exist if members pay union dues.

I believe that the Minister has endeavoured to break unions so that there will be fewer people belonging to unions, people who will take all the fruits gained by those who have been members of the union in the past. Unions have paid out a lot of good money, but the Minister wants these people to be free loaders. I think the member for Florey called them bludgers, which is an appropriate word. 'Free loaders' is a bit too mild for the type of people to whom I refer and who wish to take everything and give back nothing. The Minister mentioned preference to trade unionists and said how preferences will be taken away. In his second reading explanation (page 1125 of *Hansard*), he stated:

Any provision in existing law which allows preference to unionists will be removed.

This preference to trade unionists is not a great thing; it has not been taken advantage of to any great extent. In fact, only nine out of 200 awards that exist in South Australia contain any provisions for preference to unionists.

The Minister makes a big deal of this sort of thing. I believe that a person who is a bludger and who will not join a union should not be able to receive the benefits of an award. In fact, if I had anything to do with it, I would delay any provisions that give advantages to non-union workers for quite a considerable period. The Cain Government in Victoria proposed to give unionists an advantage. That was quite right and proper but, unfortunately, the courts ruled the other way and the freeloaders, or non-unionists, are now going to get the benefit of what Victorian unions have fought for over many years.

I do not believe employers would be very happy with the provision to do away with the closed shop agreements. I believe the Minister should have talked to previous Liberal Ministers of Industrial Relations, particularly the previous member for Torrens, John Coumbe. John Coumbe was a Minister of Labor and Industry who understood industrial relations. I am sure that the present Minister does not understand industrial relations. I believe that the Minister should have talked to his colleague, the Hon. Don Laidlaw, who is involved with Perry Engineering, Adelaide-Brighton Cement and Wallaroo Fertilizers. Mr Laidlaw could have told the Minister that he should not do these sort of things. Most of the larger shops are quite happy to have closed shop agreements. Shops with closed shop agreements have the best industrial relations. Unfortunately, the present Minister has such a large ego that he will not discuss these matters with any of his colleagues who have been involved in industrial relations. I think the Minister could do a lot if he wished, but as I said previously, an election is looming and he wants to create as much industrial chaos as he possibly can.

The day after he introduced this Bill, on 16 September, the Minister placed advertisements in the *Advertiser* and the *News*. I have a copy of that advertisement which you, Mr Speaker, all members, and all taxpayers paid for. The Minister did not pay for it; the State paid for it. I do not know how much that advertisement cost, but it would probably be between $1 000, and $2 000, because a full page advertisement in the *Advertiser* costs about $4 000. The advertisement, entitled 'Open letter to South Australians', states:

The South Australian Government has introduced into Parliament proposed changes to our industrial laws. I want to outline what these proposals mean to you.

The first is the right to work, particularly by giving people the choice whether or not to join a union. I would have thought that the right to work meant the right to go to a job if one wanted to work. Under the present Liberal Government we have about 50 000 unemployed people in South Australia, Federally, we have over 500 000 unemployed, and this Minister talks about the right to work. I believe that the right to work should always be there, it should not be just because—

Mr Mathwin: The right to work should enable one to work if there is a strike on—shouldn't it?

Mr WHITTEN: The right to work is the right to have a job, and under a Liberal Government many people will not have jobs. A 55-year-old fellow came into my office the

other day. The employment agency said to him 'You will never work again; you are 55; you are too old.' Therefore, that man will be on unemployment benefits for the next 10 years. There is no right to work in that situation. However, the Minister has the cheek and impudence to stand in this Chamber and say that he protects the right to work.

Mr Mathwin: Let us have it both ways: let them work while there is a strike on, too.

Mr WHITTEN: I do not usually answer the sort of interjection just made by the member from Glenelg, who mentioned the right to work. He should be honest and ask why people should not have the right to be a scab, because we all know that scabs are the lowest excrement of humanity. Scabs are people who work while unionists are fighting to get something for all the people. It is often only by withholding labour that a unionist is able to obtain better conditions. Workers do not like to go on strike, because few of them can afford to have a day off—their wages are not good enough for them to do that. It is only the necessity to withhold labour in an endeavour to get an employer to give back a little of what a worker has given to him by way of profits that causes a worker to strike. Do not let the member for Glenelg talk about strike breakers and scabs? The advertisement continues, as follows:

I stress it will not be necessary to either join a union or register as a conscientious objector.

And he is proud of that! The article continues:

Any provision in existing law which allows preference to unionists will be removed.

The Minister intends to take away all of a unionist's rights so that free-loaders can get what trade union members have fought for and will pay for. I do not think there is anyone lower than a person who will take something he has not earned or paid for. I believe that such persons are thieves. However, that is the type of person the member for Glenelg is supporting. I do not want to be too hard on the member for Glenelg, but if he had any industrial experience or had ever been on the breadline—

Mr Mathwin: I was a member of a trade union. I could have been a trade union shop steward.

Mr WHITTEN: Except that the members would not vote for the honourable member. One cannot be a shop steward unless one has the support of one's members. No-one would support a person like the member for Glenelg, bearing in mind the attitude he has displayed whenever an industrial Bill has been before this Parliament. The honourable member is an anti-unionist and a union basher—always has been and probably always will be! The article continues:

A further proposal is that all officials of employer associations—

great sop that is—

and of unions must be elected by secret ballot.

I have been involved in the trade union movement for more years than I care to remember and I do not know of any union that does not elect its full time officials by secret ballot. I subscribe to that idea, and believe that it should be done that way. I would like to know which employer associations elect their secretaries, presidents and God knows who, by secret ballot. I suggest that that does not happen.

I am concerned because, having seen that advertisement, the very next day some trade unionists wanted to place a similar advertisement in the *Advertiser*, which was refused. They then distributed a pamphlet headed 'What the *Advertiser* refused to print'. I have here a draft of the pamphlet that was submitted for typewriting and a photo copy of what was submitted to the *Advertiser*. It states:

We read your letter, Mr Brown, and you say: 'These changes are designed to help strengthen South Australia's industrial relations record, which is already the best in Australia.'

However, they are little more than an attempt to transplant existing legislation from the Federal Conciliation and Arbitration Act into the State Act. Their presence federally has been shown already to do nothing but provide an unwarranted intrusion into the affairs of trade unions and create an imbalance in the basis upon which good industrial relations are created. The next paragraph says:

You propose, on the basis of that which you claim 'has been revealed by recent Royal Commissions interstate', to introduce secret ballot provisions for the election of officers and officials. What you really propose is full postal ballot provisions. Why is it for protection of union members through security of the ballot? We understand that a Federal Police report alleged that in a postal ballot conducted recently, 1300 ballot-papers were syphoned off in Australia post.

I believe that the organisation referred to was a postal union. The letter continues:

And 600 ballot-papers, printed by the Government Printer and in the control presumably of the Australian Electoral Office, were offered to a candidate. Perhaps this is a new form of Government control of unions and their members.

This is a nice state of affairs. This is the sort of thing that the *Advertiser* refused to print. The document continues:

You propose legislation to remove from office union officials or officers who engage in violence during industrial disputes.

The member for Playford elaborated on this to a fair extent when it took the Minister who is now on the front bench at present a half hour in the Estimates Committee B to admit that there was no evidence of violence or intimidation from the trade unions in South Australia. It took half an hour of severe questioning from the member for Playford to drag out that sort of information.

The Hon. J.W. Olsen: It was said in the first 10 minutes, but he chose to ignore it.

Mr WHITTEN: The Minister chooses to interject, but if he had given a straightforward reply in the first 10 minutes, as he said, it would not have gone on for another 20 minutes. We were asking for the Acting Police Commissioner (Mr Hunt) to answer the question. The Minister would not allow him, but eventually he said, 'That is right. There is no evidence in South Australia of violence, corruption or intimidation from trade unions.' This Minister chose to say in this House that the legislation was necessary because of what has been revealed in the Costigan Report. I do not know whether this Minister is aware that in South Australia there are about 22 members of the painters and dockers.

An honourable member: And none of them are tax dodgers.

Mr WHITTEN: That is right. Also, the member for Mallee, I think it was, said, by way of interjection, 'The unions are propping up the Labor Party, and this is what we want stopped.'

Mr Trainer: The member for Todd.

Mr WHITTEN: It might have been the member for Todd. I am not sure, but the painters and dockers in South Australia are not affiliated with the Labor Party. So, those unions whom he is trying to knock right off are not paying anything into the Labor Party, if that is what he is trying to make out. The pamphlet put out by the union states:

That proposed amendments are designed—

Members interjecting:

The SPEAKER: Order! The honourable member for Price has the call. Other members will remain silent.

Mr WHITTEN: Thank you for your protection, Sir.

Mr Hamilton: You need it.

The SPEAKER: Order! The honourable member for Albert Park will not be in a position to respond to the call if he carries on by answering after the Chair has given a warning. The honourable member for Price.

Mr WHITTEN: The pamphlet which was put out by the union, and which the union said the *Advertiser* refused to print states:

The proposed amendments are designed for confrontation, not co-operation.

I have endeavoured to tell this Minister every time I have risen to my feet on an industrial Bill that, if he gave it a little bit of thought, he could have good industrial relations with all unions in South Australia. He seems to believe that confrontation is the mean, particularly when there is an election in the offing. If the Minister can create industrial disputation, as it appears to me he wishes, he will be able to go out again with headlines, such as 'Who is running this State, the trade unions or the elected officials?' But, he will not be able to say, 'I do not expect a confrontation with the trade unions', because they can see through his ploy.

I wish to conclude by quoting the new Secretary of the United Trades and Labor Council of South Australia, who won by a great majority last Friday night in a ballot. In a recent speech, when talking about the Minister, he stated:

Like Hitler 50 years before him, Tonkin is looking for an election 'law and order' issue. If there is not one there, then create the issue.

South Australians will see through this cheap election trick by Tonkin and Brown.

We need to defeat this legislation!

We need to remove this Liberal Government from office!

We need a Government that is responsive to the needs of the working people of South Australia!

Defeat the anti-union Bill!

I would think that those are the sentiments of the majority of workers; I think they see now that the objective of this Bill is to create a confrontation, and create some election issue. The Government does not have one at present. Certainly, I have shown tonight that this Bill will cause bad industrial relations, will not do anything for South Australia or the workers, and certainly will see that the Liberal Government is defeated at the next election, which I hope is in the very near future.

Mr HAMILTON (Albert Park): I oppose the Bill. This is a deliberate and calculated attempt to create industrial discord throughout the community, deliberately designed on what the Opposition believes to be the eve of a State election. I find nothing so debased as a Government prepared to get down in the gutter with tactics such as this to try and use the trade union movement as an election issue. My involvement and participation in the trade union movement has shown me both sides of the industrial scene. I would be a fool to say otherwise, but I know that there are people in the trade union movement who are there under the Industrial Conciliation and Arbitration Act. But, under that Act those members of that organisation have the redress and opportunity to bring that before the appropriate courts.

Ever since this Government has been in office it has set out deliberately to confront the trade union movement, and today we saw the classic example of the thinking of Government members.

The member for Todd spoke about payments to the Labor Party. He could not contain himself and had to point out this matter because it bugs him that there are those people within the trade union movement who pay money to assist the Party to have a voice in this Parliament. If the honourable member had an ounce of sense and a knowledge of the trade union movement, he would know that the Labor Party was born out of the trade union movement. I am proud of that fact, and I am certainly proud to be a part of that organisation.

I have seen confrontation on the shop floor provoked deliberately by employers. How much does Parliament hear from Government members about such provocation and the deliberate antagonism of workers on the job? We hear very little from these extreme right-wing people sitting on the Government benches aligning themselves with those who seek to break the trade union movement. Let me say this to such Government members: long after they are dead, buried and gone the trade union movement will still be here. They will not break the trade union movement which has been around for a long time and which will continue to be around for a long time.

Mr Mathwin: Trade unions were given the right to operate originally by a right-of-centre Government.

Mr HAMILTON: The only way that the Labor Party obtained power in Australia was through the fight by the trade union movement to get its voice heard in Parliament: it paid to get its representatives there. That is how those representatives were elected, and the honourable member ought to look at the history of the trade union movement in Australia to understand the situation properly.

It is clear from my research on this subject what the situation is all about. In 1979 we saw in Western Australia the same sort of garbage legislation served up. This garbage legislation is now served up here in this State by this confrontationist Minister as an election gimmick to try to get cheap publicity because the Government knows that it is doomed at the next State election. An article in the Western Australian Mail (17 July 1982), headed 'It's war on the closed shop', states:

The Western Australian Government yesterday went to war against compulsory unionism.

That is great stuff. Where is the Industrial Conciliation and Arbitration Act which the Western Australian Government—the colleagues of the South Australian Government—supported? Where is the support which exists in every other State and federally for this Act? The Government now wants confrontation. How is conciliation being used in trying to sit down with workers and trade union leaders to try to solve problems through conciliation? Confrontation is the Government's attitude. The member for Fisher may laugh, but it is certainly not a laughing matter as far as I am concerned. This legislation is serious because it is a deliberate attempt to break down the conditions of workers, not only in South Australia but also in every other State in Australia, aided and abetted by the Government's Federal colleagues.

The Government has talked about an industrial record. The Premier has been flitting off overseas and interstate claiming that we have a wonderful industrial record, that it is one of the lowest in Australia, yet the Government has now dragged up this Bill from the gutter. The Government has talked of its concern for the economy and the industrial record in South Australia. Indeed, I am amazed that our industrial record is so good, but it is a reflection of the attitude of the trade union movement and the fact that it tries to do everything it can to overcome the problems we have and which will continue under this Bill.

An article in the *Western Mail* on Monday 19 November 1979, after a similar Bill was introduced in the Western Australian Parliament, stated under the heading 'Industrial record called not so bad':

Australia's industrial record is not as bad as it was sometimes made out to be, and it will not be improved by punitive measures, according to the former Chairman of B.H.P., Sir Ian McLennan—

certainly no member of the Labor Party—

Sir Ian, who is now the Chairman of the A.N.Z. Banking Group, said that, though the country's industrial record was not good, it was better than that of New Zealand, the United States, Britain, Canada and Italy. It was perhaps too much to hope that Australia could achieve the good industrial relations of countries like Japan, Sweden or West Germany, but surely we could do much better . . .

Sir Ian said little would be achieved in the industrial relations field by punitive measures. He said that Australia's high unemployment levels could be countered by a revitalisation of manufacturing industry and constantly updated technology.

We in this State should be looking towards conciliation, to try to find out the problems in the trade union movement, by sitting down with employers and trade unions and ascertaining how agreement and conciliation can be achieved. It

will certainly not be achieved by confrontation, as seems to be the intention of this Minister. Quite clearly, the Minister wants confrontation in this State as an election issue.

As I said, little by little and systematically this Government has deliberately set about trying to bury the trade union movement in this State. One would have thought that, if this Government was sincere, it would be thinking of ways in which to improve the industrial relations scene instead of trying to make it worse. My colleagues and the Deputy Leader today demonstrated quite clearly the so-called sincerity of the Minister of Industrial Affairs.

Where is the Cawthorne Report? Why was it not released? This Government asked that the report be made available to the Minister but, as my colleagues have stated (and I fully support the thrust of what they said), the Minister did not like some of the contents. There was a subsequent report, but the Minister did not have the guts (to put it bluntly) to even discuss the subsequent final report with my Deputy Leader, who is the shadow Minister of Industrial Affairs. One would have thought that, if the Minister was sincere, he would be prepared to appear on television and to be heard on radio discussing this matter. But, no, the Minister hides behind the walls of coward's castle and is not prepared to discuss the matter publicly.

Surely, any responsible Government would be seeking to improve the industrial relations scene. However, the Government is seeking to destroy the trade union movement. When Government members are in Opposition, they will find that we will move to abolish this Bill, to do away with what this Government is attempting. There have been previous attempts in history to destroy the trade union movement. In 1933 in Europe, one of Hitler's first steps was an attempt to destroy the trade union movement and democracy.

I would hope that we would never see this dictatorial attitude that we are seeing today by this Government when it talks about compulsory unionism and the like. I am glad that the Minister of Transport is here. He will well recall that, some 18 months ago, we talked about compulsion and I raised the question of why State Transport Authority employees were compelled to join a social club. Yet, on the other hand, we hear the hypocrites on the other side come out and talk about the trade union movement compulsion. Have members opposite altered that? No! They are hypocrites in the first degree. On the one hand, when it suits them they will say that people must do one thing; on the other hand, when it comes to the trade union movement they want to bury it.

We see compulsion of other sorts, when the youth of Australia were conscripted and sent to Vietnam. Was that not compulsion? About 450 people lost their lives in Vietnam because of the stupidity of Sir Robert Menzies. History proved him to be wrong because we had to get out of there. Compulsion is what it is all about. Compulsion I dislike intensely particularly when it comes from the other side.

Members interjecting:

Mr HAMILTON: I have struck a raw nerve and I am glad I did, because members opposite were responsible. Members on the Liberal Party side were responsible for the death of 450 of our youth in Vietnam because of their compulsion. Let us not have the hypocrisy of people like the member for Glenelg, who stand up and waffle on but would not have a clue as to what the trade union movement is about.

One thing that grinds into the Liberal Party and its supporters is the fact that we get the support of the trade union movement financially. The member for Todd clearly demonstrated (he could not contain himself) in his interjection, which came out without his even thinking about it, his obvious hatred of the trade union movement. In doing some research I looked at the Industrial Arbitration Bill introduced into the Western Australian Parliament. On page 4783 of *Hansard* of Thursday 15 November 1979, speaking in the Legislative Council, the Hon. I.G. Medcalf, Attorney-General, stated in part:

> In any discussion on industrial relations nowadays, much is heard of the term 'responsibility'. It is worth pointing out that no-one is compelled to join the conciliation and arbitration process; and y that I mean that registration of a union of employees or a union of employers is entirely voluntary. There is no law or regulation which forces a union to register. That decision is, and must be, a totally free and conscious decision. But where a union does decide to register and enter into the mainstream of the system, that union must be required to accept the responsibilities that go with the system.
>
> If unions are not prepared to work within the system, and to accept the responsibilities that come with the benefits, they should leave the system altogether. However, as the unions consititute an important sector of the Western Australian community, it is hoped they will remain within the system by recognising its value and benefits and by accepting the responsibilities and obligations they have towards it.
>
> To keep matters in their perspective, members should understand that most unions in Western Australia have had a long and honourable history of service to their members, and certainly of responsibility to their community. This does not imply that they have followed a 'tame cat' approach. Rather it suggests a large number of unions have bargained and negotiated with vigour on behalf of their members, while accepting the restraints and responsibilities imposed by any civilised community.

It further states:

> If the unions are prepared to work within the framework, they have to accept the responsibilities and the benefits within the framework.

I would believe that, if people want conditions, want the benefits that the trade unions have fought for over the years, they should accept their responsibilities. They should accept the fact that the trade union movement, through the subscriptions from its members, utilises that money to prosecute and achieve conditions for their members. But, this legislation, in my view, is deliberately designed to break down every condition possible. This I see as the first step, the three-pronged approach by this Government to break the trade union movement. The conditions of the preference clause and the closed shop situations are deliberately designed to break down those conditions.

The Minister talks about coercion; he talks about coercion by the union officials or unions. In my years in the trade union movement I have seen many heated debates on the right to join or not to join a union, but when a breakthrough is achieved for better conditions or an increase in annual leave or a productivity payment, these people who want to opt out of the unions, these conscientious objectors, do not say, 'Well, really I do not want the money, but you know, we will donate it to the favourite charity, because we are so strongly opposed to it.' No, Sir, they grab it with both hands.

I could go back some years when I was in the upper South-East. If my memory serves me correctly, a chap did not want to pay for the water that runs through the pipeline or did not want water put on his property, but the pipeline went past his property and he was compelled to pay those water rates. We have compulsion by this Government in many instances. We have compulsion to pay for our rates and taxes and various other impositions placed upon the people in this State by this Government. In that context, I refer to statements made in the Western Australian Legislative Council on 20 November 1979 (*Hansard* page 4851) which is as follows:

> Some people talk about the compulsion to join unions, which they consider to be a terrible thing. They consider no other organisations in Australia compel people to join them. Perhaps that is true, but where else in Australia, or in our social system is there an organisation upon which people depend so much for their bread and butter? Trade unions are their lifeblood. Through the trade union movement they get reasonable conditions. They

know if they can strengthen the unions by solidarity and unity, they may achieve conditions. However, according to the Government, this cannot be done. The Government wants to divide the people in a particular industry so they will not have the ability to defend their interests.

I thought those comments were rather to the point. One would think that that was referring to what is happening in South Australia: a deliberate attempt to break down working conditions and the trade union movement.

Mr Trainer interjecting:

Mr HAMILTON: As my colleague says, the only unions that they support are those in Poland where they talk about solidarity. I read with a great deal of interest a leaflet sent to me by a colleague from Western Australia, Fred McKenzie, M.L.C. The leaflet from the Entertainment Industry Council, addressed to Western Australian members of Parliament, refers to proposed Industrial Arbitration Act amendments introduced in Western Australia in 1979 and associated problems as follows:

1. The encouragement of the un-Australian voluntary non-unionist.
2. The non-unionist to work and receive the wages and conditions legally negotiated by employers/unions.
3. In wage negotiations before the commission confusion by existence in industry of non-represented 'Parties' (that is non-unionists) to awards (legally untenable).
4. 'On-the-job' bitterness between union and non-unionists sharing union benefits.
5. Personal greed and parsimony can become the only or main motive for non-unionists to opt out of unions.
6. Decimated membership of many unions by workers 'opting-out' will render it difficult to properly service remaining membership due to reduced union income.
7. Force many unions to abandon State jurisdiction in favour of Federal and reduce State Industrial Commission efficiency.
8. Create problems for employers in maintaining industrial peace on a job when disputes arise as there will be 'many voices' and persons in addition to the former sole unified majority union voice.
9. Settlement of disputes by the commission will have legal anomalies with the absence of unified negotiations.
10. Many well-thinking employers absolutely prefer to negotiate with the proper union voice in his employment.
11. Many employers prefer to have a complete union staff—and they should be able to so choose.
12. A resultant industrially sick community. The removal of preference clauses should be abandoned.

That is exactly what is happening in South Australia, namely, an attempt to turn the clock back 100 years and to break down all those conditions that trade unions have fought for bitterly since before the turn of the century, and I refer to the eight-hour day, annual leave, and so on. Who would know what amendments the Minister of Industrial Affairs (or Minister of confrontation, which would probably be a better term to use) is seeking to achieve in South Australia. I refer to an article in the Western Australian *Daily News* of 26 October 1979, which gives an illustration of the sort of problems that will be confronted in South Australia. The article is headed 'Employers complaints a puzzle', and states:

Employers' objections to some aspect of the State Government's proposed new industrial law have been dismissed by the Minister for Labour and Industry, Mr O'Connor.

In a statement today he said he was puzzled by the employers' group claim that the 'closed shop' system had brought a degree of stability to the mining industry.

Over the years, the employers quite clearly have welcomed the closed shop arrangement, which has the following advantages: fewer disputes, more harmony on the job, one voice, either from the shop floor or through the organiser or the State secretary of the organisation who speaks to the employer representative. The report in Western Australian *Hansard* continues:

Under the provisions of this Bill employees will have a right to either belong to a union or not belong to a union. An employee will be able to walk away without paying any fees. At least under the provisions of the present Act an employee has to give three months notice if he wants to resign from a union, but under the provisions now before us that person will be able to just walk away. If anyone induces another person to join a union, or if a person's employment is affected as a result of his walking away, penalties are provided under this Bill.

There is no doubt that this Government and this Minister have watched what has taken place in Western Australia with a great deal of interest, and have designed this Bill along those lines. It is an election gimmick to try and take people's minds away from the real issues in the community. They know quite clearly that they are in strife. I anticipated that this Bill would be introduced just before the election. Time will tell whether I am correct or not. It is disgusting for this Minister to use the trade union movement as a tool to try and gain re-election to office. I do not believe that the people of South Australia are foolish enough to accept this Bill. I would hope that the media will also look at what has taken place in Western Australia. We know that there are amendments—

The Hon. D. C. Brown: Has the honourable member bothered to read the Bill yet?

Mr HAMILTON: We know that there are amendments introduced over there again this year. My final point—

The Hon. D.C. Brown: Why didn't you bother to read the Bill?

Mr HAMILTON: If the Minister wants to stand up and say a few words, let him do it, but I ask him to give me a go. The statements made by the Minister about violence and corruption in the trade union movement are disgusting and filthy. He knows that the laws of this State can handle those, but he did not have the guts to admit it, nor was he honest, in my opinion, when he asked to incorporate the rest of the explanation of the Bill in *Hansard* without reading it. No indication at all about this violence and corruption—

The SPEAKER: Order! The honourable member's time has expired.

Mr ASHENDEN (Todd): I support the Bill, and in doing so I will get in first before members opposite carry on with their usual statements about union bashing, etc., and state categorically for the benefit of all members, other than some opposite who seem to have difficulty in understanding what is being said, that I totally support the necessity for a union movement and for unions.

Mr Trainer: But you will do everything you can to cripple it.

Mr ASHENDEN: If I was the honourable member I would not worry too much about commenting because, for his information, his own constituents cannot stand him. I have had three of them come to me for help because when they went to him he simply said, 'I cannot help you.' Therefore, I referred them to a Legislative Councillor, who was able to help them. If I was the honourable member, I would just sit and absorb some of the points that are being made.

The SPEAKER: Order! I invite the honourable member to go back to the Bill.

Mr ASHENDEN: Yes, Mr Speaker, but I think that perhaps his constituents reading this speech might be interested in that. I repeat that I support the necessity for unions, although I certainly do not believe that the present situation of unions in Australia is the best it could be.

I am a strong supporter, and always have been, of industry unions rather than trade unions, because in my previous employment I saw only too well the unfortunate circumstances that can arise in relation to a demarkation dispute. This is an area in which an employer suffers considerably, but over which he has absolutely no control. I again make it clear from the outset that unions are necessary, but I certainly do not agree that the present set-up is the best that could exist in Australia. Having said that, I will now show

how this Bill is supportive of the card-carrying union member. I believe that members opposite have become so emotive not because this Bill will affect the ordinary unionist but because it will affect union officials, some of whom are not doing their jobs and are not representing the interests of their members.

Mr Plunkett: Name one.

Mr ASHENDEN: I can name one: the South Australian Institute of Teachers. A number of letters have been sent to that institute's journal pointing out that many members do not support the current campaign of Ms Leonie Ebert and her executive in seeking higher wages for the teaching profession. A number of members are making it quite clear that they do not support the present type of representation. Many members of the teaching profession have contacted me expressing real concern at the direction that their union is presently taking and have indicated that they would like to resign because of that. However, I have stressed to them that it is imperative that they remain members of that union to ensure that their beliefs are put forward. I am not ashamed to indicate that my wife is a member of that union, so it is ridiculous for members opposite to interject.

As I said before, the member for Ascot Park does not get many constituents going to him because of the way he handles them when they do. However, a number of teachers from my electorate have come to me expressing their feelings on this matter. As the member for Newland said, constituents from Ascot Park approached the member for Morphett for help too.

I stress that this Bill is not designed to in any way hamper or restrict the ordinary union member. Members opposite all owe their jobs to Trades Hall (except for the member for Semaphore, to whom I apologise), and what we have heard tonight are emotive words which will be read by their colleagues down at Trades Hall and they will have, therefore, done their jobs.

We have heard members opposite state that this legislation is based on the Western Australian legislation. What nonsense! It just goes to show that some members opposite have not bothered to read the Bill. The previous speaker dwelt heavily on the supposed influence of the Western Australian legislation on the amendments before us. However, in Western Australia the Government moved to remove the closed shop. One thing that we are not doing in South Australia is in any way interfering with the closed shop, as there are many employers and employees who want a closed shop.

The Hon. D.C. Brown: The previous speaker did not even bother to pick up the Bill and read it. He has had three weeks to prepare his speech, yet he gave the most incoherent speech one could ever hear.

Mr ASHENDEN: The Minister is absolutely correct, because the previous speaker argued for five or 10 minutes that we are trying to remove the closed shop situation. This legislation protects the closed shop.

Members interjecting:

The SPEAKER: Order! The trading of niceties across the Chamber is uncalled for.

Mr ASHENDEN: Those employers who want to retain a closed shop will be able to do so. For the benefit of members opposite, my previous employer was a strong believer in the closed shop and I have been brought up in a closed shop environment. I trust that members opposite will listen and not be carried away with their own preconceptions of matters from now on.

We have heard the use of emotive terms like 'war', 'scabs', and 'attacks'. I fail to see how this legislation can possibly be described in any of those terms. For example, one member opposite said that persons who wanted to object to being members of unions were scabs because they were not going to pay their money towards the union movement. This legislation makes it quite clear that any person who wishes to be a conscientious objector will still be required to pay dues, to pay out of his pay the same amount as the ordinary card-holding member, except that instead of going to the unions those amounts will go to the Children's Hospital. In other words, he will not be at any financial advantage over the person who chooses to belong to a union.

Having briefly looked at some of the major emotive points brought up by members opposite, purely and simply to muddy the water, let us look at what this Government wants to achieve in introducing this legislation. Consideration has been given to the implementation of the recommendations in the report made by Mr F.K. Cawthorne following the completion of his review of the Industrial Conciliation and Arbitration Act. As it has become apparent that any detailed examination will involve a significant degree of consultation and discussion with interested parties and will probably result in a substantial rewriting of the Act, this Government has decided that, in the interim, it will proceed with certain amendments which are urgently needed. These amendments principally seek to restore relativities between the parties to the industrial relations system in areas of particular importance in order to eliminate any excessive imbalance which has developed over the years. If members opposite were honest, they would agree that if we go back into history all of the strength was with the employer and the worker had very little say and very little choice, but the pendulum now has gone way past the centre and at the moment the union hierarchy is attempting to control business and industrial matters in this State. All this Act will do is restore a little balance so that the employer also will have some rights.

Mr Trainer: Tell us who they are, you little twirp.

The ACTING DEPUTY SPEAKER (Mr Glazbrook): Order!

Mr ASHENDEN: I ask the honourable member to withdraw that term, because I take exception to it.

Mr Trainer: I withdraw accordingly, Mr Acting Deputy Speaker.

Mr ASHENDEN: Again, I refer the honourable member to the way in which he is perceived in his own electorate. As I have said, this Bill is designed to restore a balance in the industrial affairs of the State. It is designed to do a number of things. It will remove the power of the Industrial Commission to include preference clauses in awards, and I see nothing unfair in that.

An honourable member: You wouldn't, you are a Liberal.

Mr ASHENDEN: Again, the honourable member is obviously a little thick. I come from an industry where we worked with a closed shop. If the honourable member cannot come up with something original, he should not bother.

Members interjecting:

The ACTING DEPUTY SPEAKER: Order!

Mr ASHENDEN: The Bill is designed to remove the power of the Industrial Commission to include preference clauses in awards—a quite justified course of action. Even given the current provision that limits the power of the commission to award preference, such award prescriptions can and do impose severe limitations on the day to day operations of employers. What members opposite tend to forget is that if there were not any employers there would not be many employees. They seem to think that the whole aim of industrial relations is to screw the employer as far as they can until he is forced out of business. That is what they are trying to do. They do not understand that unless an employer is able to compete and have some rights he is going to find it extremely difficult to maintain any employees on his payroll.

It has been decided to remove this subject from the ambit of awards so that any person can have equality in relation

to employment. An employer will now be able to ensure that he is able to employ the person best suited to his needs, without any fear of pressure coming from unions. If members opposite do not reckon that unions apply pressure, then either they are naive or they think that the public of South australia is naive. In my previous employment I have seen absolute naked abuse of union power to obtain union desires.

As far as the next point is concerned, the amendments will prescribe strengthening of the provisions relating to conscientious objectors. In this respect it is proposed to more fully protect the position of conscientious objectors. One member opposite mentioned a number (five, or something like that), of people who had applied to not join a union on the grounds of conscientious objection. I make the point that the present Act makes it so difficult for a person to get that exemption that many people, after bashing their heads against the wall for days or weeks, in the end just give up, which is, of course, exactly what members opposite would want. Of course, they realise that the more members there are in the unions, the greater will be the financial contribution to the A.L.P.

The amendments will widen the grounds of exemption, deformalise the procedure by which a certificate of exemption is obtained, and outlaw all discrimination against a holder of a certificate of exemption. How can any person indicate that that is an unfair amendment to bring into the present Act?

The amendments are designed to include a provision along the lines of section 132A of the Federal Act, which prohibits an organisation from encouraging an individual to take industrial action or taking industrial action to enforce an individual to take discriminatory action against a non-employer, such as an independent contractor, because of the grounds of non-union membership. Once again, how can anybody argue against the fairness of that amendment? The section also extends to prohibiting industrial action against an employer to force him to join a union. Once again, I cannot see anything unfair in that.

The amendments are designed to create an offence for an elected or appointed official of a registered association to assault or threaten to assault a person, or intimidate any person in respect to an industrial matter. I do not see that members opposite can possibly object to that. It is designed to insert the Federal provisions relating to the accounting and auditing procedures and requirements for registered associations into the State Act, and to provide that the Minister of Industrial Affairs may request the Industrial Registrar to investigate and report to the Minister on the financial affairs of a registered association. I believe that members opposite would only object to that if they felt that their union executive had something to hide.

The amendments are designed to introduce a statutory requirement for secret postal ballots for the election of officials. How can members opposite object to that? Some of them have indicated that already the majority of unions do this. Therefore, why on earth complain because we are now requiring all unions to do it.

The amendments are designed to give effect to the Premiers' Conference decision to provide for a closer working relationship between Commonwealth and State Ministers, and to eliminate some of the difficulties flowing from the dual industrial relations system operating in Australia with Federal and State awards. That agreement related to four main areas: joint sittings of the Federal and State commission; the allowing of State industrial commissions to act as local industrial boards under the Commonwealth Act; to enable, by agreement, the exercise of State jurisdiction by the Federal commission; and to include in the State Acts, mirror provisions to section 67 of the Commonwealth Act which provides that the President of the Australian commission may convene conferences with State industrial tribunals with a view to securing co-ordination between Commonwealth and State awards. Again, I ask how any fair-minded person can possibly object to those amendments.

The amendments are designed to reinstate the moratorium on challenges to the rules of registered associations under section 133 of the Act until 31 December 1984. This, as an interim provision, will enable the recommendations of the Cawthorne Report on this complex subject to be fully examined pending the adoption of a more permanent solution. Again, I find difficulty in finding any objection to that.

I would like to refer, for the benefit of members opposite, to some of the points made by the Minister in his speech to the Parliament when he introduced these amendments. Two things are perfectly obvious to me. First, members opposite do not appear to have even read the amendments, because they have indicated an abysmal lack of knowledge about what they are designed to do. Secondly, I do not think that any of them could have heard the Minister's explanation because, if they had been in the Chamber, they could not possibly have made the ridiculous statements that they have made. In his second reading explanation the Minister stated:

> The Bill has been designed to strengthen the rights of individuals to build on South Australia's industrial relations record.

Members opposite have said that South Australia's industrial relations record is the best in this country. Because it is the best, does that mean that it cannot be improved? Because we have not had some of the major problems that have occurred interstate, does that mean that they will not occur in South Australia? Of course it does not. Therefore, it is necessary to bring in legislation so that, provided union officials do not breach it, there will be no industrial trouble at all.

The Bill is designed only to provide absolutely necessary protection for mismanagement, and the right of individual trade unionists, I believe, has for too long been overlooked by some union officials. Further, over the past three years I have certainly had a large number of card-holding union members coming to my office to express their concern at the way in which certain union officials have acted. I have had wives telephone me and say, 'You are a member of the Liberal Government team. Why can you not do something to make these unions let my husband go back to work? We do not have money coming into the home. We cannot meet our commitments. We cannot feed ourselves. Why is it that you cannot do something to help us?'

I can tell the House that people often go on to say, 'My husband does not want to be on strike'. Members opposite can shrug that off and say that it has not happened, but I can assure them that it has. I have a very thick file of approaches made to me by those people. To each of those people I have written and forwarded a copy of the planned amendments, with an explanation of what the Minister and the Government are setting out to achieve. I have received more than a 50 per cent phone call return to me indicating, first, their thanks for my having taken the trouble to keep them informed on these matters and, secondly, saying how much they appreciate what the Government is doing in this area. That is absolute fact. Members opposite are too far removed from the grass roots level of the trade union movement.

Members interjecting:

Mr ASHENDEN: Obviously, that must be the case, because people are coming to members on this side and not to members opposite to express their concern. The position is that this legislation is being treated by the Opposition as if it is the end of the world. They claim that it has been introduced simply as an election gimmick, and I have news

for members opposite: nothing could be further from the truth.

I am fortunate to be on the Minister of Industrial Affairs committee, and I can tell the Opposition that we have been looking at amendments to the Act for at least two years. We have been undertaking discussions in many areas. There was the Cawthorne Report. An initial report or discussion paper was brought out and input was given which went back to Mr Cawthorne, who then brought down findings and recommendations. If Opposition members believe that this can be done in a day or a week, it shows just how shabbily they would go into such matters if ever they were returned to Government, and that is certainly a long way away.

The point is that they do not seem to understand the time that is needed to move into discussions and study of these types of amendments. It just so happens that between now and April there will be a State election, but the point is that this legislation has been planned and worked on for a period of years. It is a credit to the Minister that such thorough preparation has gone into these amendments; that is why they have taken so long to be brought forward.

The Minister was determined that, when the amendments came forward, they would be effective and would result in a far better industrial relations climate in this State. If members opposite want to carry on about this Bill's being an election issue, all I can say is that their credibility is at about the same level as that of their Leader, who still persists, despite the fact that in this House he acknowledged that employment figures cannot be obtained suburb by suburb, in saying that he could do so (as was stated in the North-East *Leader*). That has been pointed out to my constituents.

The inconsistencies of members opposite have to be seen to be believed. Certainly, I have found in door-knocking that the credibility of the Opposition is at an all-time low. The attacks that members opposite are making at present certainly do nothing whatever to overcome that credibility gap. I refer members opposite (before they speak on this issue) to *Hansard* and the second reading explanation of the Minister of Industrial Affairs; that explanation gives many reasons for the introduction of the amendments.

Members opposite have also attempted, as they always do, to use smear tactics. They cannot argue on points of fact, and so they indulge in absolute vilification (as did the Deputy Leader this afternoon) and personal attacks rather than concentrating on the Minister's actions. Members opposite do not have facts to support their attack, and so, because their arguments are hollow, they turn to vicious personal attacks on the Minister. That is the way they work, and I cannot understand it. I only wish that members opposite would debate the issue rather than bringing in personalities.

I would imagine that I have worked rather more closely with the Minister than have any members opposite, and I certainly know that the Minister is extremely sincere in his desire to provide a much fairer set of industrial relations criteria for the employer and the employee. I have made a number of points in regard to the amendments, but I want to stress again—

The Hon. J.D. Wright interjecting:

Mr ASHENDEN: I am glad that the Deputy Leader has come into the House. I know that the first thing that will be said as soon as a member opposite stands up is, 'We have just heard the member for Todd with his union-bashing antics.' Again, I wish to stress, as I stated 20 minutes ago, that the legislation is necessary. The amendments are designed to assist industrial relations, and I believe that the way in which members opposite have reacted indicates only too clearly that they fear that the card-holding member will perhaps be better represented than he has been in the past.

The Hon. J.D. Wright interjecting:

Mr ASHENDEN: If the Deputy Leader had been present for the duration of my speech, he would know that I have already answered that point. It has taken a long time to ensure that we came up with legislation that will achieve what we desire to achieve. I unhesitatingly support the Minister of Industrial Affairs and this Bill. The feedback that is coming not only to my office but also from my door-knocking activities indicates that the majority of people support what the Government is doing in this Bill. Only the union official who is not doing his job has any reason to fear any changes or amendments proposed by the Minister of Industrial Affairs.

For example, of what are the union officials afraid in requiring detailed financial procedures for which this amendment provides? The Minister outlined in his speech a number of areas which indicated that under the present set-up there have been abuses of money which has been obtained by union officials from union members. Even Clyde Cameron (and the Deputy Leader of the Opposition sang the praises of Clyde Cameron) acknowledged:

> The most prevalent form of theft will be found in misappropriation of funds and property for purposes not authorised by the registered objects of the union.

We are now introducing amendments to stop that. That quote is stated in the book which Clyde Cameron recently brought out. Yet, members opposite are saying that the changes we are bringing about are not necessary. Clyde Cameron does not share that viewpoint.

The Hon. D.C. Brown: They said that Clyde Cameron was the greatest Minister Australia ever had.

Members interjecting:

The ACTING DEPUTY SPEAKER (Mr Glazbrook): Order! Interjections are out of order. The member for Todd has the floor.

Mr ASHENDEN: The fact that Mr Cameron has said that indicates that a tightening—

Mr Plunkett interjecting:

The ACTING DEPUTY SPEAKER: Order!

Mr ASHENDEN:—of the Act is necessary. Going by the way that members opposite are coming in left, right and centre, we have obviously touched a very sensitive nerve. There is no doubt that the amendments in this Act are designed to provide protection in relation not only to the finances of the union but also to so many other areas. It is designed to provide equal protection to employer and employee. It will result in a much fairer Act and one which will only build on the excellent industrial relations scene we have in South Australia. I hope that members opposite, in continuing the debate, will take the trouble to read the amendments and the Minister's speech and that they will debate on points of fact rather than on personalities.

Mr PETERSON (Semaphore): I congratulate the Deputy Leader of the Opposition on his contribution to this debate, as it was outstanding.

Mr Becker: This is good.

Mr PETERSON: I believe the contribution made was well researched and well presented, as were the submissions by the members for Playford and Florey. One thing is not recognised by the Government—

The Hon. D.C. Brown: Have you read the legislation?

Mr PETERSON: Yes, I have.

The Hon. D.C. Brown: You're the first person on that side who has.

Mr PETERSON: I will refer to the Minister's speech, so I must know something about it. One thing not recognised by the Government is the vast experience gained by the

three members to whom I have referred. Other speakers have put their point but those three speakers have had vast experience, and I would not like to add up their collective time in the union movement. It is obviously many years.

Mr Becker: Thirty years.

Mr PETERSON: It is not recognised. Those men who had that experience had served the union movement and had represented the workers in an industrial situation for 30 years between them in various capacities from industrial advocate (in the case of the member for Playford) to Secretary of the Trades and Labor Council (in the case of the member for Florey) and as Minister (in the case of the member for Adelaide). They must have learnt something. Members on the Government benches have served on those benches for three years and must have learnt something, too. People learn something from what they put into a job. We all learn from the sum total of our experience. I hope I have. I have had a learning experience in this place.

I have had some experience on both sides of the industrial spectrum. In my time I have worked as operations manager, with 100 people working under me. I have had a personnel manager's job, and I have also been a secretary of a union section to which I will refer shortly. After holding those positions I was elected to the union by secret ballot. I am amazed at the great consternation in regard to secret ballots.

I was Secretary and vigilance officer of the shipping section of the Federated Clerks Union, and I would like to briefly touch on a contribution made this afternoon by the member for Brighton, because I think that the Federated Clerks Union was badly misrepresented by the comments put forward. I have no doubt that the information and the letters were provided to the member in good faith, but I have been a member of that union for over 20 years. I was a member of the committee of the State council at the time that alleged events took place, and I must say that I consider the F.C.U. (not just because I was and still am, a member but because of my experience) is one of the best run and most progressive unions in this State. It developed into a very highly respected union, and to hear it painted black, as it has been this afternoon, certainly sets my blood a little on the boil to have it compared.

I cannot see any basis for comparing it with the Builders Labourers Federation and I think that, if the member had taken just five minutes to speak to the officials of that union, perhaps the situation might not have been as he presented it today. I certainly hope that he will take the time to do that. I am sure the secretary of that union, who is a very highly respected man of great experience and integrity, would certainly clear the issue with him.

The member for Todd said that the next speaker (it happens to be me) would get up and allege that he was back to his union bashing. I will not do that. He also spoke about the card-carrying union man being much better represented with this legislation. One question comes to mind immediately: what difference will there be in his representation? What difference will this make to a card-carrying union man now? It is not going to put a crimpled edge on the card. The secretary of the union, the president of the union, the union committees, the delegates, the whole structure, will be exactly the same.

Mr Ashenden: He will have greater protection.

Mr PETERSON: We will come to that when we come to the Minister's speech, but what difference will it make?

Mr Ashenden: He will have greater protection.

Mr PETERSON: I do not know. I have been a union man since I left school and started work, and I have been a member of a union every day since I left school. I have carried a union card of various unions at that time, by choice, and I will carry it to the day I die, by choice. I believe in unions. In that time I have never seen a man who thought that, if he was not being represented properly, he did not have the right to do something about it within his union.

Mr Ashenden: Have you ever carried the card of the builders labourers?

Mr PETERSON: No, but let us not speak about things that happen elsewhere.

Mr Plunkett: Have you had personal experience, or are you referring to someone else who came into office?

The ACTING DEPUTY SPEAKER (Mr Glazbrook): Order! The honourable member for Peake. The honourable member for Semaphore has the floor.

Mr PETERSON: Thank you, Mr Acting Speaker. I might say that it is all very well to point to the bad apples, and there are bad apples in the union movement as there are in the employers organisations. I have seen it on both sides; there are bad on both sides. But I repeat that I have yet to see a man in the union movement who did not have some way of redressing a wrong where he could see it, whether it was in the accounts of the union or in his representation. He has that now in the union.

So, I do not really think that the point made there was valid. A member spoke about the teachers who are not happy; well, they have that right. Every member of the teachers union has one vote, just as all of us are voted here by individuals with one vote each. Every union member has one vote. If you are not happy with your representation, you change your vote, as may happen in the next State election in politics. But that is the right of every union member; one man, one vote. That is the crux of the whole matter. No matter what is changed, that right will still be there; the representation, the delegation and the secretary will be the same.

Mr Randall: Except when it comes to A.L.P. preselection.

Mr PETERSON: We are not talking about that at the moment. The member for Todd referred to scabs, which I think is the term he used. Many years ago I worked in an environment where non-union labour worked, and those men concerned were carrying the effects of the way they were treated 30 years after they had undertaken that job. One should not talk about such matters until one has seen such things. For whatever reason, the men worked under those conditions and they will carry those marks until they die. In the stevedoring industry (I do not think there are any left there now) there were men who, after having worked as non-union labour, still carried the marks of that 30 years later. Therefore, the use of terms referred to is a sore point with me, because people do not know what they are talking about.

The honourable member also referred to the right of people to work when there is a strike. The member for Todd spoke of wives calling him and of calls by union carriers who wanted to go back to work while the strike was on. I have been involved with strikes; and I did not enjoy any of them. There is no way that anyone would enjoy time off with no money coming in. If anyone does, there is something wrong with them. At such times we would all like to go back to work, but a matter of principle is involved. If one believes that a strike is valid, one supports it all the way; if not, one votes at the meeting against the decision to strike.

For all the talk about strikes and the problems that they bring, and about people who do not want to go on strike, the fact is that the vote for strike action is not done by way of secret ballot. I would have thought that, if one really wanted to give a person a chance to say what he liked at meetings, provision would have been made for the vote to be made by way of secret ballot. Perhaps that matter could be explained in more detail later.

The Minister said that it is not necessary for everyone to have union membership and that a person can be a conscientious objector. However, one does not have to be either. On the first page of the second reading explantion the Minister states:

It will not be necessary to either join a union or register as a conscientious objector.

That means that one can wander freely through life, work, industry, or employment with nothing.

Mr Ashenden: You still have to pay the Children's Hospital.

Mr PETERSON: That is not referred to. Reference was made also to employees squeezing employers until they go out of business. Surely anyone with any brains at all would realise that that is a self-defeating exercise. No doubt at times unions have gone to the extreme. I make no bones about that, as that does occur. The actions of employers at times have been the same. I know of a situation where employers tried to squeeze out one group of employees in order to obtain the services of another group of lower paid employees, hoping that that group would do the same job for less money. However, within a very short time the people who were supposedly prepared to work for less money had managed to squeeze (to use the term referred to by Government members) the same amount of money from the employers that the first labour force would have received. I do not think that that is necessarily wrong. In that situation an employer was trying to get work done at a lower rate of pay, but, when the people involved realised that that they were being used as cheap labour, they made it known that that was not on and went for an equal rate of pay which they obtained. If Government members wish to refer to that as 'squeezing', they can do so. The honourable member also said that no-one had referred to the Minister's second reading explanation, so I will do so. I note that this Bill has been designed to strengthen the rights of the individual and to build on South Australia's industrial relations records.

Time and again we hear about the great record we have. In one of the promotional booklets there was a whole page telling us what a great industrial record we have in this State. I think there was another booklet called *Into the 80s* that had about one and half pages telling us how great our industrial relations were. By the same token, let us not forget at any stage that the basis for those wonderful industrial relations which are flaunted widely was created in the Labor years of the 1970s. Where did it start?

The Hon. D.C. Brown: Tom Playford.

Mr PETERSON: I am sure something must have happened under Tom Playford and, if this system was so great (and I think we have a good system), why change it? Why set up the conflict? There is no doubt that there will be conflict. Where is the pressure for this change coming from? Nobody whom I know wants to change the system, although some may not be completely happy with the system as it is. Not one person has ever said to me in all my working life, 'I wish I did not have to be in a union.' Where has the pressure come from?

Members interjecting:

Mr PETERSON: I do not happen to be an import. I have lived in this State all my life. I was born in this State; I was educated in this State; and I have, worked in this State. Perhaps there may be plenty of people outside South Australia who may not like the system. I have not had one person—

Mr Ashenden: I have had plenty in three years.

Mr PETERSON: I have not had one person in my life come to me and say, 'I wish I did not have to be a member of the union.'

Members interjecting:

The ACTING DEPUTY SPEAKER (Mr Oswald): Order! Members will desist in conducting debates across the Chamber. The honourable member for Semaphore has the floor.

Mr PETERSON: Another clause deals with joint sittings of the Federal and State Industrial Commissions. There have been theories put forward about doing away with State awards and making Commonwealth awards apply across the board. It may happen. Industry unions are starting to develop in this country. The stevedoring industry is now moving towards becoming an industry union. I think it will happen. I do not see anything necessarily wrong with that aspect. However, I do not see that it needs 18 pages of legislation to do it. It will evolve.

As I said previously to the member for Todd, also in the second reading explanation there is a comment about a conscientious objector. It says that he does not necessarily have to join a union or register as a conscientious objector. I am not quite sure what the Government perceives that this will do. I just do not see the pressure for it. I do not know what it is all about. It just seems to me to be a step towards breaking the unions, towards making people able to opt out of the system without any payment to either system. The Government is just giving them a way out. For what reason? That is the question that must be answered.

I see further in the Minister's explanation that no employer or union official may threaten or take discriminatory action. Again, that has never come to my notice. I have never seen an employer threatened with physical violence. As a matter of fact, I had a unique experience when I was in management. There was an industrial dispute and I asked a union official who he was (without knowing who he was at that stage). He was a little brusque with me and I think I was a little sharp back to him. When the matter came before the conciliation court, I was asked to leave the court for my rough action. Under this legislation I might not have been able to hold that position for five years just because of a slight little tiff. The Minister's second reading explanation states:

This does not mean that secret ballots must be held before striking.

If the Minister were sincere about looking after those poor wives and men who want to work, then he would be pushing for secret ballots. However, the Minister has not done that, so what is he trying to do with this legislation? It does not make sense. The Minister goes on to say that anybody convicted under existing law of an offence involving violence will not be able to hold union office for five years. If I am the boss of a business, with two people working for me, and if the union official comes in and we have a tiff, involving violence, he will not be able to hold office for five years, because he is a job delegate. What punishment do I get, as the boss? Do I stop being the boss for five years? This legislation is discriminatory. That is possible under this legislation.

The legislation is discriminatory in that situation. If it were not, the boss would have to sell the business and get out for five years. That would mean he would not be able to employ anybody and that the two people working for him would be out of work. That is another odd thing. The Minister mentioned the fraud, intimidation and crime associated with a small minority of unions which (and this is very important), has been revealed by recent interstate royal commissions. The Minister says that we have to make sure that this does not become part of the South Australian industrial scene. I believe that I am fairly familiar with the industrial scene, yet I do not know one stand-over man; I know some who could be if they wanted to be, but I do not know of anybody who has ever been threatened. What sort of crime are we talking about—ripping off union fees? I do not know.

This statement does not make sense. I suppose the mention of fraud is directed towards union fees, and I will turn to that area a little later. The Minister talks about the deregistration of unions. I think that the member for Florey mentioned that in the 1970s the P.S.A. was deregistered for several years. That deregistration made absolutely no difference to that union; in fact, it made it stronger. It enrolled more members after that happened and the existing membership carried on. Again, what does this mean?

The Minister also says that, despite the good environment, we would be fools to think that industrial relations will remain the same. If this legislation is enacted industrial relationships will drop away markedly and quickly. Reference is made to the Cawthorne Report released earlier this year, and we are told that further lengthy and detailed discussions will be necessary before comprehensive amendments can be introduced into Parliament. The key word is 'further'. Let us look at what the P.S.A. and what the teachers union have to say about this, the P.S.A. in particular, one of the large groups of Government employees in South Australia, a union which one would assume would be referred to by the Minister because it is easily accessible and should contribute to this sort of legislation.

The *Teachers Journal* of 6 October 1982 ran an article under the heading 'Trade unions reply on industrial legislation', as follows (remembering that we are talking about 'further details' and 'lengthy discussions'):

On September 15 the trade union movement was given 30 hours by the Government to respond to far-reaching new industrial relations legislation to be introduced in Parliament.

The proposed amendments largely ignore the views detailed by the Government's own 18 month long inquiry into industrial legislation headed by experienced industrial magistrate, Mr Frank Cawthorne.

There we are: 30 hours to engage in lengthy, in-depth negotiations concerning this legislation.

The Hon. D.C. Brown: They had 12 months to put their point of view to Frank Cawthorne.

Mr PETERSON: If they are not telling the truth in their paper, tell us. I do not know when they received this legislation or the report. I am going by the report in the paper. Just as I am reading from the document provided by the Minister to some members of the House, I refer to this document, and I am reading them both in good faith. Maybe they are both incorrect. According to the journal they had 30 hours. The Minister, in his second reading explanation, also said:

Accordingly, I give notice of the Government's intention to consult at length with various parties on all aspects of the existing Act.

He is going to speak at length. I refer to the front page of the *P.S.A. Brief* of 24 September 1982, as follows:

The P.S.A. was given no opportunity to analyse the Bill thoroughly before it was tabled. It is also quite contrary to the spirit of the report produced by Industrial Magistrate Frank Cawthorne after 18 months of reviewing the legislation for the Government. That report has not been released. It appears that Mr Brown has something to cover up!

That is a fair point of view, considering what has happened. So, there has been no consultation. The Bill has come forward straight on to the table in Parliament. The people concerned have not had a chance to contribute. The Minister went on to say:

The Government believes that there are some aspects of the Industrial Conciliation and Arbitration Act which require immediate attention.

And here are the four main objectives:

(1) to achieve a greater degree of co-operation and co-ordination between industrial relations legislation at the State and Federal levels;

That, in itself, is a reasonable thing for which to aim. There seems to be some confusion at times between the two levels and, as a principle, I could not dispute that. He continues:

(2) To protect the rights of individuals in the industrial relations scene;

Which individuals? Who wants to be protected? Who is being damaged and threatened by the system as it is? Silence! Nobody knows.

The Hon. D.C. Brown: You do not want me to interject.

Mr PETERSON: You can interject if you like. The Acting Speaker will protect me if I need it. He goes on:

(3) to place more stringent financial obligations on all registered associations to eliminate any malpractice in this area;

I refer again to the member for Brighton's comments today in which he alleged that there was malpractice. Where is the malpractice taking place? We are waiting for an answer from the member for Brighton when he has the chance to discuss it. Apart from that, and even including it, I am not aware of any malpractice in relation to union money in this State. The Minister goes on:

(4) to ensure that the violence and intimidation revealed by two interstate royal commissions do not become part of the South Australia industrial scene.

We have covered that earlier. Again, where is it? I can understand the fears of it happening, but surely there has to be some seed, some element of doubt there or something to create this impression that it could happen, but there is nothing at all in this State. An interesting thing in this legislation is that the Minister acknowledges that, even if this legislation is passed in this House, it is not possible to put the State provisions into effect until the reciprocal federal provisions are in operation. That makes this legislation a toothless tiger. I believe that it is a political ploy. It has no effect until the Federal Bill is passed, if it is passed. Why do we have to pass this Bill now? Why not wait until the reciprocal powers are passed?

We could deal with the drafting and we could use the time available until the two Bills are passed, if they are, to consult with all interested parties in relation to this legislation. Many thousands of workers out there have had no chance at all to contribute to this Bill. The Minister goes on to say:

This legislation will further improve industrial relations.

I doubt that very much. The conciliation and arbitration system that we have in Australia and in South Australia is a recognised and effective system. It has some problems, but the system works. In my opinion, it is as good as anything else in the world. That could be debated at length, but I believe that the system is good.

The system of referring disputes to the arbitration and conciliation system seems to work. Settlements are found: I do not really know of a situation in which they have not found a solution to a problem. If this legislation is passed, it will increase disputes. It will set up friction within the movement that is not necessarily there now. The timing of the legislation raises a suspicion in my mind. We have heard the member for Todd say that it has been two years, but this whole thing reeks of political posturing prior to an election, just like the bus strike prior to the 1979 elections.

The Hon. Peter Duncan: Why not release the Cawthorne Report?

Mr PETERSON: Yes, why not release the Cawthorne Report. Let us see the rest of the report.

The Hon. D.C. Brown: You have the recommendations.

Mr PETERSON: It took 18 months for it to be written and we have only been allowed to see what the Minister wants us to see. It took 18 months to write: *War and Peace* was written in less time than that, and one can read it. The Government should use the time available before the passing of the Federal legislation to investigate and discuss this issue with the people involved.

There was an item on the news tonight that brought this whole legislation to mind. It showed the situation in Poland where a trade union is trying to survive. Here we have a

system that works, but it is being slowly eroded by this sort of legislation. I ask that this legislation be deferred until both sets of legislation, Federal and State, can be passed together. The Government is attempting to bulldoze this Bill through for all the wrong reasons. It is being rushed through for political expediency, and that is the wrong reason.

The Hon. D.C. BROWN (Minister of Industrial Affairs): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

Mr PLUNKETT (Peake): I rise to oppose the legislation and congratulate the Deputy Leader of the Opposition, the members for Florey and Playford and all the other speakers on this side of the House who have spoken about their experience in the trade union movement. I am not surprised that the Minister has introduced this Bill: it it typical of the legislation we have come to expect from him. He became a Minister three years ago with statements such as, 'I will negotiate'. The Minister has never negotiated with any trade union in those three years. This Bill is similar to the workers' compensation legislation which the Minister introduced earlier this year. However, there is a big difference with this Bill: the Minister has introduced it so that the Government can use it in its election campaign, because it has nothing else.

I have heard the Minister, along with one or two of his back-benchers, say that we have never mentioned the Bill. I wonder where the Minister was hiding earlier tonight when the member for Brighton was speaking: that was the greatest 22 minutes of rubbish that I have heard in this Parliament in the past three years. I say only three years, as I have only been here a little over three years. The member for Brighton spoke a complete and utter lot of rot. Obviously, the Minister was too ashamed to come in to the Chamber while the honourable member was on his feet.

The Hon. D.C. Brown: I was here.

Mr PLUNKETT: The Minister is here now, but he was not here when the honourable member was speaking. He spoke about a person who opposed a union, based only on that person's opinion. The matter went before the court and that person lost the case, yet the member for Brighton wasted the time of this Parliament for 22 minutes. To what part of the Bill did the member for Brighton speak for 22 minutes? The Minister should educate some of his back benchers who quote the Minister's rubbish.

What has the Minister of Industrial Affairs said in the past three years? He did not even have the guts to read out the full Bill. Instead, he read a page and a half and then sought leave to have the remainder of the explanation inserted in *Hansard* without his reading it. The Minister did not even have the guts, as Minister of Industrial Affairs, to read out the complete explanation. Perhaps that indicates how crook he thought it was. Who wrote the speech for him? I have often heard the Minister ask who wrote members' speeches. Who writes his speeches? Perhaps someone who wrote the Minister's speech seeks to get rid of the Minister more quickly than he will go, because he has not long to go as Minister.

In that part of the explanation of the Bill that the Minister had the guts to read I will see what he said, and if he said anything. Did the Minister read the Bill before he put it up? Perhaps that is why he has to have the explanation inserted in*Hansard* without reading it—he might not have understood it. Perhaps the Minister was not too certain how to read it. I have heard from one member opposite who looks not unlike a person who, in 1930 in Germany, caused tremendous upheaval; his attitudes are not unlike those of that person in Germany, and this Bill is not unlike what happened in Germany in the 1930s. In regard to this marvellous Bill, the learned Minister in his opening paragraph, stated:

It has been designed to strengthen the rights of individuals and build on South Australia's industrial relations record which is already the best in Australia.

In the Minister's own words, as he has said in the past, we have the best industrial record in Australia. It has been the best because of the efforts of the previous Labor Government. Why does the Minister want to change the situation and introduce these measures? I would like the Minister to answer that question later. Also, I ask members opposite who are still to speak in the debate, and the Minister, when he replies, to put before the House proof to show why he wants the Bill passed. What is going on in the trade unions in South Australia? Who are the crooks that the Minister claims are in our unions? What are the rorts that are being pulled off by trade unionists? I would like to hear what we heard the member for Todd, who, as I said earlier—

Mr Trainer: That creep.

The ACTING DEPUTY SPEAKER (Mr Glazbrook): Order!

Mr PLUNKETT: —is not unlike a person—

The ACTING DEPUTY SPEAKER: Order! The honourable member for Ascot Park will desist from casting aspersions on other members in this Chamber while the member for Peake is addressing the Chair.

Mr PLUNKETT: I thought for a moment that I might have been out of order, because I was just about to mention—

The Hon. D.C. Brown interjecting:

Mr PLUNKETT: I will look after myself. The Minister puts no fear into me; do not worry about that. That is what he is upset about. He thinks he can treat all of us like little boys, but we on this side have been involved in unions all our working lives. The Minister seeks to destroy the unions and to criticise the people whom we on this side have known all our lives and who are honest people, which is more than I can say about a lot of the people whom the Minister defends. But let me get back to the member for Todd.

Mr Mathwin interjecting:

Mr PLUNKETT: The member for Glenelg should shut his mouth. He came out here as a scab, and he is still a scab.

The ACTING DEPUTY SPEAKER: Order!

The Hon. D.C. BROWN: I rise on a point of order. I believe that all honourable members would like to see a certain decorum in this Chamber. I ask that the honourable member withdraw all of the words he has just used in referring to a member on this side of the House and that he apologise to that member for his unparliamentary language.

Members interjecting:

The ACTING DEPUTY SPEAKER: Order! If the honourable member feels offended, he should take a point of order. There is no point of order.

Mr MATHWIN: I take a point of order, Mr Acting Deputy Speaker. I ask that the honourable member be requested to retract the statement he made that I was a scab (whatever that may mean) when I left another country to come here. That is objectionable, and I ask the honourable member to retract that statement.

The ACTING DEPUTY SPEAKER: Will the member for Peake consider withdrawing those words?

Mr PLUNKETT: No, Sir. If you, Mr Acting Deputy Speaker, say that that word is unparliamentary, I will consider withdrawing it, but as far as I am concerned it is not unparliamentary and has been stated here on several occasions.

The ACTING DEPUTY SPEAKER: Did the honourable member for Peake use the word 'scab' as a direct comment to the honourable member for Glenelg?

Mr PLUNKETT: I used the word 'scab' in general, as it has been used here in the past three years. There has never been a request that that word be withdrawn, although it has been used on several occasions.

The ACTING DEPUTY SPEAKER: I believe that those words are unparliamentary in that context. Will the honourable member withdraw?

Mr PLUNKETT: I ask you, Sir, to rule whether the word 'scab' is unparliamentary.

The Hon. D.C. BROWN: I rise on a further point of order. I know that the *Hansard* record of the debate will show that there is no doubt that the honourable member referred specifically to the member for Glenelg as a scab.

The ACTING DEPUTY SPEAKER: Order! Will the Minister take his seat? The original point of order is still unresolved. The Chair has declared the word to be unparliamentary in the phraseology used and requests the honourable member to withdraw it.

Mr PLUNKETT: Do you, Sir, mean the word 'scab'?

The ACTING DEPUTY SPEAKER: Yes, and the way in which it was used.

Mr PLUNKETT: I am very surprised, because that word has been used on several occasions.

The ACTING DEPUTY SPEAKER: Order! I ask the honourable member whether he intends to withdraw those words that he expressed towards the honourable member for Glenelg.

Mr PLUNKETT: Do you mean specifically one word, Sir? I do not know to which words you were referring.

The ACTING DEPUTY SPEAKER: I mean the word 'scab'.

Mr PLUNKETT: That word has been used on many occasions. I cannot see how it is unparliamentary.

Members interjecting:

The ACTING DEPUTY SPEAKER: Order! The honourable member used that word in a specific term and I ask him to withdraw it in that specific term.

Members interjecting:

The ACTING DEPUTY SPEAKER: Order! I ask the honourable member for Peake to withdraw that word.

Mr PLUNKETT: To continue with the debate, I will withdraw the word, but I would ask that the Chair protect me from members opposite.

The ACTING DEPUTY SPEAKER: The Chair will protect the speaker at all times. I call on the honourable member to continue with the debate.

Mr PLUNKETT: I refer to an earlier speaker, the member for Todd, who claimed that he saw no dangers in the Bill. I go back to the fact that that person does not look unlike a person back in the 1930s who caused a great upheaval in the world by enacting similar legislation in those days. I would not take a great deal of notice of that member.

The Hon. D.C. BROWN: I rise on a point of order. I take offence at the words being used by the honourable member. He is implying that, in fact, I am Hitler. I know that on several occasions such an inference, either direct or indirect, has been ruled unparliamentary in this Chamber. I recall that on at least two occasions in this House that has been done. I therefore ask that any such implication be withdrawn by the honourable member.

The ACTING DEPUTY SPEAKER: Would the Minister indicate exactly which words he finds offensive?

The Hon. D.C. BROWN: I take offence at the implication that I am Hitler.

The ACTING DEPUTY SPEAKER: The Minister of Industrial Affairs has requested that the honourable member withdraw the reference comparing the Minister with Hitler.

Mr PLUNKETT: I would ask two questions.

The ACTING DEPUTY SPEAKER: It is not a question.

Mr PLUNKETT: I would like to know to which word he is referring. I never referred to the Minister in any way.

The ACTING DEPUTY SPEAKER: Order! The Minister has indicated that the honourable member referred to him as Hitler. He has found that comment—

Mr PLUNKETT: I did not refer to him as Hitler.

The ACTING DEPUTY SPEAKER: Order! I ask the Minister exactly to which word he refers.

The Hon. D.C. BROWN: The honourable member implied that I was Hitler. I take exception to that and ask that any such implication be withdrawn.

Members interjecting:

The ACTING DEPUTY SPEAKER: Order! The Minister has indicated that he heard the words spoken referring to him as Hitler. The honourable member for Peake.

Mr PLUNKETT: I did not make those accusations against the Minister, and I cannot withdraw anything that I have not said.

The ACTING DEPUTY SPEAKER: Order! The Chair did not hear the remarks and cannot take further part in the matter. The honourable member has said that he did not say those words. Does the Minister of Industrial Affairs wish to take the matter further?

The Hon. D.C. BROWN: Yes, I do, Sir. On two occasions the honourable member implied that I was acting like Hitler or that I was Hitler.

Members interjecting:

The Hon. D.C. BROWN: There have been two very clear implications by the honourable member in his speech that I was Hitler or acting like Hitler, and I take exception to that. I base it on precedent in this House, and I know that on at least two occasions such a reference has been ruled unparliamentary and the member concerned has been asked to withdraw. On this occasion I ask that any such implication be withdrawn by the honourable member.

The SPEAKER: I take it that the Minister has been upset by the statements which he says have been implied. It has been the practice for the House to require the words actually to be stated before it can be asked that they be withdrawn. I ask the honourable member for Peake whether he has transgressed. If he has, I would ask him to withdraw. If not, I would ask him and all future speakers in the debate to adhere to the clauses in the Bill and not to cause offence to either side. The honourable member for Peake.

Mr PLUNKETT: Thank you, Mr Speaker.

The SPEAKER: I asked the honourable member a question.

Mr PLUNKETT: I have not transgressed, Sir. I never said the words that the Minister claims I said.

The SPEAKER: The honourable member for Peake.

Mr PLUNKETT: Thank you, Sir, and I am pleased to see you back in the Chair.

Members interjecting:

The SPEAKER: Order! The Chair requires the member for Peake to withdraw that remark, which is a reflection on the Chair and on the Acting Deputy Speaker.

Mr PLUNKETT: I withdraw, Sir; my apologies. I think it is typical of the way that the Minister has acted on other occasions here: he has used this as another time-wasting effort similarly to the way in which one of his back-benchers, the member for Brighton, used 22 minutes earlier as just a time-wasting exercise. He wants to be floor bound, and he wants to stir things up, but he is not going to get out of these amendments the excuses for his election that he is expecting. He has got a very big let down coming, because the people outside are not going to fall for the trap that he is trying to set for the trade unionists and others outside.

I now would like to hear why the member for Todd made accusations against people outside without naming them, and I would like to hear the Minister at a later stage name some of these trade unions that he thinks have been acting unlawfully or in any way to the detriment of their members outside. I would like Government members to name a few

of these people instead of merely saying that people have been complaining. I doubt very very much that what they have been saying has ever happened. I have been associated with a trade union all my life, and I am proud of every second of it.

Government members have spoken about conscientious objectors: for 13 years as an official of a union I had two people who refused to take a union ticket. A father and son claimed on religious grounds that they did not want to join a union, and I explained to them what a trade union does for them, including the benefits that it obtains for its members. It took me just on eight months to do this, but those two people then became unionists, and good trade unionists. For the next 12 years they were trade unionists, and to my knowledge they still are. They worked in the Highways Department at Mount Gambier, if anyone wants to check up on what I am saying. However, I tell the truth; I do not make untrue statements about people, unlike statements that are made just to discredit a trade union in some way.

I have heard these same people talk about the painters and dockers, although not a great deal, because it is a pretty sore point for the opposite side. A lot of their mates know more about the painters and dockers than I know. I might add that the painters and dockers are not registered in the State commission and will not be affected by this Bill, so the Government will not be doing anything to the painters and dockers.

Do we hear anything about the people who are supposed to have been associated with the painters and dockers, some of the friends and election supporters of members opposite? Members opposite, without any proof at all, talk about what trade unions have done or are going to do to their members. But they do not say anything about the bottom of the harbour matters or about what they have done to the taxpayers, nor are they asking for any of the money back. They are protecting their own, that is for sure.

I have spent 40 years as a trade unionist, and I am proud of every second of it. The majority of people who have been associated with trade unions are proud of it, and that includes many employers. Members opposite think that it is fashionable to criticise trade unions. I could name four members opposite who are unable to talk about anything other than criticise trade unions. I will not bother to name them. My glasses were a little blurred, but after having looked again I see that there are six members opposite that fit into that category. They had just started coming into the House from their burrows. I have noticed that this happens when I begin to speak; I can always drag a few of them in. Although they might say that I am so and so, they like to come in here while I am speaking. I would like some members opposite to answer some of the matters that I have raised concerning this Bill. I would like the Minister, when he closes the debate, to say how much money his open letter to South Australia concerning the Bill, published in the *News* on 17 September, cost the taxpayer. Also there was one in the *Advertiser*. I would like to know how much taxpayers' money was spent putting this information before the people in an attempt to convince them that there is some great person standing up in this place looking after the people who have been mistreated by the unions.

I would like some proof of why the Minister feels obliged to introduce Bills such as the one before the House. There appears to be no reason at all. Further, I would like the Minister to say why there is so much need for these amendments to be made and why he considers that members of unions are being ripped off or that union offficals are being put into office illegally without having been voted in. During the proceedings of Estimates Committee B on 30 September the member for Playford asked a question about unions having misplaced money or in any way having broken the law, to which the Chief Secretary replied as follows:

> I repeat: there is no substantive evidence of organised crime of of a violent nature in South Australia available to me at this time.

The member for Playford then asked, 'In relation to unions?', to which the Chief Secretary replied:

> I am talking about the South Australian community and I repeat what I said before: unions are an intergral part of the South Australian community, as is every citizen.

In Estimates Committee B, the question was asked and answered. There was no proof whatsoever. Government members have no proof, yet they still stand there and make allegations against the trade unions. If some of those members were as honest as the trade unions, I would be only too pleased to be more subtle and to feel more warmth towards them. However, when one sees in the paper an article that has cost taxpayers $1 000 one day and $2 000 the next, and it is only an electioneering thing from a Minister, do Government members think that I am not crook on that?

Mr Becker: Dunstan used to do it. He did it plenty of times.

Mr PLUNKETT: There is the member for Hanson, saying 'Dunstan used to do it'. If he did, I do not think I have ever seen anything against the trade unions in that respect. If he did it, what did he do it on?

Mr Becker: He used to do it against free enterprise.

Mr PLUNKETT: Free enterprise! The member for Hanson amazes me. South Australia was put on the map, and even he agrees that the Hon. Don Dunstan put this State on the map. We will never be able to thank him for it. If any Government member had the slightest bit of the ability that Don Dunstan had, I would say, 'Thank God for that'. Government members will be in Opposition as soon as they call the election, and I would like to see a reasonable Opposition instead of the lot that is over there at present. I might add that a lot of Government members will not be returned; two of the members who have spoken will not be back here. I do not think they will be missed unduly; and, of course, other Government members will be on this side when they return.

This Bill is typical of the material that the Minister has been putting through over the past three years. There is no reason for it. If the Minister had any reasons, I would like him to put them forward. As I said earlier, he did not even have the guts to read all the amendments. He had them put into *Hansard* because he did not have the guts to read them out.

Members interjecting:

The SPEAKER: Order!

Mr MATHWIN (Glenelg): I support the Bill, and I speak with a great deal of experience.

An honourable member interjecting:

Mr MATHWIN: If the hyena in the back bench of the Labor Party will close down a bit, he will learn something. I speak with a great deal of experience in trade union matters. I was a trade union member and well on the way to becoming a trade union shop steward.

Mr Plunkett: They would not have you; you didn't have an honest enough face.

Mr MATHWIN: For the edification of the member for Peake, I will state again that he denied saying across this Chamber that I was a scab when I left the U.K. to come over here. That is not correct, of course. It is not the phrase that is used, anyway, with decent people. I could well imagine him, when he was a trade union organiser and asking for strike action to be taken, saying, 'All the scabs go to the left and all those that want to go out on strike go to the right.'

This Bill will give the right to members of the different trades and the different industries the choice whether or

not to join a union. If they do not wish to join a union, they will fill out and sign a form and register their conscientious objection. It could have been much worse. Opposition members have accused this Government of trying to damage the trade unions by taking this sort of action. I suggest that, if we had really wanted to damage the unions, we could have introduced a clause that would have required trade unionists to sign a form if they wanted to become a member of the trade union. In that situation, there would be people that did not wish to join. They would have been asked to opt into it.

We all know the situation which exists in relation to unions and which existed under the former Government; that a person has the right not to join a union, but if they do not join they do not get a job. Once, if a man went to get a job and was not a union member he did not get that job so he and his wife starved. I do not think that that is right. I would be surprised if members on the other side of the House, in their heart of hearts, thought that that was right and honest. This legislation will mean that people will not be discriminated against if they object to joining a union. I agree with the argument against free riders that was raised by Opposition members. I believe that, if a person is not a member of a union they should not gain the benefits that the union gets for its members and should pay something. However, under this Bill people are required to pay to the Children's Hospital an amount similar to the one that would have gone to a union had they joined, so the argument about free riders does not apply.

The Bill will provide protection for subcontractors. I am surprised that the member for Unley is not referring to subcontractors because, like me, he was a subcontractor before coming to this place. In the past few years there has been discrimination against people subcontracting, particularly in the building trades. A number of subcontractors have been forced to join unions to get work. When I was in business I employed people to work for me. Whether or not they joined a union was no business of mine; it was entirely their own responsibility and business. If they were good tradesmen and did their job conscientiously they got a job with me. There was no stipulation on whether or not they had to be a member of a trade union. That does not increase their efficiency as tradesmen, so I think it is quite unfair that people should be refused work just because they are not a member of a trade union.

There have been many arguments from members on the other side about this Bill. If one looks at how the legislation was received by the two daily papers in this State, the *News* and the *Advertiser*, one sees that it was well received by them. No-one can say that these papers push one line or another. They employ members of unions in the printing trades, and I imagine that the majority of their tradesmen would be union members. The *News* of 17 September 1982, under the heading 'Rights for individuals', states:

> The Labor Party, trade unions and employers have nothing to complain about in the new industrial legislation introduced into State Parliament yesterday. In fact, the amendments to the Industrial Conciliation and Arbitration Act might have gone a lot further. The Industrial Affairs Minister, Mr Brown, has opted for the softly, softly approach, concentrating on the rights of the individual—supposedly one of the basic philosophies of our way of life.
>
> There is emphasis on the right of choice for individuals on union membership, secret ballots for employer-group officials and union elections, and the end of preference for unionists in jobs. The smoother working of the State and Federal industrial commissions is looked at, as are stricter penalties for union officials and employers convicted of 'stand-over' tactics in disputes.

so that applied to both sides of the coin—

> and moves to allow the deregistration of unions—all fair and proper. But, of course, Labor and the unions are complaining and the tired old phrase 'union bashing' is being dragged out for a further run.

Under the heading 'Soft gloves', the editorial states:

> But if this is union bashing (which it isn't), it is the super soft gloves variety. Labor and the unions would do well to remember what Mr Brown has not introduced—compulsory pre-strike ballots, cooling-off periods, and sanctions in industrial disputes. There are tens of thousands of ordinary Australians, including many unionists, who believe the unions have too much power.
>
> Mr Brown is not seeking to take away that power but simply see that it is used with sense and that the individual is not trampled by the union machine. It is a moderate aim and should be supported by all fair-minded people, including union members.

The lead in the *Advertiser* was similar. Under 'Freedom of choice' (and I will not go right through it) the editorial states, in part:

> While the ALP and the unions will no doubt decry the Bill to amend the Industrial Conciliation and Arbitration Act as an election ploy, it is clear that the Minister of Industrial Relations, Mr Brown, has opted for a relatively mild middle course.

Surely, that should satisfy members on the other side of the House. Surely, they would agree with that sort of thing. The members, I hope, have read the Bill and should have learnt by it.

There is nothing wrong with secret ballots for the election of officials. Even the member for Semaphore here said that he was elected by a secret ballot in his union. What is wrong with that? I know that the Labor Party, in some of its elections within its conferences, does not allow scrutineers to see if everything is going well. It was pointed out by the member for Elizabeth that he was disgusted by what happened in a recent conference and he criticised his own Party for not allowing scrutineers to check the voting.

Under this new Bill, the annual financial statements must be sent to all financial members. I think that is an improvement and there is nothing wrong with that. I would go so far as to say that a number of unions do that. Their financial statements are available, and some are published, but some are not.

An honourable member: They are all public.

Mr MATHWIN: They are not public.

Members interjecting:

The SPEAKER: Order! The honourable member for Glenelg has the call.

Mr MATHWIN: Section 130 of the principal Act states:

> The Registrar, or any officer of the Court or the Commission shall not, except by direction of the President, divulge to any person, other than an officer of a registered association—

and I hope that the member for Albert Park is listening, in case he has not read the Act—

> *(a)* the name of any member of that association; or
> *(b)* the financial position of that association.

The penalty for revealing those facts is $50. That is in the Act now, under the heading, 'Information not to be divulged'. If a person wants to see the financial statements of a union, and if they are not available publicly, he has to go to the Industrial Court, to the Registrar, and he is allowed to peruse them. That is the situation under the Act now. All we are doing now is changing that so that people will be able to see that without going through all of that palaver. Imagine having to go through all that palaver to look at a financial statement of a union! What are they frightened of? What is it all about? That is the situation as it is now.

In many circumstances at the moment, a worker is compelled to be a member of a union. As I said earlier, one has the privilege of joining a union or, in some cases, starving. So, one has to bend to it. Any union is stronger and healthier when it earns the support and loyalty of the rank and file on a voluntary basis. It is like any other organisation. If the union provides an effective service, it will receive the deserved support freely given by its members and it will be stronger than a union composed largely of coerced due payers who have little or no loyalty to the union at all.

The member for Albert Park and, I think, the member for Price spoke highly about the rights of people to work. That is all very well. What about the right of a person to work when the union is on strike, when a person has to work to obtain money for his family? If we give all these people the right to work, they should also have the right to work when there is a strike, because it is a hardship to the family. One knows very well that when a union strikes for a week or two some people never catch up in relation to the pay they lose. It is about time members opposite looked at the situation in a broad light.

The Donovan report, which is perhaps the greatest report ever written on industrial relations, and was often quoted by the Deputy Leader of the Opposition when he was Minister, tells us all one needs to know about trade unions and what is expected of them. Regarding the protection of the individual and what cases require safeguards, paragraph 605 of the Donovan report states:

> Our impression from the evidence we have heard is that trade unions in the main respect genuine conscientious objections, and are usually content if the objectors agree to pay to some charitable body the equivalent of the union dues. Where unions are not prepared to accept an offer of this kind, a majority of us [that is, the people who produced this report] think that some redress is called for in circumstances where the objector loses his job because of the introduction of the closed shop—

Paragraph 606 states:

> We take the same view regarding employees unjustifiably expelled from a union or arbitrarily refused admission to a union operating a closed shop. If they are unable to follow their occupations because of an act of this kind they are entitled to redress against the union.

I have quoted from this report because it states that, although unions generally do not object to the conscientious objectors, they certainly object to the fact that those objectors are getting a free ride. I agree with those sentiments. However, conscientious objectors will not be getting a free ride, because they will be paying to a charitable body. Therefore, I believe that the situation is well satisfied. Of course, that is covered in this Bill. The member for Price, in his hot speech a few moments ago, said that there has been no malpractice and bother in trade unions and that everything is going fine with unions in this State.

I can say from my own experience of the Builders Labourers Federation in South Australia when the Marion shopping centre was built that there was a demand from workers associated with that union toward the end of the construction period that they should be given vouchers of $350 to $500 per worker. Those vouchers were given to the men working on the project to be spent at Marion shopping centre, at any shop in the centre. The shop owners at the centre were obliged to give workers goods and to debit the property owner, Westfield Corporation, and the cost of the goods was to be deducted from the voucher. Shop owners were not to give those workers cash, but they were to supply goods.

Mr Whitten interjecting:

Mr MATHWIN: It was blackmail, because the property owners wanted the job finished. It was blackmail put on by the Builders Labourers Federation at the Marion shopping centre. It was a fiasco and a job that went well over time. In fact, the Marion shopping centre cost $1 000 000 or more in extra time taken on construction. I know people involved in other trades who were employed on that job.

Mr Whitten: There was no corruption whatsoever.

Mr MATHWIN: Just blackmail. Another case in the Marion area involved a pay-off to the federation in similar circumstances, but I will not go into that. The situation to which I have referred was bad enough. I visited the site several times and saw the signs everywhere saying, 'You must be a union member to work on this site.' Even subcontractors who were brought in by the different shops to paint or install new electrical fittings were refused admission. Even the subcontractors themselves, the owner/managers, were refused admission unless they carried a union ticket. Although members opposite may call that situation fair and above board, I do not. The member for Albert Park in his illuminating contribution referred to compulsion. He even referred to Vietnam. It may be news to the honourable member that the men who went to Vietnam were volunteers, and my son was one of them.

Mr Hamilton: Originally they were—

Mr MATHWIN: The honourable member would not know. The chaps who went to Vietnam were volunteers like my son, who wanted to go, who were glad to go, and who believed in the cause for which they were fighting. The member for Albert Park talked also about the great history of the trade union movement. I agree, it is imperative that we have trade unions. They are necessary because of the human factor in life: there will always be people who will take advantage of others, if they have the opportunity.

I agree with that principle, which is correct, but the honourable member would have us believe that those left of centre in politics have been responsible for all the good things obtained by unions. For the honourable member's information, that is far from correct. If one refers to the history of trade unions—

Mr Abbott: Where—in London?

Mr MATHWIN: The member for Spence can say what he wishes, but he should know better because of his experience in trade unions. He knows that the trade union movement had its beginning in the United Kingdom, and that Australia inherited its industrial conditions from the United Kingdom, although they do not all apply to Australia; indeed, some of those industrial conditions are out of place here, and I am willing to admit that. The legislation for some of the greatest advances that have been made since the trade union was formed was instigated by the right of centre Parties of politics.

The Hon. Peter Duncan: That's right, the Combination Acts, and so on.

Mr MATHWIN: The learned gentleman from Elizabeth has hit the nail on the head. The first was in 1820, the repeal of the anti-combination law, involving the right of the workers to form a trade union. That was instigated not by the left of politics but by the right of politics. The honourable member was talking about history, so let us continue.

Mr Hamilton: In this country.

Mr MATHWIN: Australia did not have it: it inherited it from the United Kingdom. In 1859 the right of centre politics, not the left, legalised peaceful picketing. In fact, in the early days there was hardly any movement from the left. Most of the legislation that advanced and advantaged trade unions was introduced by the right of centre of politics.

Mr Lewis: To protect people's rights, as we are.

Mr MATHWIN: That is right. I am surprised that the honourable member does not know that, but there you are. The member for Albert Park stated that we on this side objected to the Labor Party obtaining financial support from the unions, but that is not so.

Mr Hamilton: The member for Todd said that.

Mr MATHWIN: If the honourable member holds his breath for 10 minutes, he may learn something.

Mr Hamilton: Not from you.

Mr MATHWIN: In that case, the honourable member can go home and play with his train set. In relation to financial assistance, we on this side object that sustentation fees are paid from the trade unions to the Labor Party. We should not forget that trade unionists, in the back of their minds, remember that a certain number of financial members

entitles them to vote in preselections and conferences of the Labor Party, so that one person can put up his hand and have 8 000 votes. What a democratic situation!

I object to sustentation fees and political levies (and it is about the same), because many good Liberal members, who are also members of trade unions, have to pay an affiliation fee, or a sustentation fee, to the Labor Party, and that is quite wrong. It is unfair to put people into that situation, and so I object to the sustentation fee and the political levy. Good trade union members who are also members of the Liberal Party and who vote Liberal, Democrat, or Country Party are obliged to pay a sustentation fee to a Party which they do not like and which they do not support. That is my objection, and that is why I believe the whole system is wrong.

If the honourable member was fair dinkum, he would acknowledge that, if the situation was reversed, he would object to a person who owns a factory and who has a number of people working for him saying, 'I will stop union fees and impose a sustentation fee for the Liberal Party. I will give the Liberal Party X dollars a year on your behalf.' Imagine how the people on South Terrace would scream about that. They would say that it was not fair. I would not like that situation, because it would be quite wrong. We on this side object to people paying money to the Labor Party through trade unions, apart from the fact that we believe (and, of course, this involves the Labor Party's internal organisation) that it is wrong and, indeed, ridiculous that one person can go to a conference on behalf of 2 000 financial members, stick his hand in the air, and speak for 7 000, 8 000 or 9 000 other people. I do not want to make too much of it. The member for Albert Park knows, I know, and we all know what goes on in those little tricky dickies that happen in those circumstances.

Members interjecting:

Mr MATHWIN: I was going to talk about the member for Peake. Perhaps it is a sore point, and I know that members on the other side would not be happy with what he did. He said that I was a scab before I left the U.K. and afterwards he said that he did not say it. He referred to two members on this side of the House and related them to Hitler. He then got up and said that he did not say it. We will read what was said in *Hansard* tomorrow in that regard. I do not doubt and I am not surprised that members opposite do not want to talk about it.

I will support the legislation, as it is good legislation. I speak with the full knowledge of its workings. I am a past member of a trade union and I would have gone on and aspired to great heights in the trade union movement had I stayed in the U.K., but I came over here to give members of this House and members opposite the benefit of my experience in the unions. All trade union members are not Labor Party members. All trade union members are not socialists or communists. We have a smattering of all, and it is only right that that should be the case. I am a Liberal and was a member of a trade union.

Mr Keneally interjecting:

Mr MATHWIN: I never asked that of anybody. If someone comes to ask me a question or ask for my help I have never been known to ask them for whom they vote. It is not my business—it is their business. It is their business as to which Party they belong. I do what I can for all my constituents. I support the Bill.

Mr ABBOTT (Spence): Everything that is necessary to be said about this Bill has already been said by my colleagues on this side of the Chamber. It is not only industrial quackery, it is an insult to the whole trade union movement in South Australia. The Liberal Government is involved in industrial surgery with a very big meat-axe. In my opinion the Bill is not worth speaking to. I therefore oppose it in its entirety.

Mr SCHMIDT (Mawson): I am somewhat stunned by the brevity of that speech. I am somewhat surprised at comments made earlier this afternoon by the Deputy Leader who purported to show the real motive behind all the opposition: namely, the financial base of the unions. He said that this legislation was denying the unions their financial revenue. It is no secret that the unions rely heavily upon it as their financial base. As was said by the member for Glenelg, surely if any member of society (and it is a person's right to do so) wishes not to be a member of a union, they have that right.

In this legislation we are not saying that we will allow people not to be members of the unions and yet by the same token to receive the rights of the union movement. We are not saying that at all. We are saying that, if one wants to benefit from the motions or actions of the union in seeking better wages or working conditions, one has to pay for those benefits. So, anybody wanting to opt out of the union would also have to continue paying that fee to the Children's Hospital. Effectively, we have placed two worthwhile causes in the Bill, as we have given a person the means by which to exercise their individual rights in society. Similarly, we are indirectly benefiting a charitable organisation, the Children's Hospital. Many members opposite have made comment that nothing goes wrong within the union movement and that somehow or other the unions are the archangels of everything.

May I just draw their attention to a few incidents that have come to my attention. When I first got into office, a woman who was working in a factory came to see me. She wanted to change from one union to another union, that is, from the Federated Miscellaneous Workers Union, to the Allied Rubber Union and she was told, because she could not speak very good English, that the whole matter would be resolved for her and that the proper papers would be transacted allowing her to change from one to the other. Unfortunately for that woman, and unbeknown to her, this was not done and before she knew it she was summoned by the F.M.W.U. for a very large outstanding bill for membership fees in arrears.

I was able to go to court on behalf of this woman and represent her to the union as such and to a number of different bodies, and eventually we were able to ensure that she had to pay only the mandatory three-month period, rather than try to pay the previous two years that the union was trying to claim from her. To me that was a flagrant abuse of a union's position, where it took advantage of someone who could not understand the English language very well and tried to impose this upon her.

Another example came to my attention only a week ago where a person was working within the B.L.F. and, because of various demands that were put on a particular project, that person lost his job because the contractor could not afford to live up to the expectations and the demands made by the union. The man's comment to me was, 'Here am I, a union member thinking that that union is protecting my job, and effectively what the union did was cost me my job.' He was, therefore, unemployed because of the actions of the union. He had the tenacity and the ingenuity to go out and find another form of employment, and subsequently wrote to the B.L.F. and asked to resign from it.

That organisation wanted to make sure that it knew exactly where he was working so that it could follow him up, and it took a number of weeks of discussion before the union finally gave him his clearance. But, again, the union was more concerned about the man's financial contribution to the union than it was about his position and his ability to

find a job. If the union were so concerned, it would not have cost him his job in the first place.

Let me give another example, and this one is very close to my own heart, because it involved my stepfather. He was a member of the Transport Workers Union and a strong Labor man all his life and a former naval officer. Of course, it would not take much imagination to guess that he and I do not see eye to eye politically, but he was in a situation where he was transferring from the Transport Workers Union into a clerical job in the place where he worked. In his promotion, he did not want to be placed in the position of having to (to use his terminology) chastise his own union members if they did something wrong, so he asked to be transferred to the Clerical Officers Union, and, believe it or not, the T.W.U. put a black ban on that place.

It went so badly that eventually he was hauled up in front of Clyde Cameron and told that he must stay with the T.W.U. I must give him due credit there: he stood his ground and said 'No'. Of course, he used a few adjectives, but he said that in no way would he do that, because he was not getting out of the union as such; all he wanted to do was transfer from one union to another union, and surely he had the right as an individual to make such a transfer if he so desired. Eventually, the only way he could make that transfer was to remain a member of the T.W.U. for a 12-month period and therefore pay double union fees for that period, to both the T.W.U. and the Clerical Officers Union.

So, what has happened to the individual's rights? The union is more concerned about getting that financial gain than about looking after the individual's rights. I think that in that respect we should allow the individual the right to choose whether he wants to be a member of a union or to get out of the union if he so desires. We acknowledge (nobody would dispute) the merit and the history of the union movement in Australia but, when a union becomes more concerned about its own financial gain than about the rights of the individual, surely we need to take a closer look at what is going on. Clause 17 provides that the holder of an office in an association who is convicted of an offence involving violence or intimidation shall lose that position.

It would do us well to hark back to Frank Hardy's book *Power without Glory*, which illustrates the type of intimidation that can be enforced by union or non-union officials in order to get people to become members of a union. Again, I refer back to a personal incident, which involved my former father-in-law, who was bent backwards over a machine and had the daylights pounded out of him because he would not become a member of a union. That occurred in the 1950s; it was so bad that he eventually had to move from where he was living to the other side of town and secure another job. This was done to protect his own rights and those of his family. One can imagine the horror that his family experienced when he came home beaten up because he would not join the union.

Provisions in the Bill attempt to ensure that that sort of thing will not occur. There is nothing to prevent an unscrupulous union official getting someone else to exert pressure, but I would sincerely hope that that would not happen. However, we are not so naive as to believe that that could not happen. This afternoon the Deputy Leader of the Opposition insinuated that there would also be some employers who from time to time would be unscrupulous, and we are not so naive as to believe that that could not happen, either. Protection is needed on both sides, which is why the union movement exists. However, let us be reasonable and make sure that in having these regulations and provisions in Acts to work by, we make the system as fair and as just as possible.

We also heard that the B.L.F. was engaged in some activities of trying to blackmail companies into providing special benefits for their workers, or else the building would not go ahead. We hear all the hue and cry about bottom of the harbor schemes, but we do not hear much about the top of the buildings schemes that seem to go on. We heard all the kerfuffle earlier this year about Mongolia, and so forth. Those sorts of situations must be covered by legislation to ensure that neither side of the work force, whether it be the employer or the employee, or the representative body for the employee, can get into any sort of mischief, which should be kept to a minimum.

With those few comments, I wholeheartedly support the Bill. I am also reminded of a situation in which I was involved and which concerned a child-care centre. In an award pertaining to that centre a provision existed for giving preference to unionists. When I checked on that matter I was interested to find that the person who drafted that award later became an official on South Terrace; so, it was a handy piece of footwork by someone to have the person who drafted the award then become an official. However, sometimes in their endeavours to safeguard their own union movement, these people are oblivious to the actual needs of an industry. In regard to the child-care centre to which I referred, the relevant award provides that before a centre of that nature employs a child-care worker it must give the union two weeks notice. That is ludicrous: it effectively means that a centre is forced into operating unlicensed while it awaits at the union's pleasure, the appointment of someone from its own ranks. Under the Department for Community Welfare's regulations all child-care centres must have X number of staff in proportion to X number of clientele.

If for some odd reason, whatever the case may be, there is a sudden influx of children into that particular centre and the centre needs to quickly appoint another staff member, under the award it is obliged to contact the union and ask for another child care worker. When I was involved with that child care centre, I rang the Miscellaneous Workers Union on numerous occasions, only to be told, 'We haven't got anybody on our books at the moment, but give us a couple of days and we will see what we can find.' Invariably, the union could not produce anyone to work at the centre, and we had to wait a two-week period and then advertise the position. We were almost forced into running the centre outside the licensing requirements in order to comply with the awards. It was a rather ludicrous situation where a union was more concerned with getting its membership rather than being concerned with the welfare of that particular industry. I support the Bill wholeheartedly.

The Hon. PETER DUNCAN (Elizabeth): I have been sitting patiently listening to the debate tonight. Although I will not take up much time dealing with the lamentable contributions of the last two speakers, I think some comment needs to be made about the member for Glenelg's contribution, which was notable only for the ignorance that it showed. Quite frankly, for anybody to get up in this Parliament and display such an extraordinary amount of ignorance about a subject leaves me almost speechless. It did, however, bring to mind one interesting facet of the history of the way that the trade union movement has fared or, I might say, suffered at the hands of Parliamentarians since its original creation by working people. That is the way, by and large, that legislation has been passed by Parliaments such as this, with the members of Parliament having little or no knowledge of what they were doing or of the results of the legislation that they were passing.

The process that we are going through this evening in dealing with this legislation almost provides a feeling of *deja vu*, in that many people have stood in this Parliament

and in other Parliaments, and debated the same subject. It is a set-piece debate that has occurred many times over the last 100 years: conservative governments bashing the trade unions and Labor Socialist and Social Democratic Parties standing up and defending the trade union movement. For my part, I am very proud and honoured to have the opportunity of standing in this Parliament to defend the rights and interests of the trade union movement against the types of attacks that are contained in this Bill. In a few moments I will refer to the intention of this legislation.

It is very ironic that we are debating this legislation in this Parliament in the same week that the Polish Government has outlawed Solidarity. The strange irony of that, of course, is that all the great well-known union bashers of the Western world, such as Malcolm Fraser, Ronald Reagan, Margaret Thatcher and others are expressing crocodile tears about the fact that Solidarity has been banned when, on the other hand, their confreres in this place are putting up legislation designed to, at the very least, ensure that the legitimate and important role of trade unions in this State is made more difficult; that their task is made harder; that it will be more of a problem for trade union officials to effectively operate in the defence and protection of their members and their members' rights and interests. As I said, it is a great irony that the Conservatives around the world are crying crocodile tears for Solidarity and the rights of that particular trade union when, on the other hand, a Conservative Government in this State is seeking to make life very much more difficult for trade unions in South Australia.

This is a mongrel of a Bill; there can be no getting away from that basic fact. I describe this as 'a mongrel of a Bill' because its contents are nothing to do with its purpose. What are the urgent matters in this Bill that require legislation before the election? There is not one matter to which anybody could point and claim that that matter was urgent. Even those matters in this Bill with which I have no particular hefty argument, such as the financial provisions, could easily have waited until the thorough review of the legislation, which the Minister promises will arise out of the Cawthorne Report, is undertaken.

The purpose of this Bill is not contained in its provisions. The purpose of this Bill is set out in the Minister's second reading explanation on page 1126 of *Hansard* where, when referring to the question of preference to unionists, he states:

> While it is recognised that this subject is one on which there is a fundamental difference of opinion between the two major political Parties in this State, it cannot be denied that in practical terms . . .

The Minister knew quite well that he would get an argument from Opposition members, yet the Government took it upon itself to introduce this Bill for the cynical purpose of a little bit of union bashing prior to the election. I must congratulate the Minister; he really takes the prize for political cynicism. He has even outdone and upstaged the Premier's pathetic attempts to draw an issue out of the uranium enrichment plant which he tried to do last week. This really scrapes the bottom of the barrel.

I do not think, from talking to people from the news media and elsewhere in the opinion forming sections of our community, that this Government has fooled anybody with this piece of legislation. The fact of the matter is that there is not one thing in it that could not have waited until after the election. This Bill has been introduced for the cynical political reason of drumming up some sort of election issue (or a hoped for election issue) that this Government so desperately needs. When I look at the details of this legislation, I see nothing in it that particularly recommends itself to me. I note, as others have noted, that the Minister said the following in opening his second reading explanation:

> It has been designed to strengthen the rights of individuals and to build on South Australia's industrial relations record, which is already the best in Australia.

Those two points are absolutely and utterly ridiculous. This Bill will do nothing to strengthen harmonious industrial relations in South Australia. If anything, it is designed and intended to ensure that there will be disharmony and greater discord in our industrial relations scene in this State.

As to the question of strengthening the rights of individuals, there has for many years been a provision that has enabled persons who had a conscientious objection on religious grounds to opt out of joining trade unions. That is to be extended to include persons who have a conscientious objection to belonging to a union, no grounds being required. Contrary to what the Minister says in his second reading explanation about these provisions existing for some years at the Federal level, that is not correct, because, at the Federal level, there is a requirement that the Registrar should be satisfied as to the conscientious belief of the person concerned.

That is not required under this Minister's legislation. All that is required is a statutory declaration that the person concerned has a conscientious belief. Of course, that is a direct attack on the very heart of unionism, because many people, because of their miserly personal financial outlook or any number of other reasons, do not want to join a trade union—largely because they do not want to pay out the *$50, $60, $70, $80, $90, or $100 or whatever it is a year to* belong to the trade union, and the Minister knows that perfectly well. I will be interested to know—and I will ask him questions about this in the Committee stages—how many people he thinks will take advantage of this clause. I do not believe that it will be very many, but the Minister may have a different attitude to that.

The Hon. D.C. Brown: They still have to pay a fee.

The Hon. PETER DUNCAN: They have to pay a fee to the Children's Hospital. It is interesting that the Minister continues to use the Children's Hospital as a charity. I remember the quite bitchy comments that his colleague, the Minister of Health, made about the Children's Hospital, and the fact that she did not believe that its affairs were in order, but we have not seen any legislation in this Parliament to correct that situation. On the contrary, we are proposing now to tighten the so-called conscientious objection clause in the Bill and hand the money generated by that to the Adelaide Children's Hospital. As an aside, I would be interested to know also whether the two-for-one subsidy that applies to the Adelaide Children's Hospital will apply to these funds. I would be very interested to know whether it will cost the Government additional funds as a result of the activities of these so-called conscientious objectors.

While I am dealing with the question of these so-called conscientious objectors, I want to spend a moment or two dealing with a couple of clauses in the Bill, in particular, clause 14 *(b)* which inserts a new section, which provides:

> A person who, in contravention of subsection (3), makes a differentiation against or in favour of a person who holds a certificate under this section shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars.

So, that person only has to make a differentiation. When we look at clause 17 we see new section 166a, as follows:

> Where—
>
> *(a)* the holder of an office in an association is convicted of an offence involving violence or intimidation;
>
> and
>
> *(b)* the circumstances of the offence arose out of an industrial dispute,
>
> the office is, by force of this section, vacated and the convicted person shall be disqualified from election or appointment to any office in an association for a period of five years from the date of the conviction.

The point I want to draw from this, and it is a most serious situation which the Government is creating, is that a union

official—an organiser or a secretary—duly elected who, in the interests of his union members, in any way differentiates against a person who is the holder of a conscientious objection certificate is liable to be charged with an offence, and undoubtedly such differentiation, almost by the very definition of such an offence, would include some intimidation. Such a person, once convicted, could be disqualified from standing for office for five years, and the person's office could be vacated. That is Draconian, and the Minister should be ashamed of himself for bringing in legislation that will have that sort of impact on officials of trade unions.

The member for Semaphore referred, quite rightly, to the fact that this provision will not affect bosses: neither it will. Of course, it is quite an ingenious provision, because on the shop floor the argument is between the boss and the union official by and large, not between the union official and the official from the Employers Federation or the chamber: they only are called into the argument at some later time. The argument on the shop floor is between the union official and the employer. Under new section 116a the employer will not be subject to any offence at all—only the union official. It is one-sided and biased, and the Minister knows it. In the day-to-day rough and tumble of industrial matters, the employers associations do not become directly involved: they become involved at a later stage as the Minister will know.

The Hon. D.C. Brown: That is not true.

The Hon. PETER DUNCAN: That is true and the Minister knows it.

The Hon. D.C. Brown: They become involved in disputes; of course they do.

The Hon. PETER DUNCAN: At a later stage. No one can tell me that on the shop floor at G.M.H. the chamber is called in immediately there is a minor industrial dispute. Nonetheless, any sort of intimidation of the slightest nature by a union official could lead to that official being convicted and his office being vacated. It is a biased provision and one that has no place in modern industrial relations.

I think that the Minister should withdraw this legislation and not proceed with it. It is absolutely unnecessary. It is not needed at the present time, and, as I have said, the only reason that it is now before Parliament is related to the cynicism with which the Government approaches its electoral prospects. Dealing with the preference-to-union clauses, the Minister wants to paint a scenario for the House of this Government opposing preference clauses. One can read his views on that matter in his second reading explanation.

I point out to the Minister, and I suspect he cynically knows this, that this Bill will not achieve an abolition of preference clauses in any event: neither it should, I might add. If one carefully reads through the existing Industrial Conciliation and Arbitration Act, one finds that, although the Minister is abolishing the directly expressed power of the commission and of the Conciliation Committees to make preference clauses in awards, first, there is nothing to stop a preference arrangement in an agreement (although the provisions in relation to intimidation and conscientious objection may well have some bearing on that matter), and, secondly, the commission may in section 29 (1) *(a)* of the existing Act make an award, including an interim award and, without being restricted to the specific relief claimed by the parties, may include in the award or interim award any matter or thing which the commission thinks necessary or expedient, etc. So, the general power to put preference clauses into awards, in my opinion, still exists in the legislation. If one refers again to the Minister's second reading explanation *(Hansard* page 1126), one can see that he states:

> ... it cannot be denied that in practical terms, since the Industrial Commission has been empowered to include preference clauses, (albeit qualified) in awards, very few unions have sought to avail themselves of this opportunity. Indeed, of the 200-odd awards of the Industrial Commission and the various Conciliation Committees, only nine have clauses substantively dealing with this matter.

Again, that gives the lie to any suggestion that this particular matter is the basis for the urgency with which the Minister seeks to introduce this Bill and have it passed through the House. Again, I point out that, in appropriate cases, preference clauses will still be available to a union or an employer who seek to have them put into an award, notwithstanding the passage of this shabby piece of legislation.

There are a few other matters that I will raise in the few minutes left to me this evening. In particular, I refer to the proposal for joint sittings of the State commission or court and the Commonwealth commission. It is hard to imagine a proposal that could be cobbled together with less thought than this proposal, which has been hastily rushed into Parliament. When I look carefully through the Minister's second reading explanation I see that he even admits:

> It is appreciated that the Commonwealth Government has yet to reveal the substance of its proposed legislative changes and that indeed the State provisions cannot come into effect until the reciprocal provisions are in operation.

I predict that, before any such provisions come into operation, further legislation will be passed through this House dealing with this very matter. I have never heard of a more ridiculous way to approach such a question than the way that this Minister is going about it. All other joint Federal/State arrangements have been reached after the publication of the draft Federal and State Bills so that the two tie in together nicely.

Once everyone agrees on the content of the legislation, it is introduced to the relevant Parliaments: not in the stupid, almost idiotic way in which this legislation has been introduced, where we are going it alone at this stage. We will pass our own little piece of legislation, other States will presumably pass theirs, and then the Commonwealth will look at the situation and come down with a proposal that everyone will have to change what they have already got in order to fit in with the Commonwealth's legislation.

It is a stupid and woolly-headed way of going about legislating, and it only further indicates the fact that this Government has introduced this Bill at this time for cynical electoral purposes. I notice in the second reading explanation that the Minister is quick to say that the financial provisions are being introduced to ensure that unions will be audited in a manner similar to that applying to companies which are accountable to shareholders.

The Minister conveniently used the word 'accountable' in relation to audits, etc., but I would be interested to know the Minister's view on whether or not companies should be required to introduce the same stringent and rigid rules relating to ballots and elections of shareholders as he is proposing to foist upon the trade union movement in South Australia. The Minister is even proposing to allow trade unions to make rules providing for compulsory ballots of unionists. I am astounded to hear this Minister making such a proposal. I assume, cynically, that he believes that, if that power is used, it will make trade unions unpopular with their members. I suppose the Minister believes that his view of the world will benefit as a result.

I believe that any proposal for compulsory voting of union members will be summarily rejected by the unions concerned, and so it should be. For this Minister to be introducing such a measure, this Minister who in all other fields would, I suspect, oppose vehemently any sort of compulsory ballots, smacks of cynicism. As I said, it is interesting to note that he is not proposing to apply the same rigorous requirements for ballots to companies as he is applying to the trade union movement.

If compulsory postal ballots were to be introduced for trading corporations, one could possibly understand the enthusiasm with which this Minister is trying to foist that sort of thing on the trade union movement. I see nothing wrong with union rules that provide for an election that involves a combination of members turning up at a polling booth and voting and postal balloting, rather similar to the way in which the Collingwood Football Club recently elected its club committee. There is nothing wrong with that, and unions should have that alternative. But no, not from this Minister. Unless unions already have that provision in their rules, the Minister is proposing to foist on them a total postal ballot.

Of course, in doing that, the Minister is not proposing, except in fairly restricted circumstances, to make any provision for paying for those ballots. If the ballots are held as part of the normal elections for a union, the union will have to pay for them; however, if the ballot is held as the result of an order by the Registrar, the situation will be somewhat different, and the cost of the ballot can be borne by the Government. By and large, this Minister is not proposing to take up the financial burden that will be applied: he will simply impose the burden of running expensive postal ballots and will leave it to the unions to find the wherewithall to carry it out.

This legislation, in historical terms, is hardly surprising. Conservative Governments have been trying to nobble and restrict the operation of trade unions ever since trade unions came into existence. I found it extraordinary to hear the member for Glenelg claim that conservative Governments had been responsible for some of the legislative advances that trade unions have made. What poppycock! Good heavens, if it was possible to educate the honourable member, I would tell him that the most cursory look at history clearly indicates the way in which the conservative forces in this country and elsewhere have fought the development of the trade union movement tooth and nail every inch of the way. They are continuing to do so with this Bill. For the honourable member to claim that conservative forces have in any way assisted the trade union movement is completely out of kilter with the facts of history.

Knowing that the Government has the numbers to carry this Bill in this House, I have no doubt that it will be passed here, but it will be a black day if it is passed by the Parliament. I hope that the people of South Australia will see this Bill for what it is—a cynical piece of political posturing prior to an election, with the motive of trying to stir up sufficient industrial and political trouble to provide the Government with some sort of issue to clutch at in the dying days of its existence.

I believe that anyone in the community who has a good look at this Bill will see it for what it is—an uncompromising industrial relations disaster, and it should be hailed as such. We on this side, with our experience in the industrial relations area, are well aware of the effects of such legislation. If the Minister genuinely wants to build on South Australia's industrial relations record, which he proudly skites is already the best in Australia, in the interests of the harmony of the whole community, the first thing he should do is withdraw this Bill forthwith.

Mrs SOUTHCOTT (Mitcham): There is little to say at this time of night, as many members have commented, but I wish to make a few points clear. I will begin by referring to some of the statements made by the Minister in his second reading explanation, when he discussed the appointment of Mr Cawthorne to conduct an independent examination. He went on to say that, because of the personal nature in which the report was written, it would be inappropriate to release the full report. Further on, he said that it would be necessary to have further detailed and lengthy discussions before comprehensive amendments could be introduced into Parliament, and he stated:

> It cannot be denied that, in order to achieve a piece of legislation which meets the relative needs of all parties to the system and the public interest, close consultation on both the concepts involved and the implementation thereof will be essential. Accordingly, I give notice of the Government's intention to consult at length with various parties on all aspects of the existing Act.

If that is how the Minister felt about the situation the question is, 'Why push ahead with these amendments at this stage, piecemeal and in haste, without prior consultation and without finding out what additional costs will be placed on unions when no great need has been demonstrated and there is (as the Minister said) a good industrial environment in this State?' Why stir things up? The only reason appears to be to stir things up before an election and to gain political advantage from it.

I hope sincerely that the people in South Australia and the unions in particular do not over-react and do not give the Government the opportunity for which it is looking in introducing this legislation. I am basically opposed to bringing in any piecemeal amendments at this stage instead of waiting for full discussion of the recommendations if and when the Cawthorne Report is released. The report should not be for the Minister's benefit alone. The report should be made available to other parties to study. Consultation with those affected is essential if there is to be acceptance of proposed changes by employers and unions.

The Minister said that four immediate objectives needed attention. The first one to which he referred was achieving a greater degree of co-operation and co-ordination between industrial relations legislation at State and Federal levels. He referred to events culminating in June 1982 at the Premiers Conference, when they undertook to facilitate the establishment of complementary industrial systems in Australia. However, the Minister went on to comment that the Commonwealth Government has yet to reveal the substance of its proposed legislative changes and that indeed State provisions cannot come into effect until reciprocal Federal provisions are in operation. So, again, what is the urgency?

The second objective was to protect the rights of individuals on the industrial relations scene by removing from the spectrum of industrial relations in this State the right by law to grant preference to unionists. It deletes the authority of the Industrial Commission and conciliation committees to include preference clauses in awards and invalidates those clauses which are operative in existing awards. The Australian Democrats believe that that is not an appropriate field for the Government to enter. It is a matter of negotiation between employer and employee organisations and the Industrial Commission and conciliation committees.

I will refer now to the conscientious objector clause. We welcome the broadening of the scope of conscientious objector provisions so that people who have a genuine objection to becoming a member of a union on moral, philosophical, political or religious grounds could obtain exemption from union membership. However, we look forward to the day when the service offered by unions to their members, both employed and unemployed, is of such a high standard that all members of the work force will voluntarily join unions.

We are aware of the union principle that 100 per cent membership is essential for effectiveness. We are also aware (the Minister will be pleased to know) of the United Nations requirement that nobody may be compelled to join an organisation. Many workers have accepted the benefits of unionism without paying dues. We believe in the widening of the conscientious objection provisions, but only if linked to a payment of fee for service by workers who do not choose to join a union but are working under wages and

conditions which unions have achieved. We believe that people who do not join a union on the grounds of principle should nevertheless pay their share for the privileges and benefits they enjoy as a result of union efforts. I hope to be able to move an amendment tomorrow in Committee, providing the Parliamentary Counsel has been persuaded to draw one up for me.

The DEPUTY SPEAKER: Order! I suggest to the honourable member that she not cast any reflection upon the Parliamentary Counsel.

Mrs SOUTHCOTT: It was no reflection; it was a statement of fact.

The DEPUTY SPEAKER: I have to point out to the honourable member that the responsibility for having amendments drawn up rests with the member, and I would suggest that she not make any further comments in relation to that officer.

Mrs SOUTHCOTT: Thank you; we will see what happens tomorrow. I hope to be able to move an amendment allowing for payment of the prescribed fee into a fund to be used by unions for specific purposes only; for example, research and advocacy, but not for the support of political Parties. The Minister also speaks of violent measures being used by trade union officials as acceptable means of exercising power and achieving their aims, no matter how dishonourable they may be, and he goes on to quote evidence with respect to the Builders Labourers Federation, and Ship Painters and Dockers, as revealed by recent royal commissions. I point out this does not refer to South Australia and remind the House again—

The Hon. D.C. Brown: Yes, it does. Have you read the first report of the Royal Commission into the Builders Labourers?

Mrs SOUTHCOTT: In that case, the Minister's statement about the industrial environment in this State cannot be accurate. The Minister used the example of the Builders Labourers Federation and Painters and Dockers inquiry to back the need for more stringent financial obligations by all registered associations to eliminate any malpractice in this area. He does not refer to any problems in South Australia, only to possibilities, and I would submit to the Minister that, if he had information relating to South Australia, he should have used that information in his second reading explanation instead of the situations existing in other States. Therefore, there does not seem to be any rationale for introducing these amendments in haste, at this time, without prior consultation with those responsible for the implementation, particularly with reference to increased costs. In conclusion, I have an overall objection to the introduction of this Bill at this particular time, irrespective of any particular merit in its clauses.

Mr LANGLEY (Unley): I am not surprised that the Minister has brought this legislation before the House, because I have yet to see any member on the other side of the House being pleased in any way with unions. The member for Glenelg said that he was a unionist once, but we can never get from him which union that was. I suggested the painters and dockers, and he did not go against that in any way. That was a few years ago. He did not tell me which union; he has not until this day, so I do not know which union it is.

The Government has done one great thing now. It is trying what happened before the last election, the strike by the tramways people. I am not sure who caused that strike. Since that time a lot of things have changed. The member for Todd spoke about door-knocking and he said that the Government is going very well. After this legislation before the House, that will be another error he has made. The Government is not going well, and rushing this legislation into this House will cause even more concern.

People on the other side of the House talk about unionists. If they had their own way, they would not want any unions at all. They want to be dictators and to control the whole State. It has been mentioned before that under the previous Government and this Government the industrial situation in this State has been quite good, and I think the Minister admits that. Now he wants to get in before an election and pass legislation that will cause disputes, so that he can blame the Labor Party. After all, the Labor Party obtains money from the trade unions. There is no doubt about that. However, I have noticed that not one member opposite has told us about where the Liberal Party gets its money from. Membership fees of $45 from married people or $25 from single people could not finance an election. They must get it from somewhere.

Mr Trainer: Off the bottom of the harbor.

Mr LANGLEY: I do not know about that, but members opposite will be at the bottom of the harbor after the next election, whenever that will be. This is a provision which, contrary to what members opposite think, will not work. I have no doubt that every member opposite belongs to some organisation or union. The member for Henley Beach was a member of a union from which he wanted to withdraw, although I do not know whether he did or not. He has been the greatest union basher in this House. If a person is not a member of the Party, can he stand for election to the Liberal Party and win a plebiscite? I very much doubt it. Further, a person who does not pay into something does not deserve benefits. If one is not paying union dues one does not deserve forthcoming benefits. I am sure that the people of Australia would agree with that. A person cannot simply walk into a shop and say that he wants something but that he cannot pay for it.

Mr Slater: You can't ride on a bus if you don't pay the fare.

Mr LANGLEY: Of course you cannot; there is no doubt about that. If one is a member of the United Farmers and Graziers, for example, one is not entitled to receive a copy of its publication telling people what to do; they are not just handed out to everyone *gratis* except perhaps to members of Parliament.

I refer to ballots and to Mr McLeay, who formerly held the seat of Boothby. A ballot was conducted for a candidate to stand for that seat. The organisers went around the area and handed out tickets to people, and then went around and collected their postal votes to make sure that they had voted in the right way. The former member for Mitcham knows all about that, as I do. That is a perfect example of a fake ballot.

The DEPUTY SPEAKER: Order! Will the honourable member link up his remarks? Earlier this evening the Speaker requested a member to relate his comments to the Bill. I have been listening very carefully to the honourable member's comments, but I have yet to determine where the honourable member's remarks relate to any clause.

Mr LANGLEY: I am fairly sure that during the course of the legislation before the House ballots have been referred to. I have never known a Minister in this State to interfere so much with the courts as has the Minister of Industrial Affairs. The provisions in this Bill affect the unions, and throughout this Bill the Minister of Industrial Affairs is trying to provoke a dispute with the trade unions. A perfect example concerns the P.S.A., where the Minister of Industrial Affairs lost out because of interference. The strike involving the P.S.A. should never have happened. Further trouble will occur if the Minister continues in this vein, although that is not likely at present.

I am not sure whether the member for Mawson was a member of the teachers union, but I know that the member for Henley Beach was a member of a union. I am not sure whether the Minister of Transport was a member of the Pharmacy Guild, but surely that is a union, and surely if the Minister joined that it was because he wanted to gain information available. Whether or not it was compulsory is beside the point; if the Minister joined it, good on him. The point is that the Minister would have joined that organisation to get something from it, as would most other people in that profession. However, in regard to the Bill before the House, the Government wants to make sure that a person can simply move away from any such membership, that a person does not have to be a member of a union at all while still obtaining benefits. I do not think that is fair in any way at all. The paying of fees to the Children's Hospital, *in lieu,* is simply what could be called a let-out.

The member for Eyre would be one of the greatest union bashers of all time. He does not believe in unions in any way at all, and, the day the honourable member employs a unionist, I do not know what will happen to that person. I cannot understand how Government members can honestly believe in not paying any dues but wanting the benefits. When people join a union, they expect to get the benefits and that is exactly what they get.

My father, who is of an advanced age, told me, 'Politics is a very hard game. If you do not pay for something you should not get it.' That is exactly what I am saying here. I believe that that is the case, and I am very perturbed about what is happening. The biggest organisations often involve a closed shop, and they get on very well. Just recently, Mitsubishi moved into this State, and there has hardly been any movement: they got together, sat down and consulted. However, the Minister does not do that; he does not sit down and listen, and again on this occasion he has not told the unions what is happening. As the member for Mitcham said, there has been no consultation at all, but it is about time there was some consultation.

Mr Mathwin interjecting:

Mr LANGLEY: The member for Glenelg makes a good speech but the trouble is that it is the wrong way around. I have nothing against anybody stating his own personal ideas about matters of concern, but I assure members opposite that what they are trying to do will not work this time. The public and the workers are a wake-up to what they are trying to do. Finally, I say again that, if you do not pay for something, you do not deserve it.

The Hon. D.C. BROWN (Minister of Industrial Affairs): I have listened with some interest to the contributions made to the debate by various members of the House. I suppose it is normal for a Minister at this stage to thank members for their contributions, but I really do not think it is appropriate to do that this evening. Frankly, I have been disappointed with the standard of contributions and with the extent to which members have been grossly misinformed. I have formed the strong impression that the vast majority of members obviously have not even bothered to read the Bill: they have given the House so much misguided or incorrect information.

I have been grossly disappointed; they have had something like three or four weeks now to sit down and study the legislation in detail, so they cannot complain about the lack of time. They cannot claim that it has been rushed through this House as they invariably like to do. I have always made people available to explain the legislation if members need expert opinions. No-one has come forward, yet we have heard seven to eight hours of diatribe, largely misinformed and not relevant to the Bill. I intend to deal in detail with the matters raised. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

At 11.36 p.m. the House adjourned until Wednesday 13 October at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 12 October 1982

QUESTIONS ON NOTICE

ROAD ACCIDENT STATISTICS

136. **Mr HAMILTON** (on notice) asked the Chief Secretary:

1. How many hit/run accidents involving motor vehicles and pedestrians occurred in each year from 1979-80 to 1981-82?

2. How many pedestrians were killed as a result of those accidents in each year?

3. How many pedestrians were seriously injured in each year?

4. How many motorists were convicted for failing to stop after a hit/run accident in each year?

5. How many unresolved cases are outstanding from each year?

6. Does the Government intend to introduce legislation to impose harsher penalties on motorists failing to stop after an accident, and, if so, when, and, if not, why not?

The Hon. J.W. OLSEN: The replies are as follows:

1. The Police Department's accident statistics recording system does not isolate 'hit and run' accidents.

2. Unable to answer for the same reasons as in 1 above.

3. Unable to answer for the same reasons as in 1 above.

4. 1979-80, 643; 1980-81, 531; 1981-82, 504. These figures relate to convictions arising from all prosecutions for 'failing to stop after accident'. That is, they include all hit/run type accidents, such as vehicle versus vehicle, vehicle versus property and vehicle versus pedestrian.

5. Unable to answer for the same reasons as in 1 above.

6. There are no proposals to increase at this time statutory penalties for this type of offence.

POLICE FORCE

158. **Mr HAMILTON** (on notice) asked the Chief Secretary:

1. What have been the intake figures for the South Australian Police Force in each year from 1979 to 1982?

2. What has been the overall increase in each of those years?

3. How many officers have either retired or resigned from the force in each of those years?

The Hon. J.W. OLSEN: The replies are as follows:

1. 1978-79, 106; 1979-80, 185; 1980-81, 113; 1981-82, 100.

2.

	Variance at 30 June Active Strength
1978-79	+218
1979-80	+ 73
1980-81	+ 48
1981-82	+ 29

3. 1978-79, 102; 1979-80, 123; 1980-81, 109; 1981-82, 119.

VICTOR HARBOR RAILWAY

160. **Mr HAMILTON** (on notice) asked the Premier:

1. Has a deed been signed on behalf of the Government for the Victor Harbor land currently occupied by and vested with A.N.R. for the purpose of allowing a $15 000 000 project to proceed in view of the fact that a development company has given options to other private land owners which expire on 31 July 1982 and, if not, will it be signed?

2. Is the Government donating the $650 000 (the supposed value of the property) to the Victor Harbor Council to build another railway station in view of the tourist and historic value of the service and the railway station and, if so, how can this be justified when the town's main roads are in such a bad state of repair?

3. Does the Government consider that A.N.R. has conscientiously tried to make the Victor Harbor line viable and, if not, why not, and what steps will be taken to ensure that A.N.R. does not concentrate on the *East-West,* the *Overland* and the *Ghan* to the disadvantage of country residents?

The Hon. D.O. TONKIN: The replies are as follows:

1. No.

2. No.

3. Yes.

WATER TESTS

187. **Mr KENEALLY** (on notice) asked the Minister of Water Resources:

1. How many farmers have made use of the 'free', once a year, test of bore water for nitrates and salt in the past year?

2. How much did these tests cost?

3. Is the information stored and/or used for research?

The Hon. P.B. ARNOLD: The replies are as follows:

1. In 1981, 142 property owners submitted samples for analysis. Analysis of waters is not restricted to a 'free' once a year test. Property owners may submit more than one sample per year for analysis without charge.

2. $2 000.

3. Yes.

TAX REBATE

188. **Mrs SOUTHCOTT** (on notice) asked the Minister of Industrial Affairs: Under the encouragement of decentralisation subprogramme of the Department of Trade and Industry, which companies, in which industries and in which regions, received assistance in the form of pay-roll tax and land tax rebates in the years 1980-81 and 1981-82?

The Hon. D.C. BROWN: It is not considered appropriate to provide details of financial assistance to individual companies. However, a summary statement showing the type and amount of rebate for each region is provided.

Region	No. of Establishments*		Pay-roll Tax Refund		Land Tax Refund	
	1980-81	1981-82	1980-81	1981-82	1980-81	1981-82
Eyre	25	23	135 951.93	292 274.92	2 677.71	6 368.83
Northern	39	40	426 279.26	1 002 436.70	5 932.61	13 238.66
Yorke and Lower North	28	27	152 762.41	373 206.06	1 564.45	3 052.36
Murray Lands	73	75	932 993.04	2 023 085.69	1 974.35	3 926.73
South-East	55	58	670 536.87	1 496 620.05	7 058.10	16 187.14
Central Northern	40	41	231 634.18	517 782.76	718.26	358.32
Central Southern	12	12	13 195.94	29 977.96	459.04	1 399.10
Central Western	2	2	4 201.11	6 009.74	—	—
			2 567 554.74	5 741 393.88	20 384.52	47 756.14

*several companies are located in more than one region.

1980-81 figures show rebates made in respect of taxes paid for the six-month period from January 1980-June 1980. (The scheme commenced 1 January 1980.)

1981-82 figures show rebates made in respect of taxes paid in the 1980-81 year.