HOUSE OF ASSEMBLY

Wednesday 13 October 1982

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

PETITION: REMAND CENTRE

A petition signed by 16 residents of South Australia praying that the House reject any proposal to build a remand centre within the town of Hindmarsh was presented by Mr Hemmings.

Petition received.

QUESTION

The SPEAKER: I direct that the written answer to a question, which is detailed in the schedule that I now table, be distributed and printed in *Hansard.*

STONY POINT PROJECT

In reply to **Mr MAX BROWN** (18 August).

The Hon. D.O. TONKIN: The latest information I have is that the direct labour force requirements in connection with Stony Point are anticipated to be:

	Average	Peak
Stony Point		
Fractionator and Harbor Facilities (January 1982-February 1984)	440	750
Infra-structure (roads, power, etc., mainly 1982)	30	30
Pipeline		
(January 1982-December 1982)	350	350
Moomba Field Development		
(January 1982-February 1984)	300	450

This indicates that employment during the project construction phase of the Stony Point/Cooper Basin project could possibly average about 1 100 and peak at around 1 500.

PUBLIC ACCOUNTS COMMITTEE REPORT

Mr BECKER brought up the 27th report of the Public Accounts Committees which related to Coromandel Valley Primary School.

Ordered that report be printed.

QUESTION TIME

The SPEAKER: Before calling on questions, I advise the House that questions to the Minister of Agriculture will be taken by the Minister of Industrial Affairs. Questions to the Minister of Health and Tourism will be taken by the Deputy Premier.

SCOTT BONNAR

Mr BANNON: In view of the fact that, in February, the Tonkin Government claimed credit for the apparent relocation of Scott Bonnar lawn mower production to Adelaide, will the Premier now take responsibility for the loss of 96 jobs at the company's Adelaide plant and the relocation of production interstate? What plans does the Government have to assist retrenched workers? I point out that, in 1981, I expressed concern about the takeover and, thus, the future of the company.

On 25 February 1982, the Minister of Industrial Affairs answered at great length an apparently prepared question on the Scott Bonnar company from the member for Rocky River. Among other things, the Minister claimed:

> I would be delighted to comment on what is now a very optimistic outlook at Scott Bonnar, a very wellknown South Australian company. The Leader of the Opposition and the Deputy Leader should listen because, as Mr Gloom and Mr Doom, they are the two people who keep saying that South Australian companies are laying off people, reducing their work force and having a very unsuccessful time here... This is a wellknown South Australian company, quoted by the Leader of the Opposition as being taken over by the Rover group, which in turn is owned by United Packaging of Brisbane. Shortly after that, the company decided to relocate its manufacturing and assembly line for domestic rotary lawnmowers from Adelaide to Brisbane. I went to the company's premises last week to present an export award.
>
> It is interesting to see the success that has been achieved by Scott Bonnar in relation to overseas markets. While I was at the plant I saw the tremendous scope the company is achieving in making industrial mowers and exporting them to overseas countries, including Britain, which is one new major market that has now been captured. The significant feature is that, having removed the domestic rotary mower line from Adelaide to Brisbane, the company has now decided to relocate that line back here in South Australia. It has done so because the line was far more successful and a far more efficient operation in South Australia. The Manager stressed the high quality of the work, the very efficient operations that the company has and the low cost. The experience of Scott Bonnar clearly shows that companies can succeed and do so very well in this State.

Further, I understand that the Premier had telephonic discussions with the company yesterday.

The Hon. D.O. TONKIN: If the Leader means that I spoke to the company on the telephone, yes, I did. I detect (and this distresses me) an enormous amount of gloating, which the Leader has indulged in in the last few minutes. I must say that I resent that very much indeed. It is certainly nothing in which anyone can take any pleasure, although the Leader of the Opposition has made no secret of his pleasure in what has happened. I do not think that anyone has been misled. What has happened is that, in common with the general downturn in economic conditions, coupled with the very disastrous effects of the drought on the economy, there has been a—

Mr Hemmings: It is the fault of your own Government.

The Hon. D.O. TONKIN: If the member for Napier really believes that the South Australian Government is responsible for the record unemployment levels all over the world, and for the general economic downturn (greater than the great depression) which is affecting the rest of the world, then he has a very funny view of international politics and economics. As I was saying, I believe it is a matter of great regret that, under these very tight economic circumstances, exacerbated by the drought which is affecting all States, it has been found necessary to rationalise the operations of the Scott Bonnar group. Unfortunately, as I have said before in this place, that occurred as a result of decisions taken in Queensland.

The company believes that the money that has been invested in its plant in Queensland makes it a more efficient operation than continuing in South Australia. That is a matter of great regret. I understand that Department of Trade and Industry officers and the Director of State Development are having close discussions with the management of the Scott Bonnar group at the moment. We will offer whatever help we can. As is usual, we will make every effort to assist the company and we will try to persuade it to continue its operations in South Australia. Whether the representations that are being made are successful will depend entirely upon the commercial viability of the operation, and that in turn depends upon the wage pressures that the company must face, the conditions that it has had to accept

from the trade union movement, and many other factors that have mitigated against the viable operation of this company over the last few months.

If the company can rationalise and reduce its work force to make its operations viable, so that the entire operation continues production, and can keep profits going and therefore employ people, then that is what it will do. No-one should expect a company to continue to make a loss without doing something about it, and that is exactly the situation. I do not share the Opposition's gloating attitude. Frankly, I am very disappointed, and I think all South Australians should be disappointed.

We must continue to make every effort and leave no stone unturned in our efforts to attract business investment and development to South Australia, whether it be small or large. I was appalled yesterday at the statement from the Leader of the Opposition. That was not only my reaction; it was a reaction that has been widely expressed through the community. It has been communicated to me telephonically (in the Leader's jargon)—

The Hon. E.R. Goldsworthy: In a telephonic conversation.

The Hon. D.O. TONKIN: Yes, in a telephonic conversation; but, joking aside, it is a matter of extreme concern. The Leader stated publicly yesterday that, in respect of shopping developments, he would be prepared to cut off power and water if planning processes did not produce the answer that the Labor Party requires. That statement has gone around the business community of South Australia and it has gone interstate. In fact, we have received phone calls from the South Australian community and from people interstate asking 'What does the Leader of the Opposition think he is up to?' They ask whether the Leader is serious.

Members interjecting:

The Hon. D.O. TONKIN: They dare not speak to the Leader of the Opposition; they are afraid that he might cut off their water and power supplies if ever he got the chance—heaven forbid! However, it is not a joking matter, as the Leader of the Opposition seems to believe, but one that small business is particularly concerned about, because if in fact the due processes of the law through the Planning Act and Planning Appeal Board that have been set up by this Parliament produce a result with which the Leader does not agree, apparently his intention is to chop off power and water, and in fact go outside the law, subvert the law.

The Leader's statement is the sort of statement that will once again deter any sort of enterprise from coming to South Australia. Here is the Leader gloating over the closure of an important South Australian enterprise, weeping crocodile tears, trying to make political capital out of it, while at the same time giving clear notice to any potential investor in this State that, if they do come here and do not do what they are told to do by the Leader of the Opposition, he will cut off their gas and their water supplies. What better way is there to make sure that investment never comes to this State? The Leader's credibility is at absolute zero!

Members interjecting:

The SPEAKER: Order!

ECONOMIC CONDITIONS

Mr EVANS: Will the Premier say how South Australia is managing, compared with the rest of Australia, in the face of the current national and international recession? At present the world is experiencing the worst economic downturn since the great depression of the 1930s. I understand that all countries and States are facing problems of high interest rates, high unemployment, and rising costs. Can the Premier outline to the House how South Australia is coping with this world-wide problem?

The Hon. D.O. TONKIN: I am grateful to the member for Fisher for asking this question, and I think he has made quite clear that he has a good understanding of the nature of the world-wide problem that we are currently fighting against, which members opposite do not have.

Mr Hemmings: You just said that.

The Hon. D.O. TONKIN: Indeed, nothing has changed, in spite of the member for Napier. There is not a great deal that a State Government can do to change economic directions of the international situation, and we do not pretend that we can. Inevitably, if overseas and interstate markets are depressed, as I have already pointed out, we will see stand-downs, closures and the most unfortunate economic impacts that we are experiencing at present.

The Leader of the Opposition has brought up such matters before, and in some way has tried to imply, as the member for Napier did, that all of these things are the fault of the State Government. I do not really think that the population of South Australia believes that. Further, there are some good indicators evident which members of the Opposition have totally ignored and which show that South Australia, despite these difficult economic times, is doing better than are other States. Where possible we can insulate the economy of the State from the impact of the overall international and national economic down-turns, and I believe that the Government has been quite successful in doing that.

The upsurge in resource exploration and development, which the Government has encouraged since coming to office, in stark contrast to the situation before that time, has cushioned the major effects of the recession, and to some extent is helping us to survive the effects of the drought. The surge in national unemployment levels, which has become particularly worrying over the past two or three months has not affected South Australia nearly as badly as it has affected the rest of the country. In fact, when the Government came into office it inherited a situation whereby South Australia had the highest level of unemployment in Australia, but it is now the second highest (which is nothing to be proud of, but at least the situation is better than it was).

The rate of increase in unemployment in South Australia is considerably less than that in other States. Obviously, if we take the figures between September 1981 and September 1982, and look at the percentage increase in the number of unemployed (and I think it is pretty important), South Australia's increase in the number of unemployed has risen by 7.38 per cent in that 12-month period. The greatest increase has been in New South Wales (and it has a Labor Government, I understand), where the number of unemployed has risen by 45.9 per cent. In Tasmania the figure has risen by 41.04 per cent; Tasmania has only just seen the light and come round to sound and sensible Liberal management. Even in the other States, the increase in unemployment has been very much higher than the 7 per cent by which it has risen in South Australia over the past 12 months.

As I said in this House yesterday, the trend in the proportion of South Australia's unemployed people, as compared with the national total, showed a marked increase in the latter part of the 1970s up until a figure of 12.2 per cent was reached in 1978 under a Labor Government. That figure has come down steadily since that time with 12.3 per cent in 1980, 12.2 per cent in 1981 and down to 10.1 per cent in 1982, a very encouraging trend indeed, especially at a time when the share of the numbers of unemployed in other States is steadily rising.

In industrial investment, South Australia is doing considerably better. Investment in manufacturing has slumped in other States over the past six months, there has been a big rise in the percentage share in South Australia over the past

three years, and we have maintained our share in the past 12 months. The figures compiled by the Federal Department of Industry and Commerce show that some $1.5 billion has been invested in manufacturing industry alone in South Australia since October 1979. That is 19.5 per cent of the national total, and is in sharp contrast to the less than 3 per cent which was committed at the time that we took office. We have the highest investment per head of population in the manufacturing sector of any State in Australia, well ahead of New South Wales, Victoria, Western Australia and even Queensland. The final feasibility investment commitment in South Australia has risen from $3.48 billion at the end of 1981 to more than $4 billion by the end of June this year. That is in startling contrast to the figure of a little over $300 000 000 when we took office.

Our record of investment and development has been encouraged entirely by the private enterprise supporting policies of this Government and it has done a great deal to cushion this State against all of the economic down-turns, and more recently the drought situation which is affecting all of Australia. The boom in investment is something that is going on, with the attraction of new industry and ventures to our State. We will not look at any project and turn it away; we will do everything we can to get it.

I remind honourable members that this Party supported the introduction of Roxby Downs. It did not, as did the Labor Party, vote against the employment, both present and future, which that project will bring. I am quite confident that, over the next 12 months, there will be a marked up-turn, a substantial lift, in employment in South Australia because of the base which has now been set in terms of investment and development decisions. The survey that we have confirms that we are doing better than any other State is doing in attracting manufacturing industry. I think that that is the most welcome news that we have had for the future of manufacturing industry in South Australia for many years. I believe that we are doing better than are most other States in coping with the current economic difficulties. Other people in other States believe that we are doing better in coping with these economic difficulties.

I am not going into the curiously negative attitude shown by the Federal Opposition Leader when he was here on a picnic visit last weekend. However, I would like to mention a quote of the State Secretary of the Amalgamated Metal Workers and Shipwrights Union, Mr Mick Tumbers, who had quite a different viewpoint from that expressed by the Leader of the Federal Opposition. He said, and it was reported on one of Adelaide's leading broadcasting stations, that the decline in the manufacturing base in South Australia had not yet reached the depths that appear to be apparent—the worst depth of the crisis—in Victoria and in other States.

The Hon. Peter Duncan: What was the date of that statement?

The Hon. D.O. TONKIN: Mr Tumbers said that only recently. If the member for Elizabeth is interested I will find the exact date and the transcript for him. The facts which we have and which are being mentioned and published regularly in the national press support the view that Mr Tumbers has expressed. I can only say that Mr Tumbers has a clearer understanding of what is happening both in South Australia and in the other States than the Opposition either has or would like him to have.

B.H.P.

The Hon. J.D. WRIGHT: Will the Premier advise the exact nature of the assurances given to the Government by B.H.P. in July this year concerning the possibility of further loss of employment at Whyalla? Why have the assurances been broken, and what action does the Government intend to take to ensure that B.H.P. maintains employment at the steel works?

On 20 July, B.H.P. announced a number of retrenchments at Whyalla and in its Adelaide drafting office. At that time B.H.P.'s General Manager at Whyalla. (Mr Chadban) said that the retrenchments were 'not the tip of the iceberg' and that there would be no further moves in the foreseeable future affecting the Whyalla work force. A week later, under the headline 'No more job loss at B.H.P. Whyalla', the Adelaide *News* reported:

> The threat of further job losses at B.H.P. in Whyalla has been lifted following assurances from B.H.P. management and the State Government. The State Development Department Director, Mr Matt Tiddy, said he was confident no further cutbacks were in the pipeline—

that was in July—

> 'We see no reason for any further repercussions on the B.H.P. Whyalla work force in the foreseeable future,' Mr Tiddy said.

Today, the Adelaide *News* reports that up to 340 B.H.P. workers in Whyalla will lose their jobs next month. The Premier has also sought to claim that prospects in Whyalla are better than anywhere else in Australia because of the investment made by B.H.P. during his term of office. He told the Estimates Committee on 28 September:

> I personally think that we have got to build on what we have because we have that new investment, the new blast furnace facilities and the milling operation. Quite frankly, since we have come to office, the prospects in this State have changed enormously. Fortunately, where we have had money invested since our term in office, we have up-to-date facilities, and we are winning out at the expense of the other States. That is a perfect endorsement of the policies that we have followed . . .

However, the Premier neglected to mention that all of that investment was committed in an announcement by B.H.P. on 5 March 1979—before his Government came to office.

Members interjecting:

The Hon. D.C. BROWN: As I have been holding detailed talks, along with Matt Tiddy, with B.H.P., it would be appropriate for me to answer the question. Also, I was up there only three or four weeks ago and B.H.P. rang me on the specific changes announced today.

Members interjecting:

The SPEAKER: Order!

The Hon D.C. BROWN: To start with, let us put things in their true perspective. The Australian steel industry has changed dramatically in the last few months. According to B.H.P. management, there has been a down-turn in demand for structural steel during July and August, especially in New South Wales and Victoria.

The forecast made when they reported to the Government in July, which was in fact an accurate forecast of their marketing future then, has had to be readjusted, based on the further down-turn, particularly in New South Wales. I stress that the latest announcements by B.H.P. resulted in the closing down of certain shifts. B.H.P. has given an assurance to the men, I understand, that there will be no forced retrenchments; it has been holding open a number of vacancies in Whyalla, and the men from those various shifts are being put into those vacancies. In addition, I understand that some of the activities previously carried on in Woolongong and Newcastle and in the general rationalisation that has taken place at B.H.P. will now be carried out in Whyalla. Therefore, there will be jobs involved in taking up work that was previously not done in Whyalla.

I suppose it could be said that, concerning B.H.P., Whyalla has been the favoured location, because it has had the significant investment of about $140 000 000 over a three-year period, encouraged by this Government, but taken up by B.H.P. It has established the rail-rolling facilities which

is one area that has been doing especially well, and a number of activities have been relocated from the Eastern States to South Australia, because it is by far the most modern rail-rolling facility in Australia, if not the world. It is one area in which the overseas orders have kept up reasonably well compared to the other areas of the steel industry.

I think no-one would deny that B.H.P. is not facing a difficult task and position at present especially due to the drop in demand for steel and also because of the cheaper imports being brought into Australia: one could almost use the term 'dumping'. Subsidised steel being brought into Australia at present makes it difficult when the local industry is not subsidised by the Federal Government. I am given an assurance by B.H.P. that these are its latest assessments, which are based on the most up-to-date market situation at the end of September. The company indicated to me during September that it would have to reappraise the situation at the end of September. I am grateful that in that reappraisal it has not been necessasry to retrench any workers and that other jobs have been found for most of the people being moved from shifts. I understand that if people want to leave the company will certainly encourage them to do so.

I stress again that Whyalla is the favoured location for B.H.P. at present because of the investment that has taken place, and the facilities there are probably some of the most up-to-date facilities in the B.H.P. empire. This Government has certainly continued to back Whyalla and B.H.P. It is interesting to see that when it came to an I.A.C. hearing the South Australian Government supported B.H.P., but we have not heard any major statements of support before the I.A.C. from the New South Wales Labor Government. That Government certainly screamed when it heard that 10 000 jobs were to be lost, but it has not come out with a long-term practical support programme for the company as this Government has done. I know that B.H.P. is impressed with the performance of this State Government and appreciates the fact that it has been the only Government in Australia—in fact, one of the few bodies in Australia—that has put the B.H.P. case publicly.

MINISTERIAL STATEMENT: MEEKATHARRA MINERALS

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 a statement has been made to Stock Exchanges this afternoon by Meekatharra Minerals Ltd following further work undertaken by the company in the Arckaringa Basin. The statement is as follows:

> We wish to advise that a preliminary feasibility study for Meekatharra Minerals Limited has been carried out by Fluor Australia Pty Ltd, a leading firm of mining and construction engineers. This study describes the facilities and preliminary cost estimates for the development of part of E.L. (exploration licence) 786 on the Wintinna coalfield.
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> Independent computerised cash-flow studies indicate the project to be economically viable based on Fluor's estimated capital and operating costs for June 1982 and the ruling coal prices. In their report, Fluor Australia Pty Ltd estimated capital and operating costs for the mining and development of a section of E.L. 786 in the Wintinna coalfield which lies within the Arckaringa Basin, South Australia.
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> On E.L. 786 the Wintinna coalfield contains more than 1 500 000 000 tonnes of permian black coal. The Fluor study was limited to an area containing 830 000 000 tonnes of measured and indicated reserves. Fluor studied the production of 2 000 000 and 4 000 000 tonnes per annum of coal by underground mining methods and 6 000 000 tonnes per annum by open-cut mining methods. Capital costs are estimated at $194 000 000, $276 000 000 and $403 000 000, respectively.
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> Final mine planning would be subject to completion of hydrological and geotechnical studies. In addition to preliminary mine design and development, equipment selection, transportation and port facilities, the Fluor Report covers mine infra-structure, water supply, a self-contained township to support from 700 to 1 000 employees and their families, as well as a power station servicing the mine and community. The study includes the establishment of a head office in Adelaide and administrative support facilities at Stony Point. These would be serviced by a further 110 employees.
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> Coal would be transported south on the Australian National all-weather heavy duty railway line which traverses the Arckaringa Basin. For coal exports, Fluor's study envisages the development of stock-piling and ship-loading facilities at Stony Point, near Whyalla. Stony Point has sufficient depth of water to take ships of capacity 100 000 to 120 000 tonnes dead weight.
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> Professional evaluation of coal quality data has established that Wintinna coal is suitable for use in conventional power generation plants. All coal properties are within limits for which tried and proven designs exist and for which operating experience is available as a reference point for design and operation.
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> The company intends to submit proposals to the Minister of Mines and Energy and the Electricity Trust of South Australia for the use of Wintinna coal as a fuel for power generation in that State. The company is having discussions with potential participants in the Wintinna project.

That ends the statement to Stock Exchanges. The Government welcomes this report by Meekatharra Minerals. The Deputy Premier had discussions with the company yesterday, and has asked the Department of Mines and Energy to analyse the report in detail. The Government also looks forward to receiving the proposals from the company referred to in its advice to the Stock Exchange on the use of this coal as a fuel for power generation. Members will be aware that a number of deposits are now being evaluated in detail as sources of fuel for the generation of electricity.

The work being undertaken and the information now being provided by Meekatharra Minerals represents a most significant contribution to the Government's forward planning of assessing the various options which are now available. The Government of the Northern Territory has already expressed firm interest in the possible utilisation of these deposits for power generation in the Northern Territory, utilising the rail link to Alice Springs and Darwin. Development of the mine would result in significant job creation and the building of a new mining settlement at the site. In the past two years, exploration for coal throughout South Australia has been at record levels, and the Government welcomes the contribution Meekatharra Minerals is making to this vital task.

SCHOOL STAFFING

Mr BLACKER: Will the Minister of Education undertake a review of school staffing policies, as they relate to small rural and primary schools, to ensure that an equitable and more practical allocation of staffing applies to those schools in the 47 to 57-student school sizes? Recently, I spoke with principals and school council members of small schools who have expressed concern at the anomaly occurring in the proposed staffing of small schools. In one case the class teacher salaries allocation will be 2.2 plus 0.3 negotiable salary for 54 students. Another, with 58 students, will be 3.4 class teacher salaries, a much more practical ratio. Another school with 43 students, the range below, will have 2.3 class teacher salaries, which will allow good class sizes and also provide for non-contact time.

I understand that under the old staffing formula smaller schools were satisfactorily provided for. However, under the campaign by SAIT for reduced class sizes, some smaller schools, and more particularly students of those schools, will be disadvantaged. In the case quoted, the R-3 group is already in excess of the recommended 25-student class for junior primary classes as proposed in previous Government announcements.

The Hon. H. ALLISON: I thank the honourable member for his question. The question of class sizes for schools from about the 200 student mark downwards has long been under consideration, and a variety of different formulae have been in existence within the Education Department over the last 10 to 15 years. In fact, when I became Minister there was a formula which disadvantaged quite a number of schools in that the steps by which different staffing formulae became effective were quite steep, and one of the first things that I did, I believe in 1979 or 1980, was to change that formula and change the stepped staffing formula to one which had a much smoother transition from the smaller schools to the larger schools. However, there is no doubt that from schools of approximately 200 downwards, when the question of having a deputy head or not enters into the picture, there is some disadvantage. Of course, over the last 20 or 30 years, and particularly during the last 10 years, there has been very considerable—

Mr Langley: The last three years.

The Hon. H. ALLISON: You do not know what I am going to say. You are like the man who pressed the button and got the wrong answer. You have just lost your $100 000.

Mr Langley: You've lost your seat.

The SPEAKER: Order!

The Hon. H. ALLISON: Someone said that when I was out of the House last Wednesday on a bushfire putting-out expedition which was really opening a skill centre.

The SPEAKER: Order! The honourable Minister of Education is asked not to respond to interjections and to answer the question.

The Hon. H. ALLISON: I can assure the honourable member that, if I do fall off my seat, I will fall to the right and not the left. Over the last 10 to 15 years a great number of those very small schools have been phased out (it runs into the hundreds, in fact), and they have been consolidated into larger schools, into area schools to try to compensate for this problem of relatively small subject offerings and better staffing propositions that come from those amalgamations. I will continue to investigate the position for the honourable member and, indeed, the Education Department senior staff officers and representatives of the Institute of Teachers have only during the last 12 months been considering this issue. However, I recognise, as does the honourable member, that a number of the propositions which have come forward do in fact further disadvantage those smaller schools and that is something that we do not wish to happen.

ABORIGINAL LAND RIGHTS

Mr CRAFTER: Will the Minister of Aboriginal Affairs tell Parliament whether he accepts the constitutional principle of Ministerial responsibility and, if so, when he intends to embrace this fundamental safeguard in the Westminster model of Parliamentary democracy which serves the people of this State? During the proceedings of Estimates Committee B I asked the Minister a series of questions relating to the transfer of ownership of the Granite Downs Station following correspondence received by the Leader of the Opposition from the Chairman of the Aboriginal Development Commission, Mr Charles Perkins.

The Minister refused to answer the questions on the basis that Mr Perkins should have written to him rather than to the Opposition. The questions remained unanswered. Over a month ago I put on notice 48 questions regarding the Minister's handling of the grant of land rights to the traditional owners of the Maralinga lands. These questions remained unanswered. These questions were put on notice following a question I put to the Minister in this House on 2 September 1982 about the transfer of the Maralinga lands. On that occasion the Minister told me to (quoting his words) 'keep out of it'. All these questions have been put by me as the Opposition spokesman on Aboriginal Affairs and following representations from Aboriginal communities and organisations concerned about these matters in this State.

The SPEAKER: Before calling on the Minister of Aboriginal Affairs, I indicate that the honourable member for Norwood has indicated that a large number of questions on this subject are currently on the Notice Paper, and that there may be some question as to the validity of the question that the honourable member has now asked. However, I call the Minister of Aboriginal Affairs.

The Hon. P.B. ARNOLD: I accept the role of Ministerial responsibility under the Westminster system. The honourable member will receive answers to his Questions on Notice in the near future.

OODNADATTA SCHOOL BUS

Mr GUNN: Is the Minister of Education aware that the parents of children attending the Oodnadatta school are concerned about the condition of the school bus and that they believe that the school should be provided with a new bus? A few days ago I was approached by a constituent from Oodnadatta who expressed concern about the condition of the bus, in view of the isolated nature of the town and in view of the fact that if students want to come south for further education they must come in their own bus. The person who spoke to me believes that the bus currently operating leaves a lot to be desired. I ask the Minister to do whatever is possible to ensure that this matter is given the highest priority possible.

The Hon. H. ALLISON: This is an unusual request of the Minister of Education, because the bus is not being sought to provide transport from adjacent areas into the Oodnadatta township, and therefore, into the school; rather, it is required to provide transport from the school outwards. Of course, the Education Department provides about 500 buses, essentially for the transport of children who reside over 4.8 kilometres (3 miles) away from a school. In regard to the Oodnadatta community, the department took unusual steps. I would like to commend private enterprise in this instance, because the bus to which the honourable member referred was in fact given to the school, and the Education Department provided some finance for upgrading and licensing the bus before it was brought to Adelaide for repair, and subsequently taken back to Oodnadatta for local community use.

The honourable member's request is quite different from that which would usually be addressed to the Education Department's transport officer: it is an exceptional matter, and one for which I could not legitimately budget from within Education Department transport funds. However, I will investigate the matter with Cabinet colleagues to ascertain whether assistance can be given to the Oodnadatta community to upgrade the bus so that it can continue the function it has been performing over the past 12 to 15 months.

O'BAHN BUSWAY

Mr SLATER: Will the Minister of Transport say whether any surveys or studies were undertaken in relation to vehicular and pedestrian access in the Paradise and Campbelltown areas where many residents strongly believe that they will be isolated by the O'Bahn busway? The Minister would be aware that concern has been expressed by people associated with the Lincoln Borthwick Memorial Kindergarten about

the closure of Junction Road. In addition to parents and children associated with the kindergarten being affected, there will also be vehicular problems when Junction Road is closed because, in effect, vehicular access to Church Road will be affected unless private land is purchased to extend Larkdale Avenue to allow entry and exit to Church Road.

A report was published in the local Messenger press concerning problems arising from the closure of Ann Street, Campbelltown, and reference is made to a petition which, it is claimed, 200 people have signed. The report in the paper indicates that Campbelltown residents will also be disadvantaged by the closure of Ann Street, Campbelltown. Have any surveys or studies been undertaken to ensure that people living in the Campbelltown and Paradise area will not be disadvantaged by the construction of the O'Bahn busway?

The Hon. M.M. WILSON: Yes, surveys and studies were undertaken by the busway team, along with intense negotiations undertaken in conjunction with the Campbelltown council.

I am assured by my officers that the council is in complete agreement with arrangements for the street system in relation to the busway. I have instructed my officers to again discuss this matter with the Lincoln Borthwick Memorial Kindergarten Committee, and those discussions are being reviewed. Thirdly, my officers assure me that the north-east busway will provide almost twice as many road overbridges in the Campbelltown area as under the previous Government's proposed l.r.t. scheme.

BRIGHTON HIGH SCHOOL

Mr MATHWIN: Will the Minister of Public Works inform the House of any progress in relation to the redevelopment of the Brighton High School? The Minister would be well aware of the many representations that I have made both to this Government and to the previous Labor Government ever since this school was included in my district following the redistribution of boundaries. The Minister would also be aware that my predecessor, the Hon. Hugh Hudson, when he was the member for the area, also strove very hard to have the Brighton High School redeveloped. His efforts were to no avail, even to his own Government. The Minister would also be aware of the conditions at Brighton High School and the need for redevelopment. I ask the Minister whether any progress has been made.

The Hon. D.C. BROWN: Yes, progress has been made. The Education Department has carried out an area survey to assess the capacity of the school based on existing accommodation. From this survey, a brief has been prepared to provide for a school enrolment of approximately 1 050 students. Two meetings have also been held between the Public Buildings Department team working on redevelopment programmes and the school principal and a school council representative to discuss the prepared brief and the detailed matters of the school's operation. A preliminary concept plan for discussion is anticipated to be available within the next two weeks. The school council has not yet made a submission on funding for the activity hall on the basis of the redevelopment plan, which has not yet been finalised. However, I understand that such a submission will be made once a position for the hall has been determined.

The Government has agreed to finish the redevelopment plan by the end of December 1982. In addition, funds will be provided to enable construction of the redevelopment programme to commence within the next three-year period. This programme will take place in stage development (in other words, in a series of stages). The undertaking I have just given for work to start within the next three years is for the first stage of that programme. What exactly goes into the various stages of the programme will depend on the final redevelopment programme.

I appreciate the extent to which the honourable member has put forward a very strong case urging the need for redevelopment of this school. In fact, because of the representations that he has made, a reassessment of the school has been made in terms of its priority compared to other schools. I think it is fair to say that the honourable member has put forward such a powerful argument that he has convinced the Education Department and the Public Buildings Department that perhaps the school is in a worse condition than originally anticipated. Therefore, I am able to indicate that work will take place. I hope the honourable member will take that information back to the school council.

IRON TRIANGLE REPORT

Mr MAX BROWN: Will the Premier immediately release for general information the proposed investment propositions contained within the Iron Triangle Report? The Premier stated on page 270 of *Hansard*, as follows:

There is a future achievable if people are prepared to work.

The Premier is referring to work propositions apparently contained in the Iron Triangle Report. With the latest announced downturn in the Whyalla steelworks, certainly any achieveable future for the Whyalla work force would be welcome, but that work force needs to know about the proposed investment propositions.

The Hon. D.O. TONKIN: It would be totally improper for me to go into any details in relation to negotiations currently taking place with potential investors and developers in the Whyalla or Iron Triangle areas until those negotiations have progressed to a stage where they can be properly announced. Nevertheless, I believe that some matters should be emphasised yet again for the benefit of the honourable member. I do know that he seems to be rather more concerned about the impact of existing projects and announced projects on the people of his area, as is the member for Eyre who represents some of the Whyalla area. He is a great deal more concerned than the member for Stuart who, I understand, is in great disfavour with people in his area at the present time.

I refer to the Roxby Downs project, which the Labor Party voted against in this Parliament. We know that Roxby Downs will create a steady increase in employment. Jobs will inevitably flow down to Whyalla and the Iron Triangle area through service industries and, ultimately, into the steel industry. A great deal of steel fabrication and mining equipment will have to be manufactured. That will considerably help to stimulate the economy of the Iron Triangle. The Cooper Basin scheme, with its pipeline from the Cooper Basin to Stony Point, is already responsible for the peak employment of some 1 500 people, as I have told the honourable member before. In fact, I think I answered a detailed question from him only recently on that matter. That project involves a good deal of work on the wharf at the new harbor, on the pipeline itself, on storage tanks and on other work around the entire Stony Point terminal, not to mention the multi-million dollars worth of investment and construction going into the field at the Cooper Basin. That all has a significant effect—

Mr Max Brown: There have still been 1 500 jobs lost.

The Hon. D.O. TONKIN: It would have been a miserable state of affairs if there had not been alternatives to those jobs which, admittedly, have been lost. However, if the Labor Party had been going on with the policies it was showing in its last years in office, all those jobs would have been lost with nothing to replace them. That is something

which I believe members opposite should keep in mind very firmly. I simply make the point that those two projects alone inevitably will keep on expanding, creating more employment and more security for people in South Australia because of the income that they will generate. Those two projects alone will considerably benefit the people of the Iron Triangle area.

CITY LOOP BUS

MR BECKER: Will the Minister of Transport have the city loop bus route indicator number changed from 99C? I understand that visitors to Adelaide interpret that number to be the fare. Because of such confusion very few people use it. Will the Minister immediately arrange to have some signs placed on City Loop buses to indicate that it is a free bus, because it is a valuable commuter? Will the Minister have the number changed so as to avoid confusion?

The Hon. M.M. WILSON: I thank the member for Hanson for his question. Certainly the instigation of the City Loop service was a valuable initiative of this Government and one which should be continued. Of course, it links the Adelaide railway station with the Royal Adelaide Hospital and the central bus depot, and it is a valuable service (especially as it is free) to the people of the city and to interstate tourists.

I think it would be tragic if a lot of interstate tourists who see '99C' on the front of the bus were to think that that was the price that we charge. In fact, that would be the dearest price we charge for public transport in the whole metropolitan area. I will certainly look at the suggestion of the honourable member. The City Loop bus has been reasonably well patronised: it is not a failure, as the honourable member seemed to imply; in fact, I have had nothing but good reports of the service and requests that the Government retain it.

BREAKWATER LIGHTS

Mr PETERSON: Can the Minister of Marine say whether the navigation lights marking the Glenelg breakwater were operating at the intensities shown on the appropriate charts and visible in accordance with those charts on the night of Thursday 26 August 1982, the night the m.v. *Hydroflite 33* struck the breakwater? The Department of Marine and Harbors has held a preliminary inquiry into the grounding of the *Hydroflite* on the breakwater which resulted in the Minister withdrawing recognition of the then Master's certificate of competence. The owner of the vessel has submitted a letter which, in part, states:

> He [the captain] was involved in a mishap at Glenelg, South Australia, on the night of 26 August, when lights at the entrance were indiscernible. I have since checked these lights with another Master and have found the lights impossible to pick out. I therefore completely exonerate Mr Toon from any blame as far as I am concerned.

The replacement Master has also put in a submission which, in part, states:

> After Mr Toon's unfortunate mishap I did take the vessel back into Glenelg and I found that much shore lighting affected the visibility of the reef lights. The owner was on board at this particular time and I advised him that I would not take the boat in again under these conditions.

As these statements substantiate the claim that the lights were not operating clearly, will the Minister clarify the situation?

The Hon. M.M. WILSON: The honourable member mentioned the results of the preliminary inquiry into the *Hydroflite* accident at Glenelg. To answer the question I would have to release the results of that preliminary inquiry, and I do not think I should do that. The honourable member might be surprised at some of the findings. On the question of the lighting on the breakwater at Glenelg, I think I promised the honourable member or another member some weeks ago that I would have my department check the visibility of those lights on the breakwater. I understand that an inspection was done by the Department of Marine and Harbors on about 6 October. My departmental officers assure me that the lights are clearly distinguishable. Certainly there is background illumination but, as the member for Semaphore will know better than most members of this House, background illumination is a problem with all offshore beacons of this nature. However, I am assured that the lights are clearly distinguishable. Possibly improvements could be made to cut out the background illumination, but that could not be put down as being the reason for the *Hydroflite* accident referred to by the honourable member. I hope that reassures him.

As I have said, my officers assure me that the lights are discernible. I will see whether we can improve the situation in regard to background illumination, but up to the point of the *Hydroflite* accident and the two letters that the honourable member has mentioned, the department had had no complaints whatever about the illumination of the beacons on the Glenelg breakwater.

O'BAHN BUS

Dr BILLARD: Have the Minister of Transport's departmental officers had a chance to analyse public reaction to the display at the Royal Show of the first prototype O'Bahn bus and, if so, what were the results of that analysis?

The Hon. M.M. WILSON: It so happens that I have a document containing a report from my officers about the success of the display of the first prototype O'Bahn bus at the Royal Show. I am sure that the member for Newland will be more interested than are most members in this House, apart from perhaps the member for Todd, in the results of those deliberations.

The report says that it is estimated that 10 000 to 15 000 people passed through the bus daily, which gives a total of between 80 000 and 100 000 people for the duration of the Royal Show. That pleases me, because it has given the South Australian public a chance to see how the system works and, although it was only a static display, it gave people a chance to see how the system works and how flexible and simple it is.

I am glad to see the member for Price showing great interest in my answer, because he is one of the fortunate members of this House who have had a chance to ride on the O'Bahn system in Essen in Germany. Among the comments we received was the suggestion that people perceived this as being more spacious, with more room between the seats and greater headroom. That is a tribute to the designers, because the O'Bahn buses are 2.5 metres wide, compared to the present width of most S.T.A. buses, which is 2.6 metres. I hasten to add that I hope all future buses bought by the S.T.A. will be 2.5 metres wide.

The comments about the bus being more spacious seemed to be in response to the 'slim line' seats and the subdued colours chosen for internal bus appointments. Many people remarked about the 'pretty' colours of the seats, and that is a tribute to Onkaparinga, because we will be using Onkaparinga wool as the covering for the seats in the O'Bahn buses. I am glad, as I am sure is the Minister of Mines and Energy, that such an important organisation in his district will be supplying the covers for the seats. Of those who sat in the bus, many remarked about how comfortable and

supportive the seats were. I add that the design of the seats was especially commissioned by the Government as a first in the world in this type of seating and, although the seats are still in the prototype stage, I believe that the comfort will be unsurpassed for travel between Tea Tree Gully and the city.

Many people remarked about the four pairs of seats at the back which were facing each other. They saw this as desirable for 'chatting with the person sitting opposite'. Many commented on the desirability of the double-width doors for more efficient entry and exit of passengers, particularly in the context of alighting from the bus via the front door. Similarly, the passenger entry gate was well received and many people, including many S.T.A. drivers, stated that this was a good idea. I should add here that the design of the prototype bus and discussions as to what improvements could be made to it will be done in conjunction with a special committee of the Bus and Tramways Union, with whom we are consulting on this matter.

Several people remarked that it was good to see lower steps into the buses and that the handrails in the doorways are a very good idea and much safer for passengers who are unsure on their feet. Those comments usually came from elderly people. Most people were impressed with the electronic destination signs, which this Government has reintroduced on all new buses purchased by the State Transport Authority, and which has been a very popular move with South Australians. Of course, many people commented favourably about the cooling system, and other features.

However, what most impressed my officers were some of the constructive suggestions made for alterations. I reiterate that this is a prototype bus which was built for this purpose, so that people could comment on it. I note that the bus is at Tea Tree Plaza this week. I am happy that people in the north-eastern area who missed it at the Royal Show can see it and comment on it. A number of people made constructive suggestions about more storage area for pushers, and the like, and about making an area available for a sleeping child in a pusher. Others commented about attachments to the outside of the bus for storage of pushers and strollers, and on attaching a number of leather hand straps, and similar items. All those suggestions were reported by my officers and will be used when decisions are made on the prototype bus and new orders.

At 3.15 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

TEACHER DEVELOPMENT

Mr LYNN ARNOLD (Salisbury): I move:

> That this House urges the Minister of Education to accept the correlation of the professional development of teachers, the level of curriculum development achieved in the State's schools, and the chance for successful educational attainment by the students of this State.

I move this motion against a background of erosion in curriculum support by the present Government. From information provided by the Minister of Education, in answer to a Question on Notice that I asked, we find that, since 1979, 96.7 advisory positions have been dispensed with within the Education Department. We also find that in a number of other ways curriculum support for schools has been eroded. Circumstances have made it more difficult for classroom teachers to have access to curriculum materials. Generally, there appears to be evidence that the present Minister does not appreciate the fact that curriculum development is not some exotic enterprise occupying the leisure time of certain people, but rather that it has a direct connection with the capacity of students in this State to learn.

In the community a number of people have commented about the quality of the education system, tying that in with such phrases as 'Get back to basics', 'Bring back the three Rs', and the like. One of the things that must apply in this area, if people are concerned about the quality of curricula being taught in schools, surely is the development of that curricula. It is not sufficient just to say that what is being taught at the moment is inadequate, that the methodologies being used at the moment are not working, or that the content of the curriculum does not go far enough. That is not adequate at all.

The real question is not how jingoistic the phrases can be in commenting about what is going on in schools, but rather what can we do to improve any short-falls presently taking place in the education system. I do not believe, as I do not believe anyone seriously concerned with education could believe, that one reaches a stage of static achievement; that is to say that one can reach a ceiling of perfection in the development of an education system. I do not believe that that is possible. We will always discover new areas where improvements can be made in the curriculum and in the way in which the curriculum is applied. Of course, it will change from time to time. What may be a suitable curriculum in one era may be entirely inappropriate in another era, because circumstances in society at large will have changed.

So that curriculum development, of necessity, must be dynamic rather than static. There must always be the attempt to re-examine what we are teaching our students, overhaul that curriculum, making sure that it is at the greatest degree of relevance and usefulness that we can achieve. That is not done by saying in a simple phrase that that is what ought to be; rather, it is done by making support available to people in the education system to ensure that that can happen. Such support is not simply by means of curriculum development. It also revolves around questions of professional development of teachers within the system.

We have to acknowledge that South Australia, for one reason or another, has a pre-service training record of teachers on the whole behind the national average. The Colleges of Advanced Education Council to the Tertiary Education Commission discovered, when analysing the number of teachers in this State who had done two years or less pre-service teacher training, that South Australia was second only to Queensland, near the bottom of the list. That is to say that, with the exception of Queensland, we had the highest number of teachers working within our education system who had had two years or less teacher training.

Of course, educational thought presently suggests that three or four years is the better period of training needed by teachers. That is not simply to say that teachers in our system are not coping with the job because they may have had only two years pre-service training. Many of those teachers, of course, have learnt in the field. They have learnt, since they came into the Education Department, lessons about education that they would have learnt had they stayed on at teacher training college, as it then was, for an extra year or two years.

But, it does make the point that professional development is necessary at different stages of teacher training, not just pre-service, but also in-service, once they have been employed by the Education Department. There has been in this regard an erosion of the allocation of moneys to in-service course work in the State education system, matched, it must be admitted, by some cuts in Commonwealth funding in this

same area. Nevertheless, I am not putting a proposition that teacher professional development is a nice thing if we can get it, rather that it is one of those critical elements that will determine many other things within our education system, the most important one of all being the success that will be achieved by the students within the system. Because that of course comes down to being the most important function of the education system. It is not there for the sake of the buildings, the teachers who work within them, or administrators who administer the Education Department; it is there for the students within the system. Anything that is being done must somehow relate back to that.

Professional development, of course, also incorporates a number of other features, rather than just in-service conference work or pre-service training. We know that the national inquiry into teacher education, also known as the Auchmuty inquiry, recommended an extension of study leave proposals to teachers within the education system. Study leave schemes already exist in the tertiary education sector. Auchmuty suggested that there would be great merit in having it extended into secondary and primary education arenas.

The proposition put forward in that inquiry was that, after seven years of service, teachers should be able to apply for one term study leave or one-third time off over a full year; in other words, they would be teaching a .66 appointment and be studying for a .34 appointment. Understandably, that proposition would be very expensive if applied to all teachers across the State, but it was generated out of the findings of that report that there is a need for not just the occasional in-service conference in a teacher's working life, but also some periods of more intensive study to update their skills or to perhaps move into other areas that they previously had not been involved in.

It is interesting to note now that this inquiry has been released (indeed, it was released in 1980), that already one State Government has indicated a commitment towards implementing that recommendation; the Government of Victoria indicated that it would be doing so. I acknowledge that I do not believe that it is within the financial capacity of this State for any Party to indicate that we could introduce such a scheme in total here (in other words, for all teachers), but I think that we have an obligation to examine the findings of that inquiry, find at what point we can implement its recommendations in full, and analyse to what extent we can partially implement some of its recommendations. I might also make the point that the one recommendation that I have referred to is just one of a whole series contained in that report.

Another area of more intensive in-service education that could be referred to is that which the Australian Council of Educational Research recommended in (I think) 1981 should be provided to new teachers coming into the service. We have, I believe, tended to overlook problems faced by new teachers coming into the education service in recent years, because there have not been that many of them. Because they therefore are relatively fewer in numbers, we have allowed them to slip to the back of our minds. In fact, despite their relative weakness in numbers, individually each of those teachers would face no less of the problems that come from newly entering the service than would have been faced by previous newly employed teachers in years gone by.

We know that there are some very high loss rates to teaching as a result of bad experiences or incapacity to cope in the first one or two years of teaching, and much of that loss could be made good by implementing the recommendations of the A.C.E.R. on teacher induction. I make the point not only that it would improve the effectiveness of those teachers for the rest of their teaching careers, but that it also would result in less potential damage to the students whom those new teachers confront or face in their first year or two years of teaching.

It is of concern to me, for example, that over the years we have forgotten that new teachers in the service are teaching students, and those students are being affected, either positively or negatively, by the capacity of that teacher to teach. If we are throwing a new teacher in without proper in-service support, proper induction opportunities, the biggest losers again are not so much the individual teacher but the students who will be taught by that teacher. One year's lost work from a teacher who may not be coping in a first year of teaching and may not be given the support that he or she needs could result in a lifetime of lost opportunities for that student. I am sure that anyone in this House who has been involved in education will know of examples of newly appointed teachers who have had a great deal of trouble coping and who were not given support, and one may have wondered what may have happened to the students who were taught by them.

Mr Glazbrook: Do you think one more year would give them that additional experience?

Mr LYNN ARNOLD: I am not suggesting one more year of their pre-service necessarily. In fact, I think all new appointees would have three years of pre-service training, anyway. When they enter schools and are actually in the classroom in front of the blackboard, teaching students, they should at that same time be given induction opportunities into education, so that their teaching load should be somewhat lighter, so that they can be worked through many of the difficulties that they will face in those first terms of their teaching careers. At that time the relevance of what they are being taught is naturally much greater, because they can relate the problems that they are actually facing in the classroom with the comments and assistance being provided in the induction courses in which they are participating.

Mr Lewis: Why not have psychological aptitude testing before they even go into the C.A.E.?

Mr LYNN ARNOLD: I do not know that psychological aptitude testing is necessarily going to get us the best teacher quality because it largely depends upon the design of the psychological aptitude tests, and that depends upon what we believe to be the imperatives behind the education system. I also believe that a large number of personal traits may not come up adequately enough in such testing. I think we can all cite examples of newly appointed teachers who have fared badly in their first year, but who finally made the grade and went on to become in some cases excellent teachers. I am not certain that that future potential could always have been determined by psychological aptitude testing.

Mr Glazbrook: It worked in Canada.

Mr LYNN ARNOLD: Systems may work, but whether they work for the benefit of students is another thing. I do not believe that it is necessarily true that Canadian systems of education are any less subject to problems of varying teacher quality than our system is over here. The other important point is the assistance that could be given to schools to make sure that the curriculum they are using is as relevant as it can be to their students. That is not to say that the only curriculum development that should take place is at the school level. I believe that there should be a happy union of core curriculum development within the Education Department with school-based curriculum development, so that we have a skeleton of curriculum ideas which are fleshed out by teachers working in the field.

Now, there are hazards to school-based curriculum development, one of them, of course, being reinventing the wheel syndrome, as each particular school in the State rediscovers the best ways to teach something. I think we avoid that by trying to design communication systems between schools

and between teachers within a school, so that they know what their colleagues are doing, and there is the free sharing of ideas between teachers within the school and between schools, so that we do not end up all doing the same thing maybe at the same time.

The other point that must be avoided, of course, is that curriculum development can end up being a lengthy exercise in semantics, poring over sheets of paper, dotting lots of 'i's' and crossing lots of 't's' without coming up with a product that is useful in the classroom. They are hazards, but they are hazards that exist with the development of core curriculum within the department as well, but we do not solve or eliminate those problems by simply saying, 'Let us have none of this. Let us just leave it to the innate good sense of teachers in the classroom to know what they ought to teach without giving them any support at all.'

That will not result in a lively education system nor, indeed, a particularly useful education system for the students within it. In South Australia at present there are many exciting examples of curriculum development, both at the school base level and at the central level. I believe that they have held a beacon for other States of Australia. It is not something for which the Government can claim credit, because it has been eroding support for it. However, I do not necessarily believe that in the direct sense it is something for which Governments by themselves can claim credit, because it really does depend upon the quality of those in the employ of the education system as to whether or not it works.

The Hon. M.M. Wilson: I thought that was the responsibility of the Director-General.

Mr LYNN ARNOLD: As the Minister quite rightly points out, of course it is the Director-General who has responsibility for curriculum, but it must be noted that Governments have indicated ideas in the past which have been taken up by the education system. The Director-General, rightly, has control of curriculum, but that does not close off opportunities for the Government to suggest ideas that the Director-General can consider and possibly have developed within the system. Nor does it close the door at the other end, the parent end. If it were only the Director-General who could come up with ideas, that would close off the opportunity for parents to talk with those at their local school and discuss curriculum ideas. I believe that parents have a vital role to play at the school base level and that they should be consulted about what happens with curriculum at the schools with which they are associated. I appreciate that the opportunities for that are constrained in some ways, but I hope that schools will follow the examples already being set and encourage parental involvement in curriculum development at their local school.

Dr Billard: That's happening in many schools now.

Mr LYNN ARNOLD: I know that it is happening in many schools now, but I hope that the idea spreads to other schools. I also hope that we learn a lot about the best ways of developing curriculum. It is simply not a matter of inviting parents into a slide show and saying, 'This is what we teach, don't you think it's great?' Rather, it is a question of an interchange of ideas, of cross-examination, questioning, and analysing what is being done and feeding back comments on what is being done, so that parents can become active participants in that process, and not simply be viewers. They can thus be closer at hand than might presently be the case.

I repeat the point I made originally, namely, that the purpose of all this is to improve the educational attainment of our students in this State. I believe that there is enough evidence showing how important this is to warrant the House passing this motion, in order to remind all of us that we must be prepared to support these developments within the department and in the schools. In other words, we must be prepared to be concerned about the erosion in advisory positions, about the failure to take up suggestions for in-service and pre-service professional development improvements, and the dissemination of curriculum materials to schools.

I point out the dramatic erosion in real terms in the Education Department's printing budget, which is related to curriculum development, because the bulk of the printing department's work concerns the printing of curriculum materials. Members have only to look at the answer to a Question on Notice that I asked about that matter to see how dramatic that erosion has been. I commend the motion to the House, and I hope that in due course it will be supported.

Mr EVANS secured the adjournment of the debate.

EDUCATION BUILDING PROGRAMMES

Mr LYNN ARNOLD (Salisbury): I move:

That this House urges the Minister of Public Works to undertake a study in consultation with the Minister of Education into the penalty costs involved in delaying education building programmes.

I have raised this matter on other occasions, both in this House and by means of correspondence with the Minister of Public Works. In regard to penalty costs, I am referring to the special costs that derive when necessary public works are deferred. I do not take those costs to include the cost of inflation, because in real terms the inflation effect over the period of deferral would probably in all instances be matched by the inflated returns to taxation revenue: therefore, there is no real alteration, no real loss, associated with that.

However, there are other areas where there are very real penalty costs. One has only to examine some of the schools in this State which are in a very poor state of repair but which are being put off year after year in regard to their redevelopment proposals. I know that the member for Mallee must be very concerned about the school at Pinnaroo, in his own area, which has had a very long history of deferrals concerning redevelopment going way back into the early 1960s.

Mr Lewis: Not any more.

Mr LYNN ARNOLD: Finally, 21 years later, a new commitment has been made, and I believe that in the 1983-84 financial year something will be done.

The Hon. M.M. Wilson: They must have a very good member there.

Mr Lewis: It could have something to do with it, but I wouldn't be so immodest as to be able to say it myself.

Mr LYNN ARNOLD: There are many other schools in South Australia that are affected. This afternoon the member for Glenelg asked a question about Brighton High School. He is a local member, who has worked assiduously on behalf of those involved at that school, and I acknowledge also the previous member who represented that area, the Hon. Hugh Hudson, the former member for Brighton. I had the opportunity to attend a public meeting attended by parents of that school. Together with many other people I was invited to that meeting and was amazed at the large number of parents who attended (well over 400). The purpose of the meeting was to discuss the future of that school. The parents and staff of the school very ably argued their case, presenting information to those present, including, of course, Education Department officers.

It was clear from their presentation that that school is in a serious state of disrepair and that urgent action is needed. The longer that repair work is deferred, two categories of

penalty costs arise. One relates to excessive maintenance costs. One has only to look at window frames, woodwork, and the like, to realise the maintenance costs that will be required to keep that school functioning will be much greater than maintenance costs of a school in a better state of repair.

The second category of penalty costs concerns the fact that had action been taken some years ago it is possible that a much smaller programme of development might have been necessary to bring that school up to a satisfactory standard than will now be the case. At this stage nothing short of a major overhaul and major redevelopment will achieve satisfactory improvements for that school. That situation applies to many other schools throughout South Australia. The work that might be required now could simply involve the replacing of windows to stop the rain getting in, but if that work is deferred for, say, five years it might mean that the replacement of the entire building is required because of the rot having set in, which must be considered to be a penalty cost.

I asked the Minister of Public Works whether he would have a study undertaken into the magnitude of the penalty cost problem. His answer was that it was not worth the effort and that it was not going to be done. I believe that it is worth the effort, because we need to spell out to the public of this State what the capital requirements would be if education capital needs were provided for at the time they arose. Tied in with that is giving the public of this State the price tag that they will finally have to pay if those needs are not met when they become due. Then, of course, it is obviously up to the Government of the day and the public to weigh up the cost price tag with the minimum capital demands against the backdrop of the capital funds that are available.

The Hon. M.M. Wilson: You're comparing that with the areas from which the funding would have to be made available. For example, funds would have to come from health, transport or other areas to make up this part of the subsidy.

Mr LYNN ARNOLD: What I am trying to arrive at is a situation of greater knowledge by the Government, by the Parliament and by the public, so that they know the full picture over a period of some years in advance. They then know the facts if they choose, or the Government they elected chooses, not to proceed with what was felt to be the necessary capital works programme for education this year. The penalty cost that will be associated with that might be $X-million, and they are therefore expecting that they will be paying that cost somehow. The maintenance will be there and will have to be paid. Later on, that school will have to be developed at a greater cost and maybe at greater magnitude.

It is really providing better information to the public so that it is not just done in a crisis situation when a school reaches the stage of absolute desperation and, finally, the squeaky-wheel theory will be the only one that will work. If there is some co-ordination of plan regarding the way in which capital needs are being met and that plan is at least publicly observable, this then requires Governments to justify the way in which they make funds available to schools. Obviously, government is about competition for funds between various areas: education, health, transport, etc. By providing that information, that may make it much easier for Governments to make decisions on allocations and for the public to accept the cost implications of those decisions.

Another element of the penalty cost problem I would like the Minister to consider is the cost that may be involved by not taking advantage of the depressed state of the building industry that exists in South Australia at the moment. One would hope that it will get no worse and that it will improve. If it does improve, it will have a negative consequence to the education system. It would have a positive consequence to everything else, but a negative one to the education system inasmuch as there would be less competition, because there would be less demand for work by the builders available to do it, and consequently completion dates would mount up as they are doing now. In other words, by not taking advantage of the state of the building industry at the moment we could be putting extra costs in real terms on the buildings that would need to be completed at some stage.

Capital needs in the education system, as with other areas of Government, are assessable and predictable to a large extent, but they are not needs that simply disappear with a budgetary decision to defer the matter. They still stay there in the background waiting to be attended to and may be getting materially worse the longer they are deferred.

Mr EVANS secured the adjournment of the debate.

STREET TRADERS

Mr EVANS (Fisher): I move:

That by-law No. 10 of the Corporation of Adelaide relating to street traders, made on 5 August 1982 and laid on the table of this House on 10 August 1982, be disallowed.

This regulation relates to street traders, involving flower stalls, book stalls and, in particular, the matter concerning the Subordinate Legislation Committee, namely, the pie cart situated in front of the Adelaide Railway Station on North Terrace. The Subordinate Legislation Committee came to a unanimous decision that this regulation should be disallowed. The committee is fully aware of all the actions taken by the council, through the various regulations. Leaving that aside, however, the committee determined that it should inform the House of its concern in this matter. In fact, both Houses have been informed of that concern and of the proposal to disallow the particular regulations in question. The committee was also aware that the regulations mainly relate to fees and the siting of stalls and that fees could be established under other regulations.

I think the committee would like the House to know that there are two areas that may be of concern to the council if the regulation is disallowed. First, the regulations in question define the areas in which any street stall may operate, and that is more clearly defined by means of a plan. It also introduces sites for some new stalls to operate, one of those sites, of course, being adjacent to the Morphett Street bridge.

Mr Slater: It's operating now on North Terrace.

Mr EVANS: Yes. The Morphett Street bridge site has already been mentioned and that is the most significant position. At the same time as this matter was being considered, the council was examining the fees restricted under the provisions. The hours in which the pie cart in front of the railway station could operate were unlimited, and that business could operate until the early hours of the morning, through to 5 o'clock if the operator so wished. The pie cart provides a service of which many shift workers, tourists and residents of Adelaide avail themselves, whether they desire, say, a quick snack or a pie-floater. As much as some people may regard the pie-floater as a gimmick or a joke, evidence has shown that it has been written about in overseas tourist journals.

One journal had readers numbering some 16 000 000 in the United States. So, the pie-floater is something about which people could write and advise people to sample when visiting Adelaide. At a recent dinner held in honour of the Governor-General and his good wife, His Excellency, in front of many city elders and people who held responsibility in this State, said that the pie-floater was something that he

recognised in South Australia. So, the committee was made even more fully aware that the pie cart, as it was situated, was a tourist attraction. We acknowledge that it is not the only pie cart in Adelaide and that others do exist in other locations.

The committee's attention was also drawn to the Victoria Square site, where the rent was set at $10 200 per annum. The site in front of the Adelaide railway station has its rent set at $6 120, with the Morphett Street bridge site (not having a restriction on hours of 11.30 p.m.) having its rent set at $2 550—significantly less. That operator is guaranteed to be allowed to operate until 4 a.m. to 5 a.m. if he or she so wishes.

So, the committee is aware that, if this regulation is defeated, that operator may not be able to continue unless the Adelaide City Council has a way around it. The committee is also aware that the member for Gilles took up the issue in this House initially, although other members have shown an interest, by talking to the operator of the pie cart (Mr Oram) situated near the railway station site. The member for Gilles deserves the credit for stimulating the public interest, with the support of others, and with attempting to make people (particularly the Adelaide City Council) understand that there would be public and Parliamentary concern if the pie cart at the railway station ceased to operate.

In evidence to us Mr Oram said that, if his hours were restricted to 11.30 p.m., on the first month's trading for those operations he would show a loss of $2 072. Those figures were prepared by his accountant. He is quite definite that that is the loss he would show. So, it is quite obvious that, if the man is going to show a loss for the hours during which he has to operate and with the fees he has to pay, he will have to leave the site. Originally, the Adelaide City Council suggested that he could move from that site to a site on the eastern side of Parliament House at 11.30 p.m. and could continue to operate until a later hour. That is not practical, in the view of the operator, and anyone who looked at it seriously would understand that. The committee's concern was that the fees that this operator is required to pay for the hours during which he would operate make it an unviable proposition.

One of the charters of the committee was to look at existing rights of an individual as established by law. There is no doubt in law that the right had been established in this case for a man to operate a business in a profitable way during certain hours dating back to the 1970s. That he had done, and had continued to do so without causing any great concern to any section of the community. It is fair to say that complaints were lodged against the operation, because it was claimed that it tended to encourage a certain clientele in the early hours of the morning who offended or caused a noise disturbance to residents accommodated nearby. The committee looked at that matter closely and tried to obtain all the evidence it could. We looked at the transcript of evidence made available from the Adelaide City Council in relation to its inquiry which took place some time earlier.

The committee holds the view that that evidence shows quite clearly that the Adelaide City Council's inquiry mainly set out to prove that noise did or did not come from the railway station pie cart. It did not set out to establish whether noise and disturbance was emanating from other business houses on North Terrace or from people passing by. When that evidence was given it included statements that there was noise from traffic taking off in the area, thus disturbing people in properties opposite. We all know that pedestrian lights are located near that site. If a person operates those lights to cross, the stationary traffic would subsequently take off and make some noise with engines revving up. The earlier the hour the less traffic, and the greater would be the echo of the noise in the vicinity, whether or not the pie cart is there.

We also know that if the pie cart is allowed to operate from a site near the Morphett Street bridge there will be a problem with heavy vehicles taking off, as was stated in the evidence. It was also stated that drivers of heavy vehicles stop for refreshments at the pie cart and that such heavy vehicles disturb residents nearby. Anybody who understands heavy vehicles would know that if such a vehicle takes off from the Morphett Street site and heads in an easterly direction going through its gears, its peak point of noise is directly opposite the railway station just as it starts to climb the hill. So, the heavy vehicle argument does not and cannot stand up.

Mr Trainer: It's a 'no standing' area.

Mr EVANS: The police were informed that there was some trouble with people standing illegally in the area. In the main, the evidence we had was that people who supported and patronised the pie cart at the railway station seldom caused any problems through the way they parked. I thank the honourable member for the interjection, although he did not expect that answer of support. I will come to the police evidence later.

The other evidence given, in the main, was about people singing loudly, shouting or frolicking in the area. Where in the world could one go to the tourist end of a city and expect the noise to stop at midnight? I do not believe that there is anywhere in the world that one could visit as a tourist and find such a situation. There is no doubt that the Hindley Street/North Terrace end of the city is the tourist part of Adelaide for nightlife. To suggest that there should be silence after midnight is impossible. When visitors from overseas come here and are not accustomed to limited hours for licensed premises and other facilities and find that at 11.30 p.m. we are closing a pie cart because people might frolick, they think it is a joke, as the member for Gilles suggested. I would like to look at the police evidence in relation to business premises in the area and their surrounding noise. In the period 31 July 1981 to 30 September 1982, it was stated in evidence to us by Superintendent Lockhead that in the vicinity of Patchs Disco (which I believe is now called Cue) there were three offences including disorderly behaviour, three involving offensive behaviour, and two involving failure to quit licensed premises, making a total of seven.

Five offences were detected near the Strathmore Hotel as follows: offensive language, one; drunkenness, two; failure to quit licensed premises, one; and drinking under age, one. Ten offences were detected on other parts of North Terrace, excluding the pie cart area, as follows: disorderly behaviour, two; offensive language, three; and drunkenness, five. Those offences occurred near the location of the pie cart and not towards either East Terrace or West Terrace. Four offences were detected in the area alongside the pie cart, as follows: disorderly behaviour, two; offensive language, one; and drunkenness, one. On North Terrace near the railway station only one offence was committed and that related to offensive language. The offences I have mentioned were detected between the hours of 6 p.m. and 6 a.m.

In the area 27 offences were detected, only four of which were committed near the pie cart. The committee asked for evidence from some of the business houses in the area. We invited people from the Gateway to give evidence, but they said that they were not interested because the pie cart did not cause them concern—it did not matter to them at all. A gentleman from the Grosvenor Hotel gave evidence and said that some concern had been expressed by his patrons, but he would not object if the pie cart operated until 1 a.m. instead of 11.30 p.m. People from the S.T.A. expressed a similar view. However, they were not keen to have the pie

cart on the eastern side of the Adelaide railway station, because they have some difficulty with people using that side of the building as a toilet and for other activities, which cause problems for the officers who have to police and clean that area.

The point was made that perhaps these problems do not occur on the North Terrace side of the railway station because that is where the pie cart is located and patrons could possibly witness any improper activities. It was also agreed that in the long term the S.T.A. should look into providing better lighting in this area; that would probably solve many of the problems. Further, if the S.T.A. is not going to allow traders to open at night in the railway station, as in most city railway stations throughout the world, it might be wise to think about providing a gate to stop access to the railway station after a certain time. The discussions with the S.T.A. officers were amiable. They said that they did not want to put the pie cart out of business.

The representative from the Strathmore Hotel said that he was not keen to see the pie cart open after 12.30 a.m. He said that he was reluctant, but he would accept 12.30 a.m. as being a suitable closing time. All in all, the committee took great pains to obtain all the available evidence. The member for Gilles has already used some of that evidence, which was either made available to him by the committee or at a later stage through the Parliament, and he has expressed the concern of many people who fear that the pie cart will be lost.

The committee also spoke to Local Government Association officers who agreed that they would try to reach a compromise. A compromise was also sought with the Adelaide City Council. However, we were informed that the council is not prepared to accept a compromise. The council believes that the evidence it has gathered justifies the closure of the pie cart at the Adelaide railway station site at 11.30 p.m. The committee is disappointed that, after all of its attempts to solve the problem, that was not possible. However, the committee concluded that the Government can do one of two things. First, it could take over the control of that area of North Terrace on which the pie cart is located, as it has done with that area of North Terrace in front of Parliament House. A Government department could control the site and collect the rent for it. That is a precedent that the Government may not want to set, but it would mean the retention of a tourist attraction and something that is vital to the heart of the city, as the committee believes it is.

The other action would be more difficult because of the S.T.A. responsibilities in this area. The pie cart could be moved to the eastern side of the Adelaide railway station to Railway Road. However, that would cause some problems with traffic. I believe that that road is already under the control of the Minister through the S.T.A. The committee was reluctant to recommend that course of action. The committee did not have any deep discussions about that proposal because it could cause problems for the S.T.A. in trying to control activities around the area.

The committee is not anxious to recommend the disallowance of local government regulations in relation to the activities of traders in a particular part of the city. However, the committee believes that there has been an indication of the council's determination to make it difficult for the pie cart to operate in front of the railway station. The council will allow a pie cart to operate in Morphett Street, but that site will cause nearly as many hassles for business people on North Terrace and it might not be as profitable as the railway station site.

Evidence provided by the police showed quite clearly that there has been a recent trend for people who tend to celebrate by drinking alcohol or taking some other stimulant which gets them a bit excited and boisterous to leave the Hindley Street area and head through the Adelaide railway station to the Torrens River and sometimes to the Festival Theatre plaza. According to the police, the problems do not occur near the pie cart and along North Terrace. There have been one or two occasions when people who have been attending the Festival Theatre or who have been in the area on lawful business have been assaulted by a boisterous group of people who have come from the Hindley Street area.

We are also conscious of the fact that opposite the pie cart there are several licensed premises, some of which operate until the early hours of the morning. We were amazed that no-one had set out to try to establish how much of the noisy element that was claimed to be in the area in the early hours of the morning originated from those licensed premises in the area or from premises further afield. The problem is not caused by the pie cart; it is a behavioural problem of a certain element that will frequent the tourist areas of a city.

By closing at 11.30 p.m. the present pie cart operator is limited to 57 per cent of what was his normal turnover. We believe that the last 43 per cent of turnover is essential for this business to make a profit. The pie cart operator has been reduced to 57 per cent of his usual turnover, but he must still pay the same overheads and other costs. From that point on, the percentage of profit as against turnover increases. For that reason, the committee is convinced that a right established by law is being seriously affected by the fees that the operator has to pay, as against the hours to which he has been restricted. The committee asks the House to disallow the regulations on that basis.

Mr McRAE (Playford): I support the honourable member and congratulate him for his excellent analysis of the committee's deliberations. In supporting the Chairman of the committee, I shall be brief, and indicate that I share his concern for Mr Oram. It is bad news indeed when, in the circumstances outlined by the Chairman, a person's livelihood can be placed in jeopardy like this. I am amazed at the implacability, lack of tolerance and lack of fairness being shown by the Adelaide City Council. It seems to be a very bloody-minded attitude indeed. The fact is that the initial inquiry was nowhere near as thorough as the Committee's inquiry. We established proper evidence through the police. As mentioned by the Chairman, we established that the people mainly affected, namely, those at the Grosvenor Hotel, were prepared, as soon as they found out that the situation was as serious as we explained to them, to show tolerance. After all, it is the Grosvenor Hotel that is directly affected. The Grosvenor's manager was prepared to show tolerance and say, 'I don't like the idea very much, but I am in the business of looking for a compromise; I am not in the business of taking somebody's livelihood away from him.'

Likewise, the S.T.A. officers, although not happy with the situation, once it was explained to them said, 'Well, if that is the case we are not in the business of taking somebody's livelihood away from him.' Even the gentleman from the Strathmore, who was least of all impressed in his own view of the pie cart, showed this tolerance (at least to the degree of, I think, 12.30 a.m.). When one considers that, and the reasonable request put to council, in view of all this new evidence, it was not a question of going against the jury's verdict; it was a question of the jury (the council) revising its verdict in the light of new evidence. It was not a question of the council being treated discourteously by the committee. Far from it, because the council was treated extremely courteously at all times. As the Chairman said, the committee is not in the business of antagonising or stepping on local government authorities. On the contrary, the committee

went to considerable lengths, and the Chairman played a leading role, in achieving an understanding with the Local Government Association and with the Adelaide City Council.

However, it seems that the Adelaide City Council is quite implacable on this area and simply will not move, no matter how strong the evidence. In those circumstances, which are quite unprecedented, it is clear that Mr Oram has not been given natural justice and that the committee is left with no alternative but to make a recommendation to Parliament in the terms authorised by the Chairman. I call upon the Government to resolve this situation by taking urgent steps to place the land immediately in front of the railway station under its control.

I will not enter into the tourist question, because that is not my field; that aspect was well covered by the Chairman. I understand that the member for Gilles dealt with this question in his speech. I am alarmed that a person's livelihood can be dealt with in such a cavalier fashion. The Minister who is closely involved with all this has been present in the Chamber throughout this debate. I hope that a swift report is presented to Cabinet recommending that positive steps be taken.

Mr GLAZBROOK (Brighton): I do not wish to delay proceedings too long. I add my support to the members for Fisher and Playford. As a member of the committee, I appreciated hearing the evidence given and also being able to question those people who have shown a great deal of interest in the location of the pie cart. Several witnesses expressed a lot of concern about certain members of the public who relieved themselves in the vicinity of the pie cart facilities, in areas around the railway station and, indeed, around this building. I was surprised to discover that there are no public conveniences in the area between Hindley Street and the river.

Of course, anyone caught in that predicament late at night is likely to look for a secluded or dark area. It seems to me that many of the complaints made by some of the S.T.A. patrol officers were based on this unsavoury practice. They have to do the cleaning up in the mornings. I appreciate their concern. However, they believed that the people responsible were visiting the pie cart. I think it is reasonable to assume that many of the problems around the pie cart area have really been caused by people from places such as Hindley Street on their way to the banks of the Torrens River. It is obvious that the main track from Hindley Street is through the railway station concourse, across the Festival Theatre Plaza to the embankment.

The S.T.A. officers indicated that they are seriously considering the question of security around the railway station and the erection of gates and lighting. I believe that would go a long way towards solving the problem in this area. However, this debate raises an interesting point. If areas are set aside for pie carts and sidewalk restaurants, the council, in its wisdom, must be prepared to spend money to provide adequate public conveniences. We are trying to build a very solid tourist image and industry, yet we have few public conveniences.

An honourable member: You could carry your own can.

Mr GLAZBROOK: The honourable member has indicated one solution, but we must realise that visitors to South Australia and people coming from the suburbs to the city for entertainment are entitled to some consideration. The committee discussed this possibility with S.T.A. officers. They pointed out that they could not open their public conveniences for 24 hours a day because of their location. That is understandable, and it indicates that the pie cart *per se* is not the main cause of the problem. The problem is created by the people who travel from Hindley Street through to the Torrens River.

I am concerned that this issue, which seems to be so trivial, has attracted a lot of concern from the public. We seem to be spending a lot of time trying to find a solution to what should have been an easy problem. However, the city council seems to be quite immovable in relation to this issue. The committee believes that the council accepted incomplete evidence and that it did not canvass enough people to build a true picture of the particular problem. Unfortunately, the council has almost reduced this question to a petty issue. I think the situation would be best resolved by accepting the committee's initial proposal, which was accepted by the original complainants. I believe that Adelaide would be better served if that recommendation was accepted. I hope that the public airing of this debate in the Chamber, by the media and concerned members of the public will convince the city elders that they are wrong in this particular regard, that they should not be inflexible, that they should reconsider their recent resolution and move to rescind it, and accept the proposal put forward as a reasonable and acceptable alternative. Having said those few words, I urge the House to accept the motion.

Mr SLATER (Gilles): I support the motion and I compliment the Chairman and members of the Subordinate Legislation Committee for bringing this matter to the attention of the House. I congratulate them for the assiduous way in which they have investigated and taken evidence on this matter. When I first raised this matter in Parliament, by way of question and petition, I believe that it was not taken seriously. However, now some members are treating it seriously, although to many members of the Parliament it may not be a serious matter. I believe it is a serious matter because a principle is involved, that is, the proprietor of the pie cart has been denied natural justice.

I believe that the complaints from business people on North Terrace were unsubstantiated and, indeed, unjustified. The evidence presented to the Subordinate Legislation Committee compounds that particular theory, because it indicates that the majority of complaints referred to the police are not related to the pie cart; they are related to other establishments. I point out that most of the people who patronise the pie cart late at night have come from other premises where they have consumed alcoholic refreshment, either in a hotel or a licensed club. Consequently, the proprietor of the pie cart was getting the blame for the incidents that occurred in that particular area. I believe that the comments from the Chairman of the Subordinate Legislation Committee this afternoon cover the situation extremely well. There are one or two points that I would like to stress.

First, I do not think that the hours proposed as a compromise, that is, from 6 o'clock to 1 a.m., are much of a compromise. In fact, as the Chairman said this afternoon, 43 per cent of the pie cart's business is conducted after 11.30 p.m. We do not know what proportion is conducted between 11.30 and 1 o'clock. It may be that, even with 1 o'clock closing, the pie cart is still not viable enough to allow him to continue. Therefore, it is not much of a compromise, considering all the circumstances. I am not entirely pleased with the proposed solution, but it is the best position that we can establish at the present time. This particular operation relies very strongly on the passing trade, people passing by. Of course, it used to be open until all hours of the morning and patrons could take advantage of that situation.

There are many establishments in the Hindley Street and North Terrace area which are open until all hours of the morning. It could be suggested that, if the pie cart is going to be penalised and closed at 11.30 or 1 o'clock, those other establishments ought to close as well. If it is good enough for one, it is good enough for all, but no-one will seriously

advocate that. I point out that the Adelaide City Council, in its wisdom or otherwise, has allowed another operator to open a food stall. I do not think that he sells the same type of produce as the pie cart; I believe he sells hamburgers or something of that nature.

I ask the Minister of Transport to note that the van in Morphett Street, which has been operating for the past couple of weeks, is in an accident area. The traffic moves much more quickly at that end of North Terrace. There are no pedestrian lights, and it is quite possible that a pedestrian could be involved in an accident in that particular vicinity. I think that area is particularly dangerous. I do not think that the Adelaide City Council should have allocated that area, because I believe it is highly susceptible to traffic accidents. In addition, as has been mentioned this afternoon, this particular enterprise is permitted to open until 6 o'clock in the morning. I think that that is most unfair.

The compromise that has been suggested is unfair, but it is probably better than nothing. I hope that the Government adopts the suggestion made in regard to the S.T.A. assuming responsibility for that section of the roadway; no doubt it would be more amenable than the Adelaide City Council has been. It has been said, and I think it is worthy of repetition, that the pie cart has served the public of South Australia for many years. There is no doubt that no matter what establishment is open in this area late at night, there will be problems from time to time. However, it is the prerogative of the authorities to ensure that incidents are controlled or eliminated. I do not think we can blame the proprietor of the pie cart for being responsible for the misbehaviour of some of his patrons.

I believe that the proprietor has been rather badly treated, and that indeed, he has been harassed by the Adelaide City Council over a number of years. For some time there have been moves to have the pie cart relocated. Some two or three years ago there was a proposal for the operator to occupy a stand in King William Road, but it never came to fruition. Now there has been a proposal to reduce his hours of operation and treble his fees. That is the matter about which we are concerned at the moment.

I would hope the matter could be resolved for all parties concerned, particularly for the proprietor of the pie cart. He is a small business man who employs both casual and full-time labour. Some of his staff have been retrenched because of his reduced hours of operation. Although the number of people he employs is not a large employment factor, any employment opportunities provide a means for people to earn a living or to supplement their income. The livelihood of the proprietor is at risk, and, as I mentioned previously and as was mentioned by the Chairman of the Subordinate Legislation Committee, the loss of $2 000 a month cannot be sustained for any length of time. Part of the exercise by the Adelaide City Council has been to put the proprietor in a situation of having to finally decide that he cannot continue his operation, which I think is most unjust, unfair, and a miscarriage of justice. I hope the House supports the motion.

Motion carried.

TEAS SCHEME

Adjourned debate on motion of Mr Lynn Arnold:

That this House calls on the Government to convey the concern of the House to the Federal Government at its failure to provide realistic levels of assistance to tertiary students through the TEAS scheme; and expresses its opposition to the proposal to reintroduce fees for some categories of tertiary students and to the proposal to introduce a loan scheme as a replacement for the TEAS scheme.

(Continued from 6 October. Page 1233.)

Mr LYNN ARNOLD (Salisbury): Last week I sought leave to continue my remarks because of the pressure of business that the House was facing then, but again this afternoon we are facing pressure of business, and so I will endeavour to be as brief as possible in concluding my remarks. The matter of the TEAS scheme and the loan proposition has been well documented in the press. There has been a significant amount of opposition from various quarters concerning the proposals. I want to outline some information, first, about the erosion in the TEAS scheme, and, secondly, about the loans scheme that has now come to light.

Information was forwarded to me by the parents of two students studying at the South Australian College of Advanced Education. They have another child who, they hope, will go to the college within two years. They pointed out to me the facts of the financial problems they are facing in trying to provide their children with a better educational deal, trying to encourage them to go on to tertiary education. They were not eligible for the full level of TEAS assistance, as outlined in the brochures, and they point out that their combined income precludes their children from receiving assistance. However, that does not mean that the children are not going through financial difficulties in attempting to complete their education. Indeed, the parents involved are having to face the very real prospect of their third child simply not being able to go on to tertiary studies. They point out that not only is there inadequate assistance available from the Tertiary Education Assistance Scheme but also that the tax claim that they can make for their children is entirely inadequate, amounting to only $250 a child. Indeed, it has been many years since that figure was raised. Given the obvious costs involved in tertiary education, there could well be a sound argument for having that figure increased, at least for tertiary students, perhaps.

The other proposition put to me by my constituents was that, if there was not to be increased support under the TEAS scheme, why could not the total cost of educating a child at the tertiary level be made tax deductible; in other words, the anomalies that are presently excluding some people in the middle range from receiving support, but who may still need that support, would disappear.

In regard to the Tertiary Education Assistance Scheme, restrictions have been placed progressively over the years on the eligibility of those applying for assistance under that scheme. Just because one is a tertiary student does not necessarily mean that one gets access to that scheme. There are matters concerning the income of parents, and other factors concerned with whether one is living at home or away from home. Yet, of course, there are very real costs involved in bringing up a child, whether that child be at home or not.

The TEAS allocation in 1982-83 in real terms was cut by 4.7 per cent over the allocation that applied in the previous year. In fact, even though there was a monetary increase in the allocation, the TEAS allocation is still much lower in real terms than when it was first introduced. In fact, the figure applying for 1982-83 makes it at the second lowest level in real terms ever. It is not as though we are talking about significant amounts of money, or that the TEAS allowance offers the gravy train to students: indeed, it does not. The amount paid is only $49.67 a week. I repeat the point that not every student is eligible for the assistance scheme. Figures available suggest that only 38 per cent of students at the tertiary level receive any assistance at all, and that that $49.67 figure is a maximum figure, so many receive significantly less than that amount. It has been suggested by the Federal Government razor gang and others that the erosion in the real value of the TEAS scheme can

be matched by the introduction of a loans scheme giving access to all to borrow money to pay for their education.

Let us look at some of the details of that scheme. As outlined in this year's Federal Budget, it is envisaged that students will be able to borrow a minimum of $500, and a maximum of $1 000 a year from banks that participate in the scheme. Over their entire period of studying students would be able to borrow $8 000. The rate of interest is to be partly subsidised by the Government. There will be a Government subsidy of 5 per cent, but given the fact that the rate of interest applying at banks is something of the order of 14.5 per cent, that leaves 9.5 per cent that must be paid by students.

That will go on to their loan and they will have to pay that at the end of their studies. In fact, unlike schemes that apply overseas, the taxi-meter approach applies. The money keeps on piling on to the outstanding loan until loans have been repaid. Naturally, one can understand the point of view of the banks that they would not have it any other way. They could not be seen as offering cheap money without being subsidised by the Government, but it is the individual student who ends up paying the cost. In loan schemes overseas, Governments accept the responsibility for interest that has accumulated on the loan for the duration of the study time. In fact, when the student is studying in that period the interest is not added on.

Working on the figures of a student who undertook a three-year course and borrowed $2 000, and working on the interest rates that may apply, it has been calculated that, after graduation, a student will have to pay $50 a week for three years to repay the amount borrowed. Fifty dollars a week is a significant amount of money, especially to young people wanting to establish themselves and having to meet the high costs that they may face when first setting out into employment, the high cost of housing, for example, with rents exploding all the time or the high cost of borrowed money to buy a home.

It is not simply the one impost that they will have to face to join the queues, but many other imposts. That works upon the presumption that they can get employment. What happens if they do not go into employment? Overseas examples suggest that such Draconian measures as debt collecting agencies and threat of bankruptcy have been applied in instances to recover money. Names of defaulters are published in newspapers and those who have been employed by the Public Service in some countries have even been dismissed if there has been any default. That introduces a measure or atmosphere into the education area that I do not think would encourage the academic at all.

Yet, despite Draconian measures aimed at recovering loan moneys, there are very high default rates in overseas schemes. The high default rates are linked with very heavy drop-out rates in tertiary education generally. I understand that Denmark, for example, has a drop-out rate of close to 50 per cent, while Canada has a drop-out rate of 40 per cent and America's drop-out rate is somewhat similar. In the United Kingdom, however, where there is much greater access to grants rather than being based on a loan scheme, the dropout rate is only 13 per cent.

The scheme that is being introduced in this country is not unique, because there have been overseas precedents. One would hope, however, that the Federal Government would reconsider its attitude and look again at what is happening overseas. If it did that, it would find that it has not worked successfully and that the Government is really buying itself a financial bag of trouble, causing problems for future students in this country, and therefore having an effect upon the research capacity of the tertiary sector and upon the numbers of skilled people who will be trained by our tertiary sector in the years ahead. The serious economic effects will outweigh the moneys that may be raised.

The other point regarding the TEAS scheme, for example, and the loan scheme, is the very high administration costs that will apply in running these schemes. Indeed, that was one of the reasons why the Council of the University of Adelaide soundly rejected this proposal: they knew that the costs involved would be very significant compared with the potential income available to the Government from the fees to be funded by loans or whatever.

This scheme will have an impact upon the right of women to participate within education. I quote from the leaflet, produced by the women's section of the Australian Union of Students and entitled 'Loans' which states:

> The introduction of a loans scheme will have devastating effects on women's access to education. Generally conservative financial institutions still consider women as a high credit risk, and, in fact, women usually do not obtain employment at remuneration comparable to that of men. Further, women tend to be concentrated in the arts and humanities fields which have the highest graduate unemployment rate. The prospect of paying back a loan would discourage many women from studying at a tertiary level.

Further, on the question of fees, the leaflet states:

> Once, again, the Government is threatening to introduce fees for second and higher degrees. A Monash survey conducted last year indicated that 57.6 per cent of current women students would defer or not enrol if fees were introduced. Women are already under-represented in post-graduate studies. Societal attitudes reinforce the idea that education for women and girls is not important. Fees would set back the clock even further.

On the matter of TEAS, this document identified how few students get the full TEAS allowance. Indeed, only 13.1 per cent get the full TEAS allowance and that makes the women's group significantly under-represented again. This is a Federal matter, determined by the Federal Government but the decision of this House to unanimously convey an opinion to the Federal Government could be of considerable value to the future students of this State and to the well-being of the State at large inasmuch as it is affected by things that occur within the tertiary education sphere.

The Hon. H. ALLISON secured the adjournment of the debate.

TORRENS RIVER

Adjourned debate on motion of Mr Whitten:

> That by-law No. 20 of the Corporation of Adelaide relating to the Torrens River, made on 1 July 1982 and laid on the table of this House on 20 July 1982, be disallowed.

Continued from 6 October. Page 1234.)

Mr WHITTEN (Price): I move:

> That this Order of the Day be read and discharged.

Order of the Day read and discharged.

PRE-SCHOOL EDUCATION

Adjourned debate on motion of Mr Lynn Arnold:

> That this House commends the pre-school education work of the Kindergarten Union, Education Department Child Parent Centres and other pre-school service providers in this State and calls on the Minister of Education not to proceed with any proposal to phase out Education Department involvement in child parent centres.

(Continued from 15 September. Page 1079.)

The Hon. H. ALLISON (Minister of Education): I listened with considerable interest and possibly with some concern to the debate conducted by the member for Salisbury on this issue. I say 'concern', because it was a debate that was

not really necessary and certainly the lengths to which he went to put the case of the child parent centres against the Kindergarten Union indicated that the people who had advised him were unnecessarily fearful that there was some sort of take-over bid being proposed by the Kindergarten Union and that, in fact, the child parent centres would become totally absorbed within that system. This was never the intention of the Government. If departmental officers or indeed any other people such as parent councils, representing child parent centres, were making strong representations to the honourable member, I would advise him that I have had about the same number of questions addressed to me.

At all times I went to great pains to stress that child parent centres belonging to the Education Department of South Australia and run by that department were not under any threat. Perhaps, had the honourable member been privy to the full Burdett Report, which he was not and which is the subject of a subsequent item (it may have been better if those two had been juxtaposed, although they were not), he may have realised why my response to the child parent centre inquiries was reassuring rather than devastating, as they may have been.

In fact, one of the recommendations of the Burdett Report—a recommendation not accepted by Cabinet—was that the child parent centres conducted by the Education Department should be phased out. In other words, the department itself would not become a provider of pre-school services. This was never, at any stage, satisfactory or acceptable to either the Minister or to the full Cabinet. So, for that reason the Burdett Report was not released, because I believed that it would have created unnecessary disquiet. That was one of the reasons. I put in an alternative Cabinet submission, a modification from the original Burdett submission which I had not accepted.

The Cabinet submission which was subsequently accepted was to enable us to make an inquiry into the future of child parent centres and Kindergarten Union activities, along with other pre-school activities in South Australia. That submission went through Cabinet, and two inquiries emerged as a result of the Burdett Report's being presented to Cabinet. The Lees inquiry was set in train. That inquiry was into the Kindergarten Union management and its future administration. It was performed for that statutory authority and has been handed in to the board of the Kindergarten Union. The board has, in its wisdom, already taken some action to restructure the administration of the Kindergarten Union.

Another recommendation of the Burdett Report accepted by Cabinet was that the Childhood Services Council be phased out and replaced by a more modest and less authoritative Early Childhood Education Advisory Committee. That committee is currently in operation under the chairmanship of Mr Len Michael, formerly a senior administrator with the South Australian Institute of Technology. He is well respected for his accounting and administrative ability. One result of the honourable member's discourse in the House a few weeks ago was that the Kindergarten Union administration was concerned, believing that it was misrepresented in his speech. He had little reason to persuade me that child parent centres in South Australia were a continuing necessity. They have served a very good purpose and have their own special attributes to offer to the education system. Likewise, the Kindergarten Union, having been in existence and having served the public and children of South Australia for more than 75 years, had its strong claim to be left alone.

I could have made a unilateral Ministerial announcement some weeks ago and rendered the debate quite unnecessary had I chosen to do so. Emerging from the Burdett inquiry were two things: first, is the Lees Report handed down to the board of the Kindergarten Union, upon which it is acting; and, secondly, is the report of the small committee of inquiry chaired by Barry Grear, executive officer of the small Ministry of Education and comprising, under his chairmanship, two members of the Kindergarten Union's executive and two members of the Education Department (Ruth Rogers who is vitally involved with the child parent centre administration, and Mr Reuben Goldsworthy, a Principal Education Officer or Regional Director of Education within the department). Those five people have been examining the future of child parent centres, the Kindergarten Union and other providers of pre-school services within the State.

They have also been engaged on what is probably the more important longer-term problem, which was recognised briefly by the member for Salisbury in the latter stages of his debate, when he said that the question of who was to provide the expending for childhood services facilities in the State still has to be addressed. Would it be the child parent centres under the Education Department? Would the department take responsibility for all future childhood services? Would the Kindergarten Union be solely responsible, or would there be a compromise? It is the question of whether or not there will be a compromise which that committee has found the most difficult to address. It did come to some conclusion. Perhaps I will relate to the House in a few moments the present state of progress within that committee.

It is unquestionable that the child parent centres and the Kindergarten Union will continue to operate on the present basis. Of course, the honourable member might have had an important clue to the future of those two institutions when the present Government announced in its Education Department Budget, under the miscellaneous lines, that there would be block grants to the Catholic education system, which absorbs about 2 per cent of the total funding, to the child parent centres, which absorb about 18 per cent, and to the Kindergarten Union, which absorbs about 80 per cent. We had decided, in budgetary allocations, that those three groups would continue to receive block funding and that they would then be responsible as independent authorities for the administration of their own affairs. That is what had been envisaged some time ago when we first set the Burdett inquiry in train. Subsequently, the later Lees and Grear Reports have come up with further considerations of the important matters raised.

I said that the honourable member had probably placed too much stress on the importance of child parent centres because they represent only 18 per cent of the total funding for childhood services in this State, and that some antagonism has been raised in the breast of the administration of the Kindergarten Union. I will not enlarge on some of the points put forward at the Kindergarten Union's request, as the circumstances are unusual, and this debate is probably more protracted than it need have been had I not chosen to give the Grear Committee the chance to come up with some recommendations before I made final decisions. I did not do that, and I gave the committee the opportunity to come up with an interim report, as it has done.

The Kindergarten Union did point out that it had concern about one proposal of the member for Salisbury which was to relocate existing kindergartens to Education Department school sites. I cannot help but agree with them that that would be an expensive operation. There are 80 child parent centres, and Kindergarten Union centres run into the hundreds. Such a relocation would inevitably lead to considerable additional costs to the community. The Kindergarten Union felt that that might considerably lower the standard of pre-school premises because there are some very fine kindergartens which it would be impractical and unnec-

essary to relocate. I assume that that would be a long-term proposition, probably extending over the next 100 years.

The qualification made by the honourable member is that that would be a matter for the kindergartens, and it would not be a blanket consideration. I think there was some inference in the honourable member's debate on the diversity of service providers that the Kindergarten Union might be resentful of the inquiry which was looking towards even further rationalisation of early childhood facilities. The Director of the Kindergarten Union said in his memo to me that he did not oppose that and that in fact he felt that the Government was not unwise in giving serious consideration to rationalising the existence of two Government agencies both of which are totally Government funded apart from the parent contributions and which were providing pre-school services when it was only as recently as 1974 that the Government decided that the Education Department should become involved.

He does point out that with hindsight, with many people in the State regarding that decision as ill advised, we have since had duplicated services, and he did not object to the survey and the possibility of rationalisation irrespective of the fact that a recommendation might have emerged putting the Kindergarten Union under the Education Department, or the Education Department under the Kindergarten Union, or a third suggestion implemented creating a pre-school commission. He was quite happy that at least an investigation was under way and he finds it probably a little unusual or undesirable that so much pressure has been placed on at least the shadow Minister from one sector of the childhood services group, the child parent centres, when in fact the Kindergarten Union has far more to lose and the recommendations have gone against it.

He also questioned the wisdom of the continuity of educational experiences being mainly in favour of child parent centres rather than the Kindergarten Union, and he said that, while the member for Salisbury leant heavily on the geographical link between the child parent centres and the primary schools, continuity of educational experience on the site which would allegedly reduce the trauma that children experience when they first enter institutionalised education in primary school certainly has indicated that there is almost no evidence to show that children who come from child parent centres to primary school, or from the Kindergarten Union on different sites into primary school, experience any more or less trauma.

In fact, the children who come from any pre-school environment generally assimilate well into primary school, and the Kindergarten Union's own research into this matter indicates that principals of primary schools who have been asked to comment upon the degree of assimilation have generally said that they could not distinguish between child parent centre youngsters and those who have come in from adjacent or remote kindergartens: they generally tend to assimilate very well. The pre-school experience in itself is important irrespective of where that experience was gained.

The honourable member has put forward strong arguments for child parent centres ostensibly against the Kindergarten Union (and that is where the Kindergarten Union felt that the argument is lacking in proof). There has not been any demonstration that child parent centres are better pre-school environments. He felt it was in fact inevitable that pre-school operations mounted in spare school classrooms do in fact offer a sharp contrast to the happy home environment and therefore a child tends to be institutionalised earlier in child parent centres than in the Kindergarten Union centres where they have long felt that they offer more of a home environment than an educational environment.

I have to admit that at the pre-school level I would have supported the member for Salisbury's contention with regard to child parent centres because, as an educationalist and one who has been involved in schools for 15 or 16 years, I felt for a long while that the educational experience a child gained in child parent centres attached to a school was of critical importance in giving it a head start, particularly in areas of socio-economic or other need. However, but I have to admit that after visiting many kindergartens and child-parent centres and having seen children, including young Aboriginal children in kindergartens, I find that that environment seems to have done just as much good for those youngsters at 3½ years of age as that which I considered to be the more ideal educational environment at which I was aiming before I became Minister and when I was making similar comments in the House from 1975 onwards. My education has been expanded, and I find that I am far less critical of the experience that children gain in Kindergarten Union facilities. I would tend to agree now with Dr Ebbeck that it is the pre-school experience, the contact with parents and other youngsters and the weaning away from the home with the friendly contact children have with their educators, their mentors, which make them seem happy to assimilate more readily when they get to primary school.

My opinions have changed from being strongly supportive of the arguments of the member for Salisbury to having a much wider acceptance of the educational benefit of all pre-school institutions. The Kindergarten Union also noted that the honourable member had admitted that in his own family situation it would not be possible for him or his wife as parents to be actively involved in the day-to-day pre-school education of their children because the demographics of it were such that it would not be possible.

The Kindergarten Union felt it was worth emphasising that voluntary involvement has been a keynote of the Kindergarten Union for more than 75 years, and it asked me to point out that there was a real day-to-day involvement of parents in educational activities at Kindergarten Union centres throughout the State. There was a dominant role of parents in kindergarten management committees making meaningful financial decisions at the purely local level and the establishment under the Kindergarten Union Act of the Kindergarten Union Council was without parallel elsewhere in education. In fact, it is a large body which some people have said is unwieldy but which has certainly been functioning over many years. Also, it was felt that there was significant parent representation on the Kindergarten Union's board of management. They were equally proud of that voluntary involvement.

With regard to the commentary regarding socio-economic status and the provision of facilities, the board noted with some interest the member for Salisbury's attempts to link statistically the relationship between pre-school sponsorship and socio-economic status, and it felt that it was not quite able to grasp what the honourable member was pursuing. In fact, it believes that his admission that the analysis was open to criticism was sufficient to indicate that there were grounds to doubt the veracity of his argument.

The board questioned whether he was suggesting that, if the Kindergarten Union were to undertake the management of child parent centres, such centres could be closed. I must admit that I was very sensitive to that line of thinking because time and time again, as I was contacted by child parent centre officers, they said, 'Is it true that what we are being told, that we will be closed, is so?' Of course, it would be only a very stupid Minister and Cabinet who would even suggest closing down 80 child parent centres, when they make such a strong contribution to education.

The Kindergarten Union child parent centres felt, as I did, that if not the honourable member, at least some people were promoting the idea that the present Government was, in fact, going to close down child parent centres. Hence, I

believe, the strength of the lobby which was presented to the honourable member for Salisbury. It was with some reluctance that I deferred my own comment to this stage, because I was under considerable pressure to come out with a unilateral statement to pre-empt the Burdett, Lees and Grear Reports.

I am very reluctant to appoint responsible people to perform a task and, long before they have completed it, make a Ministerial statement and say, 'What you are doing is unecessary. You might as well go home.' I may have spared the honourable member some time and trouble, but I believe that the three inquiries will have proved to be extremely useful and will give us great insight into the needs of childhood education in South Australia. With regard to the financial aspects, the Kingergarten Union was amazed at the frequency of ill-founded assertions that kindergartens charged higher fees than child parent centres. Dr Ebbeck himself said that in visits he has made, under the auspices of the Inter-agency Committee on Pre-school Services, there was no evidence which appeared to distinguish between the two sponsors in this respect.

I point out that, when we are looking at differences in fees, the fees themselves vary considerably from kindergarten to kindergarten and from child parent centre to child parent centre. We do, in fact, have a system of unique providers of pre-school education services in South Australia with every single unit being different in either small or large ways from its neighbour or from others in the State. Dr Ebbeck pointed out that an important related point arose from the member for Salisbury's comment that, if fees were charged by the child parent centres, for them personally, that is, the parents, it would mean they would have to withdraw their children. They would have no other option. He says that in the Kindergarten Union the universal practice is for concessional arrangements to apply, so that children of families of limited means are not deprived of the benefits of pre-school education. In extreme cases, amenities fees are waived completely. He felt that this was an aspect of management that could be suggested to the Education Department for consideration, as indeed it has been.

Regarding the member for Salisbury's proposal to provide incentives for kindergarten relocation to school sites, he pointed out that he would be offering incentives to individual kindergartens by means of cheap land and building rent for those who wish to start themselves on a school site. While it is not favoured that full commercial rates should be charged by the Education Department for its facilities (in fact, it never has), the scheme proposed by the member for Salisbury appears to have a number of quite significant defects. For example, where a purpose built kindergarten is provided, this means substantially greater costs for the community, either in State Loan funding or a major financial burden falling on kindergarten committees in relocating. It may be intended that some revenue should be derived from the sale of kindergarten premises following relocation to new premises on a school site. Given that kindergarten premises are, for the most part, purpose built and will not be readily saleable, the revenue from sale of fixed assets would be greatly outweighed by the cost of provision of new facilities at current prices.

It was also felt that the vast majority of present kindergarten buildings have no cost to the State or the community, except for routine ongoing maintenance. Construction of new facilities would incur either capital costs or ongoing service charges, which would mean substantial loan commitments. Perhaps the member for Salisbury was suggesting that kindergarten committees would choose to forsake their purpose built facilities for the occupancy of spare classrooms in schools. Possibly his comment, by way of interjection a little while ago, which I did accept, has reassured me that he felt it was more likely that kindergarten councils with substandard accommodation may look towards the Education Department to look for something better, so it is unnecessary for me to repeat the rest of the Kindergarten Union's argument.

But, obviously, I think the honourable member should be happy that his comments at least raised considerable scrutiny from me, the Kindergarten Union, and other sponsors. I believe that he may have been somewhat misled by the strength of feeling that was generated within the child parent centres and that feeling was generated by probably a few people. I believe I know whence the pressure came. As I said, I gave personal reassurance to departmental officers, to child parent centre staff and councils, that they were under no threat, but that I would let the inquiry continue, since there were longer-term issues still of quite critical importance to this State.

The Childhood Services Council performed a very useful function and, under the chairmanship of His Honour, Trevor Olsson, I believe that served the State extremely well. The Early Childhood Education Advisory Committee still has some issues to which it has to address itself, as does Cabinet. They will be reported on by the committee under the chairmanship of Mr Grear.

I said that I would notify the House precisely what point the committee had reached. The Inter-Agency Committee on Pre-school Education, as we called it, has met on a number of occasions since March this year. It has visited a number of child parent centres and kindergartens. Its Chairman visited six child parent centres with the executive officer of the committee and also visited three centres in the South-East of South Australia. The committee has sought submissions from interested groups, received replies from child parent centres, kindergartens, school councils, the Institute of Teachers, the South Australian Association of State School Organisations, and other teacher organisations and individual parents. Considerable information and a number of suggestions have arrived.

In considering the terms of reference, the committee reviewed the history of pre-schools in South Australia, the organisation of the Kindergarten Union and the Education Department. The committee accepted that the significant impetus for any change arose as a result of concern expressed by pre-school parents about the reduction in the operating budgets for pre-school education in the third term of 1981. Suggestions at that time that duplication existed between the administration of the Childhood Services Council, the Kindergarten Union and the Education Department triggered off an inquiry which might more appropriately have been addressed by the Keeves Committee of Inquiry, which itself was established by Cabinet and me, partly stemming from an earlier proposal of the former Minister of Education (Dr Hopgood) that a $30 000 inquiry be initiated into pre-school education in South Australia.

Rather than have an interstate committee carry out that function exclusively, I decided then that I would have the Keeves Committee of Inquiry look into the whole range of educational issues, so that education into the 1980s could be more properly addressed. One of the end results, of course, was that we still had to have the Burdett, Lees and Grear Reports into early childhood services. One of the aims I had in establishing the Keeves Committee of Inquiry was not completely achieved. However, those three more recent inquiries, one of which is still under way, did result in the phasing out of the Childhood Services Council and the establishment of the Early Childhood Education Committee. The first term of reference is to examine and to review the nature, organisation and rationale of the Kindergarten Union and the Education Department pre-school

services in meeting the needs of children and their families in South Australia.

The committee examined fully the requirements of that term of reference and, in doing so, endorsed the effectiveness of each of those pre-school responses. So, in spite of the fact that this committee is still meeting and still has to come forward with the final recommendations regarding long-term sponsorships, I do not feel at all put out at having now made the unilateral Ministerial statement today to the effect that child parent centres and the Kindergarten Union would continue to operate just as they have done in the past, but with the additional provision of block grants so that they have now a greater degree of administrative autonomy than they had when they were almost entirely responsible to the Childhood Services Council. As to the term of reference No. 2, to identify areas of duplication in the provision of services, the committee considered a report by the Childhood Service Council in 1980 entitled 'Children's Services in Metropolitan Adelaide', which is abbreviated as the Murray Report, and that reviewed the sessional pre-school and special pre-school services in the metropolitan area. That report showed that participation rates of children from different post code areas varied widely, and that in some areas in fact participation is in excess of 100 per cent. That means, therefore, that while on occasion we do hear criticism that childhood services provisions are inadequate in some areas of the State it is undoubtedly the case that, given a limited number of children, there are youngsters in varying parts of the metropolitan area who are doubly and possibly even triply enrolled, so that parents would have much more than the normal provision, that is, a minimum of three and generally four sessions. So some people are using the system to their advantage and obtaining more than the State's limit of pre-school provision.

The committee examined the sponsorship, building capacity, enrolment trends, the August 1982 enrolments, the recent census data on four-year-olds, staffing, building design, and the conditions for each centre, and the committee considered that there was only one area of duplication which had not been resolved: that was the competition between the Education Department's Townsend House special pre-school and the adjacent Brighton Kindergarten, and this of course is an issue which has been raised in questions and private correspondence in the House by the member for Glenelg and the member for Brighton. As to term of reference No. 3, to report on parental and community participation, teaching and support staff, facilities and their management, and sources and use of funds, the committee accepted the different roles being played by parents with each sponsor and the differences that were generated as a result of the needs of individual centres, even within a sponsorship. For example, the Kindergarten Union may have a wide variety of needs within its diversity of provisions, just as the Education Department would. They said that it was obvious that parent and community participation is very high compared to other sectors of education. All sponsors actively encourage and support the role of parents in the management, planning and programme development of centres.

I would have to say that I am more than happy with the degree and quality of parent involvement in pre-schools, irrespective of where I have visited them. I find that parents generally tend to follow their children from the home into the kindergarten, and that probably is a very important factor in assisting the children in assimilating more readily into school life. A number of other features are mentioned in this report, but I believe the main factor is that they have still been unable to reach any form of agreement as to who will be the sponsor of any new centre, and for that reason I have asked that committee to continue.

I have accepted this interim report, which is really by way of briefing notes for the purpose of resolving this issue before the House, and the committee will be reporting back in due course, probably into the new year, to make recommendations as to who should provide sponsorship. Common sense would indicate that, where we are building new schools in expanding areas and where there is no obvious provision for a kindergarten, the Education Department should have the right, otherwise the Kindergarten Union might be given the right of sponsorship, but that will be resolved by the committee. Meanwhile, I can reassure the honourable member that I support his motion and that we will be maintaining separate identities for child parent centres and Kindergarten Union centres.

Motion carried.

BURDETT REPORT

Adjourned debate on motion of Mr Lynn Arnold:

That this House calls on the Minister of Education to release the report known as the Burdett Report into early childhood education and indicates its preparedness to accept an editorial revision of the report presented to the Minister such that personal references considered not appropriate for public release be deleted.

(Continued from 15 September. Page 1085.)

The Hon. H. ALLISON (Minister of Education): This matter before the House has been partly addressed by the issues which I raised in the previous debate, and I do not propose to prolong this debate. I did commit myself to finish a few minutes ago so that subsequent matters could be considered by the House, and I simply reiterate what I have said before, that I did not intend to release the Burdett Report publicly. In fact, I believe that 90 per cent of the issues raised in the Burdett Report could have been quite readily released for public and other perusal, but there were one or two matters raised therein which I felt at the time would have engendered more heat than was warranted.

One of them I have just referred to, and that was the fact that the report in itself recommended that the Education Department's involvement in child parent centres should be phased out: that was at no time acceptable to me as Minister, nor indeed was it acceptable to Cabinet when I presented that report to it for informal scrutiny, and the final Cabinet submission presented shortly afterwards was a modified one wherein I suggested that the matter be further examined by another committee. In fact, I have never intended that child parent centres or kindergartens should cease their normal operation. I did in fact intend, and this was carried out, that they should receive block grants and should have an even greater degree of autonomy than they had under the Childhood Services Council, so that has been done. The other issue involved some personality matters that were raised, matters which I had already resolved at a private level, where the individuals concerned, who are mentioned by name in the report, had in fact expressed to me collectively and privately their opinions. I felt that the matters raised were, in effect, a non-issue and that therefore once again to publish that report would have engendered heat which was quite unnecessary, because the issues were already capable of resolution and I could see solutions in sight. So for those two reasons I declined to release the report.

In hindsight I believe it was the correct decision, because I know that just from rumour alone a great deal of heat was engendered within the child parent centres, and there was no reason for that. So I would oppose the honourable member's motion that the Burdett Report should be released, and probably I would make available a copy of that report

for the honourable member to examine within the next three or four weeks.

Motion negatived.

ALSATIAN DOGS ACT (REPEAL) BILL

Adjourned debate on second reading.

(Continued from 6 October. Page 1238.)

The Hon. D.C. WOTTON (Minister of Environment and Planning): It is my intention to speak very briefly, because other members also wish to speak to this subject. I think it is appropriate to explain why the Government will introduce legislation tomorrow to amend the Dog Control Act, and why, at a later stage, it will repeal the Alsatian Dogs Act. After a great deal of consideration and negotiation with many organisations and different people, who made contact with the Minister responsible, the Government considers that it is appropriate that local government authorities be given the power to refuse registration of certain breeds of dog in a council area or in portions of a council area. In previous debates in this House on this subject members have maintained that there is power to do that now within the existing Dog Control Act. That is not the case.

Mr Hemmings: You are trying to get yourself off the hook.

The DEPUTY SPEAKER: Order! I suggest that the member for Napier will be on the hook if he continues to interject.

The Hon. D.C. WOTTON: Section 57 of the Dog Control Act makes it quite clear that that is not the case. I believe that a member opposite indicated earlier that he believed that it was possible for local government to exercise that power at the moment. That is not the case; the honourable member should refer to section 57, which makes the position quite clear. I will take the opportunity to say more about this when the legislation is introduced tomorrow. It makes a great deal of sense to amend the Dog Control Act before any move is made to repeal the Alsatian Dogs Act. It is generally recognised that that legislation should be repealed, but before that action is taken it is recognised that adequate time needs to be given as an overlap period to enable local authorities to determine their own local situations and make necessary arrangements under the amended Dog Control Act. It makes sense to provide that time to enable local councils to get their acts together and to determine how the new legislation will affect their local situations before the Alsatian Dogs Act is repealed. As I said, it is not my intention to go into detail at the moment, because I will have the opportunity to do so when the legislation is introduced into the House tomorrow.

Mr Hemmings: We look forward to it.

The Hon. D.C. WOTTON: The Opposition is looking forward to seeing it, and members will have an opportunity to comment after the legislation has been introduced. The Government has made its intention clear, and following the introduction of the legislation, members of the House can come to their own conclusions.

Mr McRAE (Playford): The Opposition is not prepared to accept the philosophy that the Minister has been espousing. All that will happen (and this is quite clear from the statements made by the Hon. Murray Hill) is that the problems involved will be passed across to local government, which will have exactly the same opportunity to enact an appropriate by-law to continue the illogical and foolish legislation that currently exists. The Opposition cannot accept that. It is remarkable that the Minister, at this late hour of the debate, suddenly tells us that the Government is prepared to accept that the Alsatian Dogs Act is unnecessary.

It is the first time that any Government member has admitted that it is a foolish and illogical piece of legislation, emanating from the time of the vicious anti-German, racist bias in South Australia. The breed of dog concerned did not even get its correct title: its name was changed to describe a French breed rather than a German breed, following the annexation of Alsace Lorraine.

I must declare a personal interest in this matter, as I own a very handsome German shepherd dog which holds national credentials from obedience school. I know the breed well. Actually, I am fond of most animals. Of course, Kangaroo Island has been the focal point of one of the debates on this matter, where one cannot take a magnificently trained German shepherd dog. My own dog holds five national titles in obedience and if it is ordered to stop and stay it will do so immediately and will not budge until the order has been countermanded. If it is placed 100 yards away and told to run at its extreme pace, and that order is then suddenly countermanded and the dog is told to stop, it will immediately lie down and will not budge. When one contrasts the behaviour of an animal like that with some of the incredible kangaroo dogs and greyhound crosses that I have seen around farms in South Australia, one is staggered by the difference.

To highlight the foolishness of this legislation I will refer to several examples which show the history of racism and bias against the German shepherd breed of dog. I understand that on Kangaroo Island there are dobermans which, if properly trained, can achieve the degree of sophistication of a properly trained German shepherd dog, which by the way, is treated throughout the world by police forces, law and order forces and aid agencies as being a dog *par excellence* when it comes to obedience, intelligence, capacity, strength and loyalty. For the information of members who do not keep up with doggy matters, I point out that there is a breed of dog that has gained some popularity in this State in recent times known as the Alaskan elk-hound. I have seen this beast and I have nothing against it intrinsically, but it is much larger than a German shepherd; it is larger than an Irish stag-hound. There is no reason why that dog cannot be taken onto Kangaroo Island.

There is no reason why I could not take to Kangaroo Island an Alaskan elk-hound, a doberman, a greyhound or, say, the kangaroo dog that I have inherited from my uncle at Strathalbyn, or for that matter a whole host of crossbreeds, thus making a veritable pack of breeds which, presumably, one can lawfully take to Kangaroo Island: but not the German shepherd, because for some obscure reason known only to residents of Kangaroo Island that breed cannot be taken to Kangaroo Island under any circumstances. It has been suggested that it is the local member for that area who has a lot to do with that state of affairs, and the Bill is so illogical and foolish that I would not be surprised if that were the case. The Opposition is not satisfied with the Minister's explanation. In fact, the Minister virtually indicated the weakness of the Government's position.

Members interjecting:

Mr McRAE: Members opposite are squirming. Obviously, the Government does not want to put it to the test; it wants to delay the matter. It is obvious that the three Government speakers were trying to delay the House. I do not intend to delay any longer—

Members interjecting:

The ACTING DEPUTY SPEAKER (Mr Glazbrook): Order!

Mr McRAE: Thank you, Mr Acting Deputy Speaker, for your protection from that pack opposite, who were trying to hound me down. I move:

That the question be now put.

The House divided on the motion:

Ayes (19)—Messrs Abbott, L.M.F. Arnold, Bannon, M.J. Brown, Duncan, Gregory, Hamilton, Hemmings (teller), Hopgood, Keneally, Langley, McRae, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (22)—Messrs Allison, P.B. Arnold, Ashenden, Becker, Billard, Blacker, D.C. Brown, Evans (teller), Glazbrook, Goldsworthy, Gunn, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, Wilson, and Wotton.

Pairs—Ayes—Messrs Corcoran and Crafter. Noes—Mrs Adamson and Mr Chapman.

Majority of 3 for the Noes.

Motion thus negatived.

Mr RODDA (Victoria): This Bill, which was introduced by the member for Napier, deals with a matter that is probably close to the hearts of many South Australians. As a former Chief Secretary, I suppose I should know as much as anyone the great value of the German shepherd dog. This subject first arose early in the Tonkin Government's term of office when the House debated the vexed question of changing the name of the Alsatian breed of dog to German shepherd. Initially, it appeared that that debate would not take very long, but it became a marathon which lasted almost until breakfast.

This subject raises great concern in the minds of many people and, of course, superimposed on that there is the high notion touched on by the member for Playford that the Government is playing tricks. He did not say that, but he inferred it. He went on to say that the Opposition was not prepared to accept the philosophy espoused by my colleague, the Minister of Environment and Planning. The Opposition will receive the Minister's explanation when he introduces the Government's Bill tomorrow.

Mr Hemmings: Why didn't he introduce it today?

Mr RODDA: He gave notice of it today. The member for Napier has appeared in this House on many occasions as a wolf in sheep's clothing; I think he is worse than that at the moment. He only wants Red Riding Hood to come along here and he would lapse into the sexy mood that he is noted for, and we would miss him altogether.

Members interjecting:

The ACTING DEPUTY SPEAKER (Mr Russack): Order!

Mr RODDA: The Minister of Environment and Planning provided a thumb-nail sketch of the Bill for the edification of the House. He pointed out why the Government is taking this course of action and referred to an amendment to the Dog Act. I want to say here and now that the Government will proceed with that legislation. The member for Playford mentioned that there is some consternation on a certain island in this State in relation to prohibitions on this breed of dog.

I will not refer to that, because the courts in this land are dealing with it and it is *sub judice.* The case has been adjourned on several occasions. We cannot encroach on the proper province of the courts. In introducing his Bill the member for Napier took little time to get into stride and start casting aspersions on my colleague the member for Mallee. The member for Mallee has brought to the notice of members of this House the ravages of the dingo. When the member for Napier introduced this Bill, he said in his second reading explanation:

> I do not intend to detail to this House the overwhelming evidence that can be put forward that the German shepherd dog is no more likely to savage human beings or stock than is any other breed.

I concur with that. However, the member for Napier took the member for Mallee to task and said that members on this side are more concerned about sheep than about human beings. I think he also said that we are more concerned about sheep than dogs. That is a broad canvas of the member for Napier's attitude. He then began casting aspersions on a great race of people—the Germans.

Mr Trainer: Where did you get that from?

Mr RODDA: Reference was made to the hatred of 1934. In fact, there was great reference to it.

Members interjecting:

The ACTING DEPUTY SPEAKER: Order!

Mr RODDA: Despite the atrocities that occurred at that time, we are enlightened people. Some of the things mentioned by members opposite would mean that we would have to be very enlightened to accept what they say. It ill behoves members opposite to drag up that matter at the expense of a great dog.

Members interjecting:

The ACTING DEPUTY SPEAKER: Order! There is too much audible conversation.

Mr RODDA: When I became Chief Secretary in 1979, my department was looking at correctional services and it was decided to upgrade the dog squad. I saw the German shepherd dog in that squad and he was a wonderful example of his breed. When we set out to extend the dog squad I think we found in Australia 68 German shepherd puppies. Those dogs were of a high standard. We finally selected six for the squad, and that number was subsequently reduced to five. The remaining 63 puppies went to decent homes. Unfortunately, they did not have the great canine characteristics of being almost human, which is what we were looking for in the dog squad. I place on record here and now that these animals are intelligent and embarrass a lot of people carrying drugs. In fact, they detect drugs that have been secreted in quite embarrassing places.

This question has become a highly emotive issue, that is, the areas to which these animals can be taken. The honourable member talked about the Doberman and the Elk-Hound. I am sure that he would have included the great Newfoundland dog if he had known of it. Those animals have their place in society. People are concerned that a member of this species could be shot in the near future, as a result of a court case being heard at the moment. However, it has not been shot yet. If I, or anyone else, break the law we put something at risk. I do not want to offend against the *sub judice* rule, but I do not think that the Government can allow someone to blatantly break the law. My friend opposite (and I can call him 'my friend')—

Mr Hemmings: It's the first time.

Mr RODDA: The honourable member can say 'It's the first time'—he will say anything in the Chamber. He is quite a nice person outside. He is a sheep in wolf's clothing. The Minister said that this matter should be decided by local government. The member concerned was a distinguished Mayor. If he had to sack someone I am sure that he had a good reason (he may have been a Liberal).

Mr Trainer: That's a good reason.

Mr RODDA: I said he had a good reason. Surely he will not subscribe to the chants and jibes coming from the Opposition against what the Minister is going to tell us tomorrow. The Minister of Environment and Planning will introduce his Bill in due course; he is keeping his powder dry. The honourable member who introduced this Bill is extremely adept at keeping his powder dry. This matter concerns my colleague the Minister of Agriculture, who represents the district of Kangaroo Island. He had something to say about it but, unfortunately, he is not here today, as he is attending to Ministerial duties in another part of the State. When this Bill was introduced he referred to valid reasons why the people of Kangaroo Island do not want the Alsatian on their island.

Surely people are entitled to their opinions: there has to be a balance in what has now become a difficult decision. I have had long discussions with the Minister of Agriculture. This matter has been highlighted because the dog, by law, is barred. The honourable member's Bill sets out to take the matter out of the hands of the Government.

Mr Hemmings: That is exactly what you are all about: you want to get off the hook and give it to local government.

Mr RODDA: It is all very well to say that that is exactly what we are all about. I have been here for about 17 years. It was always a shocking state of affairs when members from my side tried to take business out of the hands of the Government. With the minute numbers we had at times, that was virtually impossible. The Government's Bill will solve the matter in the proper way. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

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

WORKERS COMPENSATION ACT AMENDMENT BILL

The Hon. D.C. Brown (Minister of Industrial Affairs) obtained leave and introduced a Bill for an Act to amend the Workers Compensation Act, 1971-1982. Read a first time.

The Hon. D.C. BROWN: I move:

That this Bill be now read a second time.

The Bill amends the provisions of the Workers Compensation Act relating to sporting injuries. As honourable members are aware, the potential liability of sporting clubs—many of them of limited means—to make payments of workers compensation to contestants suffering sporting injuries resulted in the enactment of the Workers Compensation (Special Provisions) Act of 1977. This Act was repealed earlier in the year and its provisions were incorporated in the principal Act as section 89a.

A working party appointed 'to review totally the treatment of sportsmen (including umpires and referees) under the workers compensation legislation' reported in May. The Bill is based upon the two major recommendations contained in the report. The majority of bodies interviewed by the working party pressed strongly for umpires to be placed in the same position as contestants (that is, without workers compensation coverage). The South Australian National Football League claimed that because the umpires' wages bill was so high ($130 000 for 1982), with the workers compensation premium upon this adding a further 16 per cent, the league had been forced to curtail its juniors programme to pay the premium amount. Similarly, the South Australian Football Association had been quoted a workers compensation premium based on 16 per cent of its $72 000 wages bill for 1982. The association claimed that it could not find the premium moneys and thus would not be able to insure its umpires this year. The soccer and basketball federations made similar complaints, although their premiums were based on a lower percentage of the wages bill. The South Australian Cricket Association, on the other hand, stated that, as its workers compensation premium bill was so low, it would continue to cover its umpires, irrespective of any change in the law. However, it was admitted that the minor cricket associations, which employed their own umpires, found the premiums a drain on their finances.

Representatives of the Umpires Associations covering football and cricket umpires (the only sports in which such associations exist), were also consulted and indicated that they were aware of the financial strain placed upon sporting bodies because of workers compensation costs. They indicated that they would be prepared to accept alternative forms of insurance which would cost less than workers compensation insurance. Further, they were quite certain that they could negotiate the details of satisfactory alternative forms of insurance with their respective employers. The sporting bodies confirmed this, indicating that they would arrange alternative insurance for umpires and referees if the legislation were amended. This alternative insurance would provide a death and injury cover with an option of weekly payments.

In these circumstances, the working party recommended that an umpire or referee officiating at any sporting contest should be excluded from the operation of the Act. However, it was further recommended that boxing and wrestling referees should continue to be protected under the Act. The working party did not attempt to take any evidence from such referees, because there are very few in South Australia and it was considered that there were special reasons for their inclusion when the Act was first enacted.

As all major sporting bodies, except for the South Australian Cricket Association, stated that the lack of finances was a continuing problem and that they relied heavily on sponsorships and other fund-raising activities, such as lotteries, to be able to remain viable, the Bill is certain to relieve sporting clubs of a heavy financial burden and promote the growth of sporting activities within South Australia. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 89a to exclude from entitlement to workers compensation persons employed solely to act as referees or umpires in relation to sporting or athletic activities. The amendment does not affect the position of referees for boxing or wrestling matches, nor does it apply to referees or umpires who derive an annual income in excess of the prescribed amount from their work as referees or umpires.

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

DOG FENCE ACT AMENDMENT BILL

The Hon. P.B. ARNOLD (Minister of Lands) obtained leave and introduced a Bill for an Act to amend the Dog Fence Act, 1946-1978. Read a first time.

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The objectives of this Bill are:

1. To recognise the change in name of 'Stockowners Association of South Australia' to 'United Farmers and Stockowners of South Australia Incorporated'. The organisation nominates two members for appointment to the Dog Fence Board.

2. To repeal section 8, which refers to retirement procedures applicable to the first members of the Dog Fence Board, constituted in 1946. The section no longer applies to board appointments which are for a set term of four years.

3. To increase the frequency of inspection patrols by fence owners. Section 22(1)*(b)* requires that the fence be inspected at 'proper intervals'. The proposed amendment is more specific in stating interjections must be made at 'intervals of not more than 14 days'.

4. To clarify the responsibilities of fence owners regarding the destruction of wild dogs in the vicinity of the dog fence. Section 22(1)*(c)* states the owner of any part of the dog fence shall take all reasonable steps to destroy all wild dogs in the vicinity of the dog fence. The proposed amendment provides that the owner shall destroy dogs 'by shooting or trapping the dogs, or by laying poisoned baits for them'.

5. To increase the maximum amount of maintenance subsidy payable by the board from the present $45 per kilometre to $225 per kilometre. The proposed amendment is related to the amendment of section 25 (3) increasing the maximum rate from 20c per square kilometre to $1 per square kilometre. The rates collected when added to the Government subsidy represents the board's income, and some 85 per cent of these moneys are paid directly to fence owners as a maintenance subsidy.

6. Section 25 (2) empowers the board to declare a rate upon ratable land without reference to an approval by the Minister. Section 31 *(a)* provides for a Government subsidy equivalent to a rate of $1 for every $1 of the rates declared by the board for that financial year. The amendment to section 25 will serve to have the Minister approve the rate set by the board, and hence exert control of the funds to be provided by Government subsidy.

7. To increase the maximum rate the board may declare with the approval of the Minister from the present 20c per square kilometre to $1 per square kilometre. Currently the board is declaring the maximum rate of 20c a square kilometre, returning approximately $45 000 per annum from landholders. This rate income attracts a $1 for $1 subsidy from Government, making the total approximately $90 000 per annum. Payments to fence owners currently paid is $35 per kilometre of fence owned absorbing approximately $77 000 of the total funds. The board has foreshadowed an increase in rates from 20c to 55c per square kilometre, returning approximately $132 750 from rates; a corresponding contribution from Government subsidy would produce an income of $265 500. On that basis, subsidy to fence owners would increase to approximately $100 per kilometre of fence owned.

8. To increase the minimum area ratable by a Local Dog Fence Board from 65 hectares to 100 hectares. Many areas between 65 hectares and 100 hectares are not used to depasture sheep. The rate paid by small landholders does not cover the cost of administration.

9. To increase the maximum rate a Local Dog Fence Board may declare from $1.50 to $3 per square kilometre. The amendment recognises the need for local boards to increase their incomes to maintain their fence in sound dog proof condition. Rates presently declared by local boards range from 60c per square kilometre to one $1.50 per square kilometre.

Clauses 1 and 2 are formal. Clause 3 amends section 6 of the principal Act. The amendment made by paragraph *(a)* is necessary because of the change in name of the Stockowners Association of South Australia since the original enactment of the principal Act. Paragraph *(b)* removes a passage from section 6 (2) which had transitional importance at the commencement of the principal Act but is no longer relevant. Clause 4 repeals section 8 of the principal Act. Once again this provision is transitional in its effect and is now of no relevance.

Clause 5 amends section 22 of the principal Act. Paragraph *(a)* makes it clear that inspections of the dog fence must take place at least every 14 days. Paragraph *(b)* amends subsection (1) *(c)* so that it is clear what methods must be used to destroy dogs. Clause 6 makes an amendment to section 24 (1) of the principal Act which will enable the Dog Fence Board to pay different amounts to different owners of sections of the fence to reflect differences in time and money that must be expended by each in the maintenance of the fence. Additional payments are required in cases of serious damage to the fence by fire or flood. The amendment also increases the maximum sum that may be paid to a realistic level.

Clause 7 amends section 25 of the principal Act. Paragraph *(a)* replaces subsection (2) so that the approval of the Minister will, in the future, be required before a rate is declared. Paragraph *(b)* increases the maximum amount of the rate that may be levied. Clause 8 makes amendments to section 26 of the principal Act which increases the minimum size of separate holdings for the purpose of the declaration of a special rate. The maximum rate per square kilometre is increased to $3. Clause 9 amends section 42 of the principal Act by increasing penalties prescribed by that section to more realistic levels.

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

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 October. Page 1398.)

The Hon. D.C. BROWN (Minister of Industrial Affairs): Last evening, when summing up the second reading debate, I touched very briefly on one or two points. Because of comments made during the second reading debate I think it is appropriate that I go through the main points of the Bill before the House.

Mr Mathwin: Because a lot of members opposite have not read it.

The Hon. D.C. BROWN: It was quite apparent that a number of members had not read the second reading explanation, or if they had, they were deliberately attempting to misrepresent what the Bill was about. One proposal in the Bill provides for joint sittings of the Federal and State Industrial Commissions. This will help to remove the inconsistencies between State awards and Federal awards covering the same work. I point out that for many years these differences have been widely criticised. In fact, I can well recall the occasion when the Premier of New South Wales was extremely critical of what he termed the division of industrial relations powers throughout Australia due to the Australian Constitution, and the enormous difficulty that that caused in terms of solving industrial disputes. Frankly, I think that Mr Wran overstated the case, although I believe there has been a long-standing problem in that regard because of the division of powers. The provision in the Bill at least will help remove some of the anomalies that might occur, or will help resolve disputes covered by both State and Federal awards.

Another proposal in the Bill concerns the strengthening of the rights of people who work, particularly in regard to having a choice of whether or not to join a union, and it provides that any person may fill out a form registering as a conscientious objector. This is to protect the person from being discriminated against for not choosing to be a member of a union. This procedure will be less formal than the one that has been practised for several years. The conscientious objector will still be required to pay the equivalent of union dues to the Adelaide Children's Hospital. I stress that it will

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

One fundamental point in this regard, one that was ridiculed by members opposite, concerns the fact that no employer or union official may threaten to take, or take, any discriminatory action against a person, or force an employee to join a union. This provision is designed to protect independent subcontractors and workers. I stress that this procedure has operated very effectively under the Federal award (I think section 132A is the relevant one) for many years.

A further proposal is that all officials of employer associations and of unions must be elected by secret ballot. I think that the sense of that provision is outlined in my second reading explanation. A further proposal is that annual financial statements must be sent to all members of employer associations and unions, and that proper financial records must be kept and audited in a manner similar to that which applies to companies that are accountable to their shareholders.

Another provision is that when an employer association or a union is deregistered under Federal law for malpractice, the State commission may be approached to hear a similar application for deregistration under State law. Finally, there is a provision involving a person who has been convicted of a criminal offence, particularly under the Police Offences Act or the Criminal Law Consolidation Act: if that offence was committed as part of an industrial dispute, that official of an employer association or a trade union will not be eligible to run for office for a period of five years.

They are the main basic points that have been put forward in this legislation, and there are only six of them. I was astounded at the fact that members opposite should criticise and in fact oppose the move to the extent that they did last night. This Government has a mandate to introduce this Bill and to get it through Parliament. We made it absolutely clear at the last election that this was our policy. We put that up, and now that we have that mandate and bring the legislation into Parliament what do we see? We see the negative Opposition of this State trying to block this move. I find it even more incredible that the Australian Democrats and the member for Semaphore, as an Independent Labor member, should join the Opposition.

Members interjecting:

Mr Peterson: You went to water on it.

The Hon. D.C. BROWN: The legislation has been introduced into this House as we proposed in our policy (there is no going to water whatsoever), and the Opposition says that it is Draconian, even though we put this up at the election and we won the election on that sort of policy. The next point raised specifically by the Deputy Leader of the Opposition, as the opening speaker for the Labor Party, was that the move was probably unconstitutional, particularly the provision for joint sittings between the Federal and State commissions.

The Hon. J.D. Wright: I didn't say probably: I said it was.

The Hon. D.C. BROWN: All right. I can also recall, I think last week or the week before, the Deputy Leader saying that the levy being collected on workers compensation was also unconstitutional. I point out that the Deputy Leader has developed a bad habit of saying that everything is unconstitutional, yet he produces no evidence of it whatsoever. In fact, I have had a Crown Law opinion on the point that he has raised involving the Workers Compensation Act, and I am assured by that opinion that there is no validity whatsoever in the view expressed by the Deputy Leader in the House last week.

The Hon. J.D. Wright: You must have been in doubt if you got a Crown Law opinion.

The Hon. D.C. BROWN: I indicated at the time that I thought there was no basis whatsoever, but I always like to check. I got that Crown Law opinion, and it confirmed exactly what I had said publicly. There was absolutely no basis whatsoever for the claim made by the Deputy Leader of the Opposition, and his claim this time is equally unfounded.

The key part of this legislation involves the rights of individual workers: I would have thought that that was a basic human right and one that should take pre-eminence in this Parliament. I would have thought that it was one that was beyond dispute by any member of this Parliament yet we have the Labor Party and the Australian Democrats opposing that very fundamental right of every person to decide whether or not they should have a choice to join an organisation or an association.

The Hon. J.D. Wright: Why didn't you discuss it with the unions before you brought it in?

The Hon. D.C. BROWN: I will come to the consultative part of it, as the honourable member has raised it. It is interesting to note the comments coming from the other side of the House by way of interjection. Members opposite know that they have no grounds whatsoever to justify the sort of case they put forward last night. For seven hours yesterday they tried to defend the indefensible. For seven hours they tried to say that people should be forced to join a union and that it was a legitimate right.

Members interjecting:

The Hon. D.C. BROWN: That is exactly the substance of the argument put forward by the Deputy Leader of the Opposition and his cohorts, including the Australian Democrat, last night. Because of its philosophy the Liberal Party is concerned about the individual and the rights of the individual, and we will defend those rights to the end. That is the very reason why we brought forward this legislation, which deals with two fundamental issues: one is to protect the rights of the individual, and the other is to strengthen the industrial relations record of this State.

I take up the next point raised by the Deputy Leader of the Opposition and several others about the industrial relations record of this Government. Several members suggested in the last week or so that the industrial relations record of this Government is appalling. I point out that statistics show otherwise. If we compare the industrial relations record of this Government, in relation to days lost through industrial disputes, with the last three years under the previous Government, we find that the Government's record is better than that of the previous Government. I am sure that that is embarrassing for the Deputy Leader of the Opposition because he happened to be the Minister who was trying to control industrial relations under his Government. We all know the acute embarrassment that his poor industrial relations caused his Government—the Labor Party, the Party that professes to represent the trade union movement—just before the last election.

We need not accept the situation shown by days lost through industrial disputes over the last three-year period compared with the previous three-year period. We can take it as a percentage of national days lost. Over the last three years a percentage of national days was lost through industrial disputes and again we have a better record than the previous Government. It is a better record than occurred under the Deputy Leader of the Opposition when he was Minister. There can be no disputing that. The industrial relations record of this Government is one of which we can be proud. The industrial relations record of this State is one of which we can be proud compared with the rest of Australia. That does not mean for one moment that there is not room for significant improvement: there certainly is room, and we know that.

I refer now to consultation. Again, I make it quite clear that in 1980, when the Government announced the appointment of Mr Cawthorne to carry out the inquiry, we stressed throughout that the purpose of the inquiry and of Mr Cawthorne's appointment was to consult with the various bodies. For a period of 15 to 18 months Mr Cawthorne did exactly that. He wrote and asked all the Parties to put forward their ideas, and he had preliminary discussions with the parties involved. He finally put out a discussion paper and asked all parties to comment on that discussion paper. So, for an 18-month period the trade unions that are now claiming not to have had adequate consultation in fact had every opportunity to put forward their viewpoint. It is interesting to note that the reason why this inquiry took 15 to 18 months instead of the allocated time, and the reason why this legislation was slow in being brought into the Parliament, was that a number of the parties were slow in coming forward with their comments.

I come now to the next point. The Government even extended the courtesy, having prepared the legislation after 15 months of consultation with Mr Cawthorne, of circulating a copy of the legislation. We asked for brief comments on it. I well recall ringing the then Secretary of the United Trades and Labor Council on a Tuesday morning and telling him that I had a copy of the proposed legislation. Having just been elected as member for Florey, he asked specifically that he not be given a copy because it would be inappropriate. I thought that that was very decent of him, and I appreciated it. I asked whether I could have a discussion, through my staff, with the Acting Secretary of the United Trades and Labor Council. The first opportunity to have such a discussion was on the Thursday, and we asked for the final comment by Friday afternoon.

The Hon. J.D. Wright: You know you are not telling the truth.

The SPEAKER: Order!

The Hon. D.C. BROWN: It is well known, because the Director-General of the department eventually had discussions with the Acting Secretary on the Thursday morning. If that was not sufficient, the union representatives came and saw me, through the Acting Secretary, on, I think I am right in saying, the day before I introduced the legislation into Parliament. They specifically requested that I not introduce the legislation, of which I had given notice earlier that day, so that they could have an opportunity to make further comment. I said that I was going to proceed because of the public speculation on what was in the legislation, but I promised not to debate the legislation in Parliament for a further fortnight so that they would have an opportunity to make comment to me. In fact, we waited more than three weeks, almost four weeks, before debating this legislation. The United Trades and Labor Council, which sent a deputation to see me and asked for it not to be introduced, having promised to get its comment to me two weeks after it had been introduced, still has not got any comment to me. It still has not made a further submission to me on this legislation, even though it is almost four weeks to the day since it said that it would provide me with a further comment.

No Government can be frustrated to that extent after 15 to 16 months of consultation, after giving the council the chance to look at a draft copy of the Bill, and now giving it three weeks to come back with a comment, which we have yet to receive. Everyone would agree, except perhaps members opposite, that every opportunity has been given. I emphasise that I have received only three letters opposing the legislation, one from the Waterside Workers Federation of Australia (Port Adelaide branch), which sent a brief letter with a brief resolution that it had passed opposing the legislation. We expected that, but I think that it is fair to read it to the House because ask it for consultation. It states:

> That the Minister of Industrial Affairs in the Tonkin Government be advised that, in view of rumours of anticipated amendments to the Industrial Arbitration and Conciliation Act, that we as an interested union would expect to be consulted before such legislation is prepared.

It had the chance, with every other organisation, to be consulted. A letter from the A.W.U., signed by Mr Allan Begg, states:

> That this meeting of Australian Workers Union members strongly condemns the proposed amendments to Arbitration and Conciliation Act as being unnecessarily provocative and not in accord with the findings of the Cawthorne inquiry.

Of course, that is not correct. There is also a letter from the Woodville shop committee of the A.M.W.S.U., from the deputy senior shop steward, who expresses some views on the proposed legislation. They are the only three letters that have been sent to me.

I emphasise that I have yet to receive, after almost four weeks, any further comment from representatives of the United Trades and Labor Council, except for the comment that they passed to me when they saw me the day before I introduced the legislation. The claims of the Deputy Leader of the Opposition, the member for Mitcham, the member for Semaphore, and numerous other members opposite that there had been no chance for consultation cannot be substantiated at all. It astounds me that honourable members opposite make these claims without even bothering to check the pains and the length to which this Government has gone often to get comment. The employers did not have any longer period for comment. They came back with detailed comment on the Bill. Other outside parties were given a similar period and have come back with comment. That certain trade unions cannot come back with comment in that period astounds me.

I will take up a number of points that have been raised by members opposite. The Deputy Leader of the Opposition continues to claim that I have refused to release any details of the Cawthorne Report. Of course, my second reading explanation refers to specific recommendations of the Cawthorne Report that relate to the legislation before Parliament. I have been quite frank as to what Mr Cawthorne recommended. I have indicated that, on the majority of issues taken up, the Government has accepted the recommendations of the Cawthorne inquiry. I think that on two issues Mr Cawthorne was silent, because they are basically issues that have come up subsequent to the royal commission reports, and on two of the issues I think it was, we have gone against—

The Hon. J.D. Wright: You have gone against conscientious objectors.

The Hon. D.C. BROWN: I spelt it out in the second reading explanation. If the honourable member has not even gone to the bother of reading the second reading explanation, I think it is a shame and a disgrace.

The Hon. J.D. Wright: Why don't you release his report?

The Hon. D.C. BROWN: I have told the House what Mr Cawthorne recommended, and I have also informed members opposite why the Government cannot accept Mr Cawthorne's recommendations in relation to that matter. I believe, and I am quite open and frank about it, that Mr Cawthorne put forward an argument from his point of view. I believe that there is a more fundamental issue at stake, that is, the rights of the individual. I believe it is the responsibility of this Parliament, and certainly it is the philosophy of the Liberal Party, to stand up and defend those rights. The next issue I deal with, raised by the Deputy Leader of the Opposition and a number of other speakers, is the issue of closed shops. Several members opposite claimed that this legislation is wiping out the closed shop.

Certainly the members for Florey, Price, Albert Park and other members opposite all argued that this legislation is about to wipe out the closed shop.

They said that I should simply go off and talk to a number of employees, and that it was a disgrace that the closed shop was being wiped out. Of course, that is not the case. If members opposite had bothered to sit down and read the legislation (again, it is quite apparent that they did not do that before they jumped to their feet and bumbled out the words last night), they would have seen that it did not affect the closed shop situation. I think even the member for Semaphore claimed that it affected the closed shop situation.

Mr Peterson: That is not so; you have misquoted me twice now.

The Hon. D.C. BROWN: So many incorrect statements were made last night that I could mention any member opposite in that context. I think that every member opposite who spoke to this Bill last night made, at some stage during their speeches, incorrect statements as to what this legislation does. Again, I stress that it does not wipe out the closed shop, as suggested by members opposite.

I now refer to the point raised by the member for Florey. This is perhaps the real crux of the Bill, and the very reason why legislation like this is necessary. The member for Florey related a case in which someone went to Mr Reg Ansett and said 'I do not wish to join a union.' Reg Ansett turned around and said, 'Well, this is a closed shop and if you do not wish to join a union, get out.' Reg Ansett apparently told this person, as quoted by the member for Florey, 'You threaten to bring the whole fleet to a standstill because you will not join a union.' That is exactly the industrial intimidation and blackmail that has been used throughout this State for many years. I can quote cases where physical violence on sites has been imposed by union officials or their members in an attempt to sign up every single person to join a union.

Mr McRae: Quote them.

The Hon. D.C. BROWN: I will quote them. A case was reported in some detail regarding the builders labourers, when two people on a building site at Prospect were physically assaulted. One of them ended up with broken ribs and both were taken to, I think, the Queen Elizabeth Hospital, with certain injuries. One, in particular, had concussion and broken ribs, if not a broken arm.

Mr McRae: Who was the attacker? Name him.

The Hon. D.C. BROWN: That is only one case; there are dozens—

Mr McRae: You coward! Quote the attacker.

The Hon. D.C. BROWN: There are dozens and dozens of cases like that.

The SPEAKER: Order!

The Hon. D.C. BROWN: We all know the extent to which people have felt intimidated. I stress that this Bill does not set out, despite claims made by the Opposition, to destroy trade unions. It merely gives people a fair and reasonable choice either to join a union, to register as a conscientious objector, or to do neither.

Mr Mathwin: What is wrong with that?

The Hon. D.C. BROWN: Exactly. What is wrong with that? The member for Elizabeth tried to equate this Bill with what is currently occurring in Poland. I point out that the principle at stake in Poland is the very principle that the Liberal Party is fighting for here. In Poland the workers should have a right to decide whether or not they join Solidarity. That is the choice for which they are fighting: whether they should be free to join an organisation like Solidarity, so that they have a freedom of choice. We are fighting so that people here also have a freedom of choice. It is just as wrong and just as much against the rights of individuals to turn around and say that everyone must join a union as it is to turn around and say that there shall be no trade union movement whatsoever.

Of course, this Government is not attempting to wipe out trade unions. I am a firm believer that a strong, responsible, efficient union movement is essential for effective industrial relations. All members know that. I am a very strong supporter of encouraging trade union members to take a more active participation in the affairs of their union.

The Hon. J.D. Wright: But you don't want them to join in the first place, though.

The Hon. D.C. BROWN: I am not saying that at all. I am giving people the freedom to make up their own minds. It is not for me, as Minister of Industrial Affairs, to dictate to anyone that they must join a union. Yet that is exactly what the Deputy Leader of the Opposition, as shadow spokesman on this issue, is trying to put forward as his point of view. I think that that is a disgrace—that any Party is willing to turn around and dictate to people that they should be forced to join a union. That was the whole argument put forward by the Deputy Leader and all Opposition members last night. I now deal with the keeping of proper financial records and the proper auditing of those records. I was astounded last night, when listening to the debate, to hear that members of the Labor Party were prepared to put forward an argument that proper financial records should not be kept for trade unions—

The Hon. J.D. Wright: That is not true.

The Hon. D.C. BROWN: —and that there should not be proper auditing—

The SPEAKER: Order! The honourable member for Playford.

Mr McRAE: Sir, at no stage during the whole debate, and I was present during the whole debate—

The SPEAKER: Order! What is the honourable member's point of order?

Mr McRAE: My point of order is that the Minister is misleading the Parliament. At no stage—

The SPEAKER: Order! The member for Playford would fully appreciate that he is not raising a point of order: he is seeking to make a statement. The statement by the Minister stands on the record and can be tested accordingly.

The Hon. D.C. BROWN: There is no doubt that the argument put forward by members opposite last night throughout their entire debate was that they were not willing to accept the conditions laid down under this Bill. This Bill requires the following: the keeping of proper and fair financial records by every employer association and trade union, having those records properly audited, and ensuring that the members of the trade union and employer associations should be sent a financial statement once a year. That is what the Bill says, yet members opposite said that that was harsh and unjust and that they would oppose it. If members opposite oppose that, there is only one logical conclusion that one could come to, and that is that trade unions should not be required to keep proper financial statements. There is no other conclusion that one can come to.

An honourable member interjecting:

The Hon. D.C. BROWN: I could produce no better evidence of the need for these provisions than the statement by the Hon. Mr Clyde Cameron, a former Minister for Labour in the Federal Parliament, who, in his recent publication, stressed that a great deal of malpractice was occurring in terms of the keeping of proper financial records within trade unions.

Mr McRae: Which unions? Name them.

The Hon. D.C. BROWN: I am quoting what the Hon. Mr Cameron is saying. Obviously the honourable member has not read the Hon. Mr Cameron's book. The whole book, puts forward a very fundamental argument supporting the provisions that I have brought forward in this Bill. There

is another provision in the Bill, namely, that there should be secret ballots for the election of all union officials. It is a basic fundamental democratic principle that there should be democratic free secret ballots for the election of union officers or employer association officers. Yet, last night for seven hours we heard members opposite saying that that was a harsh and unjust penalty to impose. I agree with members opposite, that most trade unions already do it.

If they are already doing it, what have they to fear by making it law in this State? They have nothing to fear whatsoever. That is the part that I found interesting: time after time last night members opposite argued that all was well, that all was above board and proper. If that is so, why are members opposite opposing the legitimate procedures put forward in this Bill? Last night, members opposite argued at some length that these provisions in the Bill would impose a very significant burden on the trade union movement. I stress that these same procedures have applied under Federal legislation for many years. In fact, I think the Hon. Clyde Cameron actually introduced into the Federal legislation the provision for secret ballots when he was a Minister of the Federal Government in the early 1970s.

Yet we find members opposite criticising that very practice, which, I think, was introduced under a Federal Labor Government. The point is that members opposite opposed this legislation last night, not because they do not fundamentally believe in it, but because they are here representing the trade union movement, and certain elements of the trade union movement do not want this legislation enacted. I believe that the vast majority of trade union members would be only too willing to live by these standards; in fact, they want these standards. Many of those people who have written to me asking that legislation such as that before the House be introduced are trade union members. I received a letter recently from a member of a trade union movement who stressed that he was concerned that there was perhaps some malpractice concerning the keeping of proper financial records within the trade union with which he is involved. This person wrote to me and asked whether or not I could investigate that matter. I had to point out I had no such power to do so and that the best I could do was to refer the matter to the Industrial Registrar.

Mr McRae: Which trade union?

The Hon. D.C. BROWN: I cannot recall the specific trade union involved, but I will obtain the details for the honourable member if he would like me to do so.

Mr McRae: Yes, I would. Will you undertake to do that?

The Hon. D.C. BROWN: I will undertake to get the relevant details. The next provision is that, if an official of a union or employer association is convicted of a criminal offence during an industrial dispute, that person should immediately be forced to stand down as an official of that association and not be permitted to act in that position for a further five years. I have specifically taken up that recommendation following the recommendation of the Royal Commissioner. In fact, it was the royal commission inquiring into the painters and dockers that put forward that recommendation. After considering the circumstances surrounding the painters and dockers union—

The Hon. J.D. Wright: Where's the evidence in South Australia that there is need for such Draconian legislation?

The Hon. D.C. BROWN: I am not necessarily saying that that sort of practice applies to the painters and dockers in South Australia but, if it does not apply here, if that practice is not common in South Australia, no-one has anything to fear under this legislation. Why are members opposite so worried about the provisions of this Bill if, as they claim, all is sweet and harmonious and such practices are not carried on in South Australia? If we can ensure that the practices do not come to South Australia by introducing this Bill, it is a beneficial step for this State to take.

The next provision in the Bill provides that if an employer association or trade union has been deregistered under Federal law then an association or organisation here in South Australia may also apply, provided the deregistration did not take place on technical grounds alone, for an application for a hearing on the deregistration under State law. Last night the impression was created by Opposition members that it was up to the association to actually decide whether or not that deregistration should take place. We all have faith and confidence in the impartiality of the Industrial Commission, and I stress that it is up to the commission to decide whether or not that deregistration should take place here in South Australia. The only power of the association is to make an application so that, whoever has been deregistered federally, should also be deregistered here in South Australia.

That is not an unreasonable provision at all: all it does is to bring the matter before the Industrial Commission and ask for a hearing. If the evidence cannot be substantiated, if it was deregistered at the Federal level because of something which occurred in New South Wales and which did not occur in South Australia, obviously deregistration will not apply in South Australia. The South Australian Industrial Commission would reject any such application.

On the other hand, if it was found that the deregistration took place federally because of activities which occurred across Australia, including South Australia, when the application was heard in South Australia before the State Commission, it would be only right and proper that the same standard should apply and that deregistration should take place in South Australia. What is the point of deregistering an association, be it an employer association or a trade union, at a Federal level, simply to give that organisation the protection to come under the State jurisdiction and carry on such undesirable practices as were carried on at the Federal level?

All the community would want to ensure that deregistration is to apply for all malpractice: it should apply in both the Federal and State commissions so that some haven or sanction was not given to a union which had been carrying on a certain malpractice. Again, I believe that the vast majority of trade union members would want that to apply, and that the vast majority of trade unions would have nothing to fear from such a provision. I stress that there is obviously strong support for the Bill, not only in the broad community but also amongst trade union membership and members of employer associations.

It is interesting that a number of people I have spoken to, including trade union members, believe that this is a fair and reasonable measure to put forward and at long last affords certain rights to the individual within the working place. The impression has been created by members opposite that many employers are violently opposed to this legislation. I indicate to the House that not one employer has expressed to me opposition to this legislation; not one single employer.

An honourable member interjecting:

The Hon. D.C. BROWN: I cannot recall the honourable member giving any examples last night (and he may have to remind me afterwards if in fact he gave examples, and I will look at his speech) but I stress again that not one single employer has expressed opposition to this legislation. As I indicated, only three trade unions have sent me letters: one asking for further consultation (and I have explained that), and two opposing the legislation. The United Trades and Labor Council, since it has had the opportunity to see the entire legislation, has not sent a further submission on it.

This legislation is long overdue. For far too long the rights of the individual have not been considered. Therefore, I

urge all members of the House to support this Bill. I stress again that we are protecting the rights of people, giving people a free choice as to whether or not they should join a union. We are making sure that violence, malpractice or fraud does not become part of the industrial relations scene in this State, even though there is plenty of evidence from two recent royal commissions that it has applied interstate. Opinion polls that have been carried out for many years show that about 75 per cent of people in the community support the right that the individual should have a choice whether or not to join an employer association or a trade union.

Finally, I stress that the Bill is an even-handed Bill. Whatever applies to a trade union or a trade union official must also apply to an employer association or an employer association official. Nowhere in the Bill is there a single measure that says 'This shall apply to a trade union but not to an employer association.' This Bill has been put forward to make sure that the same applies irrespective of whether it is an employer association or a trade union. Again, I believe that that shows this Government is interested in protecting all of the parties involved in the broader community when it comes to industrial relations. I ask all members to support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Further powers of commission.'

The Hon. J.D. WRIGHT: The Opposition opposes this clause, which is combined with clause 7. May I refer to that in any way?

The CHAIRMAN: I will allow the honourable member some latitude.

The Hon. J.D. WRIGHT: There is a combination between clauses 5 and 7 dealing with the preference which is embodied in the Act, which has been in the Act for some time, and which the Minister is trying to remove. I will refer to the Federal Act to contrast what has been occuring in that area for many years. The Act states:

> Power to direct preference to be given to members of federally registered trade unions is vested in the commission by section 47 of the Conciliation and Arbitration Act, 1904-1970.

That section was introduced into the legislation as section 56 of the Conciliation and Arbitration Act, 1947. The present numbering date is the Conciliation and Arbitration Act, 1956. Section 47 (1) provides:

> The commission may, by an award or by an order made by application of an organisation or persons bound by an award, direct that preference shall in relation to such matters and in such manner and subject to such conditions as are specified in the award or order be given such organisation for members of organisations that are specified in the award or order.

Section 47 confers very wide powers on the commission. The commission is not restricted to directing that preference be given, other things being equal. That has been Federal law since 1947, and it is very significant that the powers contained in the Federal Act are a lot wider than the powers contained in the State Act, because the State Act clearly provides that the commission must find that all things are equal. That is not so in the Federal Act.

Irrespective of which Government has been in power since 1947 (and it is true to say that a Liberal Government has been in power federally for most of that time with the exception of one short term), the Federal Government has had the opportunity on many occasions, if it wanted (that is, the Federal Liberal Government) to take out the preference clauses from the Federal Act. In fact, the Federal Government decided to do so on a couple of occasions. Because of statements, particularly by people from the Democratic Labor Party in 1972, the then Minister, Phillip Lynch, decided that he would not proceed to take out the preference clauses. An article in the *National Affairs* bulletin, in regard to Senator Kane's criticising the proposed legislation, stated:

> Senator Kane criticised the Government's proposed Arbitration Act amendment proposals on the grounds that they provide no safeguards against communist union officials, strengthening their position through amalgamation of unions, threatened to weaken the position of right-wing unions with the proposed ban on compulsory unionism.

I am not talking about compulsory unionism, but preference to unionists. It further stated:

> Senator Kane made his criticisms of the proposals in a speech to the Young Democratic Labor Association patrons dinner. Senator Kane added that the basic condition for any merger of unions should be that such a step must be agreed upon by the majority of members of each union. Ballots should be conducted not by the officials but by the Electoral Office . . . Senator Kane pointed out that the Government's intention to bring down its proposed legislation against compulsory unionism would have no effect whatsoever in those sections of industry dominated by communist-controlled unions.
>
> There, he said, the closed shop was already a reality, based on the union's own coercive powers. The major fact of the Government's proposed action will be on those unions, such as the Federated Clerks, the Shop Assistants Unions, which constitute the right-wing of the A.C.T.U. This seems to be a strange way to improve industrial relations by helping the communists and weakening their opponents.

The fact that Senator Kane made that statement way back in 1972 and that the Federal Government backed off from changing the legislation proves to me that the preference clauses in awards have served a purpose. It is true that in only 11 awards in South Australia preferences have been admitted on application of the union, but it is also clear that in those 11 instances there is a great possibility that the court in its wisdom made its decision, basically, because it wanted to stop industrial disputation. If the Minister wants to ensure industrial disputation, it is vital at this stage to recall for all our minds—not that the Minister will take much notice of what I am saying, as he is not listening but is talking to his Deputy Leader—

Mr Mathwin: I am listening to you.

The Hon. J.D. WRIGHT: I knew you would, John. If the Minister is trying to cause industrial disputation in industry, that is what this legislation will do. More particularly, the preference and conscientious objector clauses providing for the abolition of such measures are designed by this Government to weaken the trade union movement and to ensure that the membership is deleted and depleted. There can be no other reason. The Minister talks about the rights of individuals. I make my position clear about the rights of individuals. If they do not want to join a union, that is their right. They can please themselves but let them get out in some area where the union is not operating. If the union is operating within the workshop, factory site or office and a person takes employment, in my view that person ought to have a responsibility to join the union. It goes further than that.

This clause has worked well in the national Parliament. It has worked on the State scene. The court, in its wisdom, has, on 11 occasions under 11 awards, made an order to give preference to unionists—all things being equal. The Minister wants to upset that situation. I can recall reading Mr Cawthorne's first report. Unfortunately, I did not have the opportunity to look at his second report as the Minister will not disclose it. He has it locked away in his cubby hole and will not let the public of South Australia see it. I can recall in the first instance that Mr Cawthorne's position on preference to unionists was strong. He said that the clause ought to be widened. I think he was referring to the very clause in the Federal Act which has much wider powers than has the State Act and gives to the court certain powers not included in the State Act.

I have not had the opportunity of discussing the matter with any of the Commissioners, the President or the Judges of the court. Magistrate Cawthorne works closely with those people and would, I am sure, have been in strong consultation with them throughout his inquiry. It would appear wrong that Mr Cawthorne's recommendation was not consistent with those feelings of the Judges and Commissioners of the Industrial Court. He works with them and alongside them. He is participating in the same sort of disputes and problems daily. Mr Cawthorne recommended that the preference clause be widened. Why has the Minister not recognised Mr Cawthorne's deliberations? Most people in South Australia, with whom I have had contact (and there are quite a few), recognise that document as one of the finest documents produced on industrial relations. Yet, we see this Government not picking up its recommendations (that was one of the major recommendations made) and not widening the powers (and that is reasonable enough if the Government does not want to do that). However, when the Government wants to delete it from the Act altogether in direct conflict with what Mr Cawthorne recommended, I see that as a no-confidence vote in Mr Cawthorne. It is clearly a no-confidence vote by this Government about his recommendation on the legislation.

Why has not the Minister recognised and drafted legislation consistent with the initial report from Mr Cawthorne? In what circumstances does he now believe that, because he is deleting that facet of the Act, the Industrial Court will be able to solve disputation when these sort of things occur? Will the Minister also tell me of the last dispute of which he is aware which caused lost time through people not joining the union?

I forecast that if this legislation becomes law there will certainly be future disputations about people not joining unions. Taking the power away from the court clearly places the dispute back at the work site. I know that the Minister took this matter into consideration in the Bill, and that is why I say that it is a pseudo Bill. This is not a sincere Bill. It is not a Bill that the Government needed to introduce at this time. However, the Government is at the end of its tether. Although it has had over three years to introduce industrial relations legislation it has left the introduction of that legislation to almost the last weeks of its term in office. Under those circumstances I think that the people of South Australia, and members of this Parliament, are entitled to an explanation from the Minister about this matter.

The Hon. D.C. BROWN: The Deputy Leader has asked a series of questions. I turn to the question of why I did not accept Mr Cawthorne's recommendation about clause 5, including deletion of the preference clause. If the Deputy Leader looked at my second reading explanation he would see that I put forward an argument covering this matter. I was frank about what Mr Cawthorne had recommended and included in my explanation his specific recommendations. I also included the reasons why I was rejecting his recommendations. That reason is that, fundamentally, this Parliament is here to protect the rights of individuals. It is up to this Parliament to lay down fundamental principles: It is not up to the industrial relations system to decide the issues that should protect the rights of individuals in this State.

I have argued that for too long our industrial relations system has been a largely introverted system which looks within itself at the issues involved but which completely ignores the broader issues that affect the wider community. I believe that Mr Cawthorne made his recommendations in the best of faith and as a point of view representing the view of the industrial system but that in so doing he ignored the rights of the broader section of the community. This Parliament has a right not only to look after the rights existing under the industrial relations system but also to look after the rights of all people. That is the basic reason why I rejected that recommendation and said that such a preference clause went against the rights of individuals.

If a preference clause is written into the award, it effectively removes people's right to choose whether or not they join a union. There can be no disputing that fact. If preference clauses are written into awards they provide for absolute, compulsory unionism. As to the other points raised by the Deputy Leader, I cannot specifically recall the last dispute when time was lost through an issue involving union membership. I would have to check to ascertain that detail. Whether or not this legislation leads to disputation over union membership is up to the trade unions. If they wish to cause disputation over trade union membership I am sure that they will do so. However, just because unions come up with a threat of industrial disputation is no justification for this Parliament to bow to that pressure and to decide that everyone should be forced to join a union.

The Hon. J.D. Wright: We're here to stop industrial disputation, not create it.

The Hon. D.C. BROWN: We are here fundamentally to protect people's rights. If the Deputy Leader has no regard for people's rights and wants everyone to bow to the wishes of the trade unions, let us see what the people outside this Parliament think about it. I was fascinated when, after the press conference at which I first announced this legislation, three journalists came up to me and said that at long last we were looking after people's rights and that such a move had been long overdue in this State.

The Hon. J.D. Wright: There were seven who said the opposite.

The Hon. D.C. BROWN: The views expressed to me strongly supported this Bill. There has been no opposition to this legislation except for three letters received about it. I think that that answers the points raised by the Deputy Leader.

The Hon. PETER DUNCAN: I am interested to hear the Minister's comments, particularly his comments at the end of the second reading debate. I said last night, and most people in this Chamber believe, that the only reason this legislation, including this clause, is before us is that it is a political ploy by the Minister. The legislation has been put together in great haste, to be trotted into this Parliament prior to an election so that this Government can try to scrounge from it some imagined electoral benefit.

In the first place, the Minister talks long and hard about the rights of the individual, and so on, yet, in his own second reading explanation, as we know, he pointed out that out of 200 awards applying under this legislation in South Australia only seven have preference clauses. That indicates quite clearly that what the Minister is putting to us tonight is pure poppycock. Aside from that, I would be interested to hear what the Minister has to say about the argument that this legislation (at least clauses 5 and 7), which he is trumpeting as the end of preference to unionists in employment in South Australia, does not in any way seem to affect the rights of employer and employee associations to enter into agreements that contain preference to unionists clauses.

I would be very interested, also, to know what he has to say about the argument that section 29 (1) *(a)* of the Industrial Conciliation and Arbitration Act in fact provides power in its general terms to the commission to make an award with a preference clause, because that provision states:

> . . . 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;

The Minister has cobbled together this Bill in such haste that he has not even achieved what he set out to achieve. He is exposed by that clause as having acted cynically and hastily, the only purpose for which is to get together a piece of legislation which he thinks is going to benefit his Government politically.

The Hon. D.C. BROWN: As to the timing of the introduction of this legislation, all members know that the Government authorised the Cawthorne inquiry in late 1980. I indicated at that time that I expected the inquiry to take no longer than 12 months. If I remember rightly, I did that in about November or October 1980. I was expecting a report back finally late in 1981 so that the Government could introduce legislation early in 1982. Partly because of the delays in getting various interested parties to put forward submissions, unfortunately the Cawthorne Report was delayed, and it eventually did not get to me until April. I could not help that. I kept asking constantly for the report and that it be sped up. I was still optimistic at one stage last year that we could introduce the legislation in the February sitting of Parliament.

When the report came in April, as the honourable member would know, it took some time to examine, go through it to prepare draft legislation, and present both the report and those views to Cabinet. Parliament was not in session after the February sitting. It sat only briefly to deal with the Roxby Downs indenture Bill, and I think some monetary Bills. The Governor indicated in opening Parliament that this legislation was intended. I introduced the legislation before the Budget was considered, and we are now debating it as soon as the Budget has been dealt with. I cannot quite understand how I could have introduced the legislation any quicker, given that time constraint and knowing that the report was presented to me in April and getting the legislation into Parliament in September. In fact, I think that most people would say that was moving very quickly for this type of legislation.

The Hon. J.D. Wright: What did the report have to do with this legislation?

The Hon. D.C. BROWN: It had everything to do with this legislation. In addition to that, we gave certain promises at the election. What honourable members opposite do not like is that this Government has a mandate to introduce this legislation, and they are not willing to accept that fact. All the spurious arguments that have been brought up by the Deputy Leader of the Opposition, the member for Elizabeth, the member for Florey and others that this was carefully timed and planned as an election gimmick just do not stand up to scrutiny when we look at the time frame in which the legislation was prepared, the report was prepared, and when I received the report. I could hardly present legislation to Parliament at the beginning of this year when the report did not reach me until April.

The next point that was raised was the apparent haste and speed with which this has suddenly been rushed into Parliament at the last moment, when it has taken almost two years, about 21 months, to actually have the report, to have consultations with all the bodies involved, to prepare the legislation and bring it into Parliament. And then members opposite say, 'Well, it has been rushed into Parliament with undue haste and ill consideration.' I do not think anyone can accuse this Government of that in bringing it forward. There was a lengthy and almost tedious consultative mechanism over a 16-month period.

On the matters raised by the honourable member, I believe that what we have put forward in clause 5 is appropriate. I do not want to be repetitive, except to say that it upholds the rights of the individual, and I believe that it is for this Parliament to decide what those rights should be; it is not up to the Industrial Commission. That is why we have withdrawn that power for preference from the original Act.

The Hon. J.D. WRIGHT: The last time I spoke on this clause, I asked the Minister how he considered the Industrial Court would determine and settle disputes in the future around this subject of people refusing to join the union. I want to remind him of what I said last night in the major debate. I said:

> 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 the tendency to increase the powers of tribunals so as to allow greater flexibility in the prevention of, and finding solutions to, a dispute.

I repeat: finding solutions; that is one of the duties of the commission, one of the accepted responsibilities of the commission. The second point I made was this:

> 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.

The Minister has not answered my question. He is taking away a power which in the past, in my view, has been used very discriminately indeed. As I said earlier it has been used in only 11 awards in South Australia, but the commission in its wisdom has inserted those preference clauses when it deemed it necessary. The Minister now is clearly interfering with that right, in my view, of the commission, the right of the commission to award such preferences.

The Hon. D.C. Brown: It is the right of this Parliament to do so.

The Hon. J.D. WRIGHT: I am saying that it is an established fact in this country that the courts have had the power bestowed upon them by the Parliaments for about 40 years. The Minister now wants to destroy that power. If he has the numbers in the Upper House, and he certainly has them here, he will be able to destroy that power. But I warn him that that will cause disputation. How does the Minister contend that the Industrial Court will be able to solve such disputes in the future and avoid the disputations it has avoided in the past if this power is destroyed?

The Hon. D.C. BROWN: It is a sad day when the Deputy Leader of the Opposition in this Parliament believes that this Parliament does not have a sovereign right to lay down what should apply and thinks that the courts should dictate what rights should apply in the State over and above the rights of this Parliament. I find that an incredible proposition to put forward.

It is up to this Parliament to lay down the powers and jurisdictions of the courts, and it is up to the courts to make the judgments within the legislation presented by this Parliament. It is time that the Deputy Leader of the Opposition understood what democracy is all about. He raised another point in regard to how disputes are settled. I stress that this legislation has always given certain powers to the commission to solve disputes. It has not given it other powers to settle disputes. We are taking away just one of those powers. The commission has quite a few other powers with which to settle disputes.

I stress that there are other specific things. If I turned around and gave the power to the commission to immediately ban all unions from going on strike, which is a very simple way of solving disputes, the honourable member would be the first person to turn around and say that that was an unreasonable power. However, I could put forward the argument that that is a reasonable power, which will quickly settle a dispute. It is up to this Parliament to decide what powers the commission should have to settle a dispute. We have decided that the commission should not have the power to turn around and take away a fundamental right in trying to settle a dispute.

The Committee divided on the clause:

Ayes (22)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Becker, Billard, Blacker, Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, Wotton, and D.C. Brown (teller)

Noes (20)—Messrs Abbott, L.M.F. Arnold, Bannon, M.J. Brown, Duncan, Gregory, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, Payne, Peterson, Plunkett, and Slater, Mrs Southcott, Messrs Trainer, Whitten, and Wright (teller).

Pairs—Ayes—Messrs Wilson and Chapman. Noes—Messrs Corcoran and Crafter.

Majority of 2 for the Ayes.

Clause thus passed.

Clause 6—'Co-operation between industrial authorities.'

The Hon. J.D. WRIGHT: I have no great quarrel with the provisions in this clause, which refers to the joint sittings of both Federal and State industrial tribunals. If such a practice will assist good industrial relations in Australia, particularly in South Australia, the Opposition has very little quarrel with it. However, I reiterate what I said last night, namely, that I believe the clause is premature. No other State in the Commonwealth has introduced similar provisions. I know that agreement has been reached between the State and Federal Governments to do so, but I hasten to point out that if this Bill is finally carried in the Legislative Council, this clause will in due course have to be resubmitted, because at this time the Minister has no knowledge of how the Federal Parliament will frame legislation that will apply in the Federal courts. The Federal Government has not even drafted the legislation at this stage.

The other matter that I want to raise concerns the matter that I raised last night in the second reading debate, namely, that I have received excellent advice that this provision will be unconstitutional until there is a constitutional change federally. I have been advised of that matter from a very excellent source, and I have had it confirmed today. If this provision is going to assist good industrial relations, I have no quarrel with it. I am opposing it at this stage because I believe that it will be unconstitutional until a constitutional change is made. Further, it is clear that the Minister will have to resubmit this proposal, or that I will have to resubmit it, depending on whoever is in Government following the next election. The clause will be inconsistent with provisions that will be made by the Federal Government. My main objection to the clause is that it is premature and unconstitutional at this stage.

The Hon. D.C. BROWN: The first part of clause 7 takes up a provision that already exists in the Federal Act, and there is no difficulty whatever about that. We know exactly what is there. Therefore, I find it strange that the Deputy Leader's argument should apply to the whole of the clause, when almost a mirror provision to the first part of clause 6 exists in the Federal legislation.

The Deputy Leader again raised the point of constitutional problems. The Government does not believe that there will be any constitutional problems. I first attended a meeting of Ministers on this matter as far back as November 1979. At that time we decided to appoint full-time officers to a working party involving all State Governments and the Commonwealth Government to draft suitable provisions. That was done with a great deal of consultation, and both employers and trade unions agreed to the final recommendations by the Federal Minister.

All State Governments agreed, and it was agreed at a Ministers' conference. It was further agreed at a Premiers' conference, and this matter has been the subject of detailed legal examination. Nowhere in all those discussions have any constitutional problems been highlighted. I have more faith in a three-year working party involving every Government in Australia, both Federal and State, and the legal opinions available to that working party, than I do in the legal opinions of the Leader of the Opposition and a few Labor lawyers who may be trying to back him up for political reasons. Everyone would have more faith in the Federal working party.

We have had discussions with Federal officers regarding the second part of the provision and about what they intend to put in the Commonwealth legislation. Provided that the Commonwealth includes what we expect it to include, based on discussions so far, there should not be any problems. If for any reason that is changed (and I stress that this has been done after three years of consultation and after agreement made at a Premiers' Conference) or modified, we will have to look at it. However, from all the discussions that have taken place one can assume at this stage that the second part of the clause should mirror what is eventually put in the Federal legislation.

The Hon. PETER DUNCAN: My simple question to the Minister is whether there has been a Federal/State drafting committee to draft the appropriate clause for the States and the Commonwealth to apply? If that is the case, is the draft available?

The Hon. D.C. BROWN: I understand that South Australian officers have had consultations with Commonwealth officers, and I understand, from the discussions at the Ministers conference, that that would include access to draftsmen when looking at suitable proposals. I am not sure to whom they talked at the Federal level. I cannot indicate the names of officers with their specific responsibilities. However, at the Ministers' conference we were assured that the drafting aspects would be examined immediately so that individual States, when looking at changes to their legislation, could have the considered opinion of the draftsmen available to them.

There has been no circulated draft proposal. It is not feasible, because the different Acts between the States vary considerably. The situation is different from the uniform companies code, where draft legislation prepared for every State was subsequently adopted in every State. Here we are dealing with an amendment to laws in six different States. In fact, the States even have different systems of industrial relations. Some States have wages boards and some industrial commissions, and there is a different system at the Federal level. It is not feasible, and it would be inappropriate suddenly to circulate draft legislation, because it would not fit the appropriate Acts throughout Australia.

The Hon. PETER DUNCAN: Of course, that argument, ingenious as it might be in attempting to defend the Minister against the questions I am asking, does not apply as far as the Commonwealth is concerned. There is only one Act there and they can place only one provision in their Act to deal with this matter. I ask again: is there an agreed draft of the appropriate Commonwealth Ministry dealing with this matter which will tailor in with the provision that the Minister is seeking to put into our legislation?

The Hon. D.C. BROWN: I think I have already answered that question. The Commonwealth Government has been working on draft legislation, which is already preliminary legislation, and talks have taken place as part of that preparation of the legislation at the Federal and State level. As to whether or not the Federal Government, or the Federal Cabinet, will eventually decide to introduce that legislation, or whether it will decide to amend it further, is beyond our power of control. There has been close consultation as far as possible between the State and Federal Governments.

The Hon. PETER DUNCAN: Of course, although the Minister could not bring himself to say it, what in fact he was implying was that the answer is clearly 'No'. There is

no Commonwealth draft at the present time which has been agreed between the Commonwealth and the State and that clearly indicates how premature is the inclusion of this proposal in this piece of legislation. I have never, in my experience, heard of a situation where there was to be an agreement between the Commonwealth and the State for an exchange arrangement of this sort where draft legislation was not prepared in advance, so that the two pieces of legislation (one piece of legislation to be dealt with in South Australia and one piece of legislation to be dealt with by the Federal Parliament), tailored in neatly together. It shows what we have been saying all along, how this piece of legislation has been cobbled together for political purposes.

If the Minister looks at the provisions on the first page of the Bill he will see that clause 2 (2), states:

> The Governor may in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

I make the prediction that if ever this Government gets around to proclaiming this legislation, section 6 (2) will be excluded from the proclamation, because it is totally, utterly and absolutely premature and should not have been brought before the Parliament at this time.

The Hon. D.C. BROWN: The member for Elizabeth can get excited. I assure him that his Labor Party Premiers in New South Wales and Victoria agreed to this proposal at the Premiers' Conference in June of this year. They agreed to it on the basis of a detailed report coming from a working party which had been to the Ministers. He says that it has never occurred previously. I dispute that. I believe that it has occurred, and I can think of a couple of cases where it has occurred.

The Hon. Peter Duncan: Where? What are they? Let us get it on the record. When?

The Hon. D.C. BROWN: Certainly, in this case, detailed reports were put up to each of the State Governments and the Federal Government. They were agreed to by the parties involved and the Premiers, at the June Premiers' Conference, agreed to these measures without draft legislation being available. The agreement throughout has been that the Federal Government has said, 'We will draft our version, and it will be up to the States to pick up from our draft what is suitable for their own legislation.' That is the only way it can be done where there are such diverse pieces of legislation.

The Federal Government has in fact been working on that drafting and it has a draft. I stress that whether or not it introduces those amendments depends partly on the new Minister. Although it has had consultations at the drafting stage and the Federal Minister was very generous in making available all of the drafting information he had this Government was not prepared to sit around and wait for the Federal Government to introduce its legislation into Parliament. We do not know whether the Federal Government will finally go ahead and do that. It might decide to have a complete review of the Federal Act. We do not know whether the Federal Government will finally go ahead and do that. It might decide to have a complete review of the Federal Act.

Mr GREGORY: This clause provides for joint sittings of authorities other than the State Industrial Commission. It has been stated in regard to industrial matters that there must be some measure of agreement between the protagonists—the employers and the employees—as to what should happen. When a third party such as the Government tries to interpose between the two parties and to impose its will on those parties, the parties come to grief and problems arise.

This clause will lead to that situation. While the Minister, early in his career, had some consultations with the unions in this State regarding discussions of Ministers of labour about joint sittings, the consistent advice that his officers received from South Terrace was that it would not work, for several reasons. If an authority (because they are State and Federal in the main) has superior powers, there could be an appeal against a decision. We could be faced with the ridiculous situation where an appeal could be made to the Federal body, dismissed or upheld, the State decision being allowed to stand on its own.

We then find that clause 2 infers that a decision that can be made somewhere else can be adopted here. The Minister knows as well as everyone else knows that there are mirror awards in this State, and it is very a well known industrial principle that whatever happens in the Federal award happens in the State award. That is undertaken by the unions and the employers, and it does not require legislation. There are other areas where that does not occur. If this Government intends to impose its will on the parties, there will be industrial disputation. People do not like that sort of thing.

I make the point that the organisations that I know have been involved in this intimately have never agreed to this action. There has been no recent consultation with the trade union movement. In fact, when the unions tried to raise the matter at the National Labor Consultative Council, they were told that it was none of their business, that State Ministers were considering the issue, and that, when a decision had been made, the unions would be told. To my knowledge this matter has never really hit the deck at the National Labor Consultative Council. There has not been much agreement there lately.

I suggest that the Government has introduced this Bill as a window dressing exercise, to say, 'Look what we are doing.' Quite frankly, the Bill will do nothing. It will not enhance industrial relations. One or two mavericks may try to use the Bill, but they will only create industrial unrest. There has been a great discussion about this matter among some people who are grasping at straws and who want to be able to say that they are doing something. This applies to only one industry in one State: it does not apply to the other five States or the two Territories.

The Hon. D.C. BROWN: I think it is fair to say that the member for Florey has come up with the first perceptive comment in relation to this Bill in the eight or nine hours of debate, in comparison to comments made by other members opposite. The point he raises about appeal provisions is very legitimate. He stated that there could be a joint sitting, a decision could be reached, and there could be an appeal in the Federal jurisdiction that may set aside a decision at the Federal level, and yet that decision could stand at the State level. I agree that that is one potential weakness of the Bill. However, we put it forward knowing that that weakness existed.

It is realised that we have an industrial relations system like that in Australia and it is impossible to put forward the perfect solution because of the multitude of constitutional problems and the differences between legislation in various States. That the solution is not absolutely perfect does not mean that it should not be put forward if it is better than the situation currently applying. There is no doubt that the proposal put forward is far better than the situation that currently exists. There is no power at present for the joint sittings between the South Australian and Federal commissions. We are inserting that provision.

I appreciate the point that the honourable member has raised. Employers also raised it but, having looked at it and having discussed it in some detail with the officers, we believe that there is no workable solution around the appeal provision. The only answer would be to bring in a joint

appeal provision. We think that that is becoming rather cumbersome. I am glad that the honourable member has raised the point. Despite concerns expressed by the Deputy Leader of the Opposition, the member for Florey and others, I stress that all State Governments in Australia have agreed to the principle, including the Labor Governments of New South Wales and Victoria. I stress that it has been debated *ad nauseam* by the Ministers of Labour including Ministers like Pat Hills who, I am sure, the honourable member would agree is an experienced Minister in that area. I stress that it has gone to the National Labour Consultative Council, and the Minister said that the bodies involved agreed to it.

I indicate that, as the State Minister, I sent preliminary and final copies of that agreement to the United Trades and Labor Council and employer bodies in this State asking for comment. If I remember rightly, the last letter attached to the final agreement said that it was planned to submit it to the Premiers' Conference, and it asked for comments before the proposal was forwarded to the Premiers' Conference. I believe I am right in saying that the State Government did not get a single comment from any of the bodies in this State. If people are not willing to respond, we can only assume that they are in agreement. I can understand the points raised by the member for Florey. However, I find it incredible that members of the Labor Party in South Australia seem to be at odds with all State Governments, irrespective of whether they are Labor or Liberal, all Ministers of Labour, all Premiers, the Federal Government, the Prime Minister and the National Labour Consultative Council.

Mr Plunkett interjecting:

The CHAIRMAN: Order!

The Hon. D.C. BROWN: If they are that far out, perhaps members opposite could rethink their attitude on the matter.

Mr GREGORY: I thank the Minister for admitting that it will not work. That is what he said—it will not work. The question is whether we should put it in. In his response the Minister stated that it was talked about for a long time and that consultation took place with the bodies concerned from which the Government received no response. When you tell somebody once, twice, three times that something will not work and that you will not agree to it and yet that person comes back again, intelligent people believe that the response should be understood. We on this side of the House think that the Minister might listen to our pleadings but he does not. We keep on pleading. He ought to realise that the same applies to other organisations.

He then made the comment about our Party here being at odds with members of the Labor Party elsewhere in Australia. I note that on the subject of tax dodging and evasion that the Leader of the Party in this House is not supporting the Prime Minister. Perhaps he could explain that one away. We are talking about a situation which affects South Australian industrial relations and legislation—not about something that is happening somewhere else. We are talking about South Australia. The legislation will not benefit industrial relations in South Australia. It will make them worse or, at best, it will make no difference at all. So, why go ahead with it?

There needs to be some further talk about this matter. Members on the other side ought to appreciate that there have been about 50 amendments to the Commonwealth Conciliation and Arbitration Act which were introduced by enthusiastic people who thought that they could resolve industrial relations problems. They have not resolved a thing. They have created an Act which is unworkable and unreadable and which their new Minister for Industry and Commerce, Mr Peacock, could not understand when he was Minister for Industrial Relations. I suggest that the new Minister can understand that legislation and that what he understands is that it is in an awful mess, because people have kept on amending it to make it look nice. I think that Acts ought to be simple and ought to facilitate matters. This Bill is not going to facilitate anything: it is just going to make matters more unworkable.

Mr McRAE: Last evening, when I drew attention to the unconstitutionality of clause 6, the Minister managed his usual sneer. I refer him to the classic work on the Australian Constitution by Professor Lane, the second edition of *The Australian Federal System,* published by the Law Book Company, and in particular to pages 288 and those pages that follow. The problem that exists here is terribly unfortunate. It revolves around uncertaintity as to the extent of Commonwealth authority or State authority to such a degree that some unions exist purely on the basis of their State incorporation, others purely on the existence of their Federal incorporation and registration, and others in a paradoxical situation in the middle. No man knows what the true answer may be and therefore the need for the *Moore v Doyle* type legislation which we have had in this State for some years.

The fact of the matter is that, if it was possible to arrange an industrial contract between the States and the Commonwealth which would bring into effect the true intent of what section 40a seeks to do, then that would be highly desirable. However, that is impossible, for a number of reasons. First, the State of Queensland will not agree to that. I challenge the Minister to tell me that the State of Queensland has agreed to 40a, a draft in the form of 40a, or anything like it. We are entitled to know that. Secondly, I challenge the Minister to tell me whether the State of Western Australia has agreed to 40a, something in the form of 40a, or even something vaguely resembling it. However, if one got rid of Queensland and Western Australia one would not have got rid of the problem. The fact is that, in industrial reality, unions throughout Australia have deliberately, and in a piecemeal fashion, registered themselves so that they will either exist quite clearly federally and cannot be challenged, or alternatively exist in the State and cannot be challenged. There is a third and intermediate group which gives a veneer of both. What I want to know is whether the Australian Council of Trade Unions, and in particular the United Trades and Labor Council in this State, has agreed to this formula.

I should not need to point out to the Minister the absolute disasters that could occur under his proposal. If we were living in the best of all possible worlds where we had all States in agreement with the Commonwealth and with exactly the same Commonwealth drafting (letter by letter, not just phrase by phrase or word by word) at the same time, and if also we had all unions of all persuasions and all employer organisations agreeing with the same proposition, it would be highly desirable, indeed.

The Minister says that we should aim for the moon and, in many senses, I have always aimed for the moon and sometimes collapsed far short of it, but I will not go on trying—I can assure members of that. That is the preliminary matter before I move to my second question. Precisely what is the attitude of the States of Queensland and Western Australia, and of the A.C.T.U. and U.T.L.C. in this State?

The Hon. D.C. BROWN: I do not know how many times I have to say this, but all the States have agreed to the working party report on which this is based. It has been agreed by the Ministers and by the Premiers.

Mr McRae: I asked you about these exact words.

The Hon. D.C. BROWN: Again, I do not how many times I have to say it, but because the Acts are quite different, it is not possible to come up with one set of words which can then simply be inserted in the six different State Acts and in the Federal Act, and the honourable member knows that. The general power, the provision here and the basis on which it is to apply—and it is a very detailed

report—have been agreed by all the States, including Queensland and Western Australia. While the honourable member has been speaking I have been trying to find the power which is already in the Western Australian Act. I do not know the Act back to front, and no-one would expect me to, but if I remember rightly there is a power very similar to this power outlined in clause 6, new section 40*a* already in the Western Australian Act. I can assure the honourable member that both those Governments agreed to this general provision, as did the other States in Australia. The honourable member also asked whether the A.C.T.U. agreed. We were told at the Ministers' conference that there had been discussions with the National Consultative Council and that the employer and trade union peak bodies had agreed.

Mr McRAE: I find it very hard to believe that the States of Queensland and Western Australia have agreed to new section 40*a* as set out on page 3 of the Bill. I suspect very much that those States have given their usual pious prefaces to dishonouring every agreement by saying that they are in general agreement provided that one can guarantee them perfection, which, of course, is impossible. I find it very strange that the State of Queensland, in particular, would agree to a situation in which the Commonwealth would vest itself with (and let me quote Mr Bjelke Petersen), 'even more power than it now has to drag the State behind the chariot wheels of the Commonwealth'. I find that very difficult to accept.

I just want to conclude by saying that this is a pious lot of rubbish. It is a propaganda document which has been set up by the Minister so that he can run around to all his colleagues and say, 'Well, we had a go in South Australia'; we tossed something in there, it is unworkable, nobody understands what it really means, and the Commonwealth draftsman (and Lord knows they have 70 of them) have not managed to come up with a workable conclusion yet, but the law is perfectly clear. It has taken them three years with 70 draftsmen to come up with something on which the law is completely clear. Professor Lane, for whom I have the greatest respect—the greatest academic lawyer in Australia—does not agree at all. The late and great Mr Justice Higgins, who wrote *A New Province for Law and Order*, did not agree either, so I find the Minister's words very pious indeed, but not very beneficial to the State. But, frankly, since we are going to have the Parliament prorogued tomorrow, I am just wasting the time of the Parliament. When the Minister sniggered at me last night, I was well justified in my remarks and I have not revised them tonight.

Clause passed.

Clause 7—is 'Jurisdiction of Committees.'

The Hon. J.D. WRIGHT: I indicate that I combined the clauses 5 and 7 when I spoke on the first clause, and I rely upon what I said then. I also indicate that we will not be dividing on this clause, although we are opposed to it. The only difference in the two clauses is that in clause 7 it is the committees which are now excluded from having preference granted to them by the commission, so I indicate that I rely on what I said in clause 5, and oppose clause 7.

Clause passed.

Clause 8—is 'Rules to provide for elections, secret ballots and certain other matters.'

The Hon. J.D. WRIGHT: Having spoken at length on this clause last night, I now want to make very clear, so that the Minister cannot twist what I am saying as he attempted to do in his reply to the second reading debate tonight, first of all, that the Opposition believes that every official of an organisation ought to be elected by secret ballot. I hope that the Minister has got that very clear. But the Opposition does not believe that that ought to be instructed by this Parliament, or that organisations which have a different system ought to be instructed by this Parliament, and I am referring to organisations such as the P.S.A. and SAIT etc., where the Secretary of the organisation is an employee rather than an official. Where those organisations do apply, I believe that the President, the executive and the committee men, or whatever they call themselves, ought to be elected by secret ballot. There is no dispute about that. However, this clause goes a lot further than that. It seeks to dictate to organisations how they shall run their affairs, and I think that the issue becomes ambiguous as well.

It would be a simple matter, as Mr Cawthorne pointed out in his first report (remembering that we have not seen the second report), to do a simple exercise in achieving what the Minister is about, rather than going through this whole paraphernalia of what he is trying to do with clause 8. I refer to the Australian Workers Union as an example, which is a Federal and State union and which has a secretary, president, executive comittee and organisers who are elected by a State ballot run under the auspices of the State Act, and that union has Federal registration. What is the situation so far as the Federal position is concerned in relation to those officers who are elected under State jurisdiction? It comes very close to the *Moore v. Doyle* situation.

Has the Minister thought this out? Has he had any consultation with those organisation that may be affected, such as the unions which are in a Federal/State situation, and those organisations and associations which use some other method to appoint a secretary who is not an official or a policy maker, as opposed to those officials in blue collar unions (although many white collar unions have this particular principle of appointment)? I do not believe that it is right and proper for this Parliament to tell those organisations that have such a system operating, how they should conduct their own affairs. I repeat, the firm policy and belief of the Opposition is that, where those people are policy makers, where they are officials of an organisation, they should certainly be elected by secret ballot. There is no argument about that.

The Hon. D.C. BROWN: The best way of answering the Deputy Leader is to read to him the recommendations of Mr Cawthorne, which were included in my second reading explanation. Mr Cawthorne said:

Registration and Associations

(*d*) That a requirement for secret postal voting in elections for offices in a registered association be introduced as in the Federal Act.

What we have done is to pick up a mirror provision with the Federal Act. I find it incredible that, during the second reading debate and now during the Committee stage, I am being told that I should accept the recommendations of Mr Cawthorne. I have been frank and I have said that I have accepted the majority of his recommendations. This is a classic case where I have picked up exactly what Mr Cawthorne recommended. I have made public his recommendations and I have done what he recommends, yet members opposite are opposing it. I cannot understand the logic of their argument tonight: they are opposing everything, irrespective of whether or not Mr Cawthorne recommended it.

Mr Gregory: We don't know.

The Hon. D.C. BROWN: Yes, you do know. I put in the second reading explanation the recommendations of Mr Cawthorne.

The Hon. J.D. Wright interjecting.

The Hon D.C. BROWN: I have indicated that we have accepted the majority of the points he recommended, and I have argued why we did not accept his recommendations in the two areas where I disagreed with him. Who could be more frank and open than that? I will read it again, for the member for Florey, who seems to be incapable of sitting

down and digesting what has been put down as a direct take from Mr Cawthorne's recommendations.

Mr Gregory: I rise on a point of order. I can read and understand things and I can digest reports. The Minister has indicated that I am incapable of doing that.

The ACTING CHAIRMAN: There is no point of order.

The Hon D.C. BROWN: The Deputy Leader of the Opposition interjected across the House that I have gone far further than what Mr Cawthorne recommended. I stress that we have mirrored what is in the Federal Act. We have put that mirror clause into the State Act. Mr Cawthorne recommended:

> That a requirement for secret postal voting in elections for offices in a registered association be introduced as in the Federal Act.

How can anyone claim that the Government has gone further than recommended by Mr Cawthorne? We have picked up exactly the same wording. The Deputy Leader of the Opposition stated that this provision will be unworkable, clumsy, and everything else. I point out that it has worked quite effectively at the Federal level. There have been no complaints about the way it has worked at that level, so why should it suddenly fall apart at State level. That illustrates the standard of the argument put forward by the Opposition tonight.

I find it disappointing that the Opposition has decided to oppose every part of this legislation, despite the fact that the editorials of the two daily newspapers maintain that it is reasonable, moderate legislation. The legislation is not harsh. The editorial in the *News* states in part:

> 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.

That editorial wholeheartedly backs what the Government has been doing. The same situation applies to the *Advertiser* editorial, which stated that the Government has adopted a very moderate line and that any reasonable person could not oppose the legislation. In fact, the editorial states, in part:

> While the Australian Labor Party and the unions will no doubt decry the Govenment's 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.
>
> In his Bill he has avoided several controversial issues . . . and has concentrated on the rights of choice for individuals on union membership, and for the abolition of preference for unionists in employment.

Throughout, the editorial supports what the Government has done.

The Hon. Peter Duncan: Is that Mr Murdoch's view?

The Hon. D.C. BROWN: Those were the views expressed in the *Advertiser* editorial. I do not think that Mr Murdoch owns the *Advertiser.* I find it astounding that the Deputy Leader of the Opposition says that the Labor Party supports secret ballots for the election of all officers of trade unions, but then turns around and says that Parliament should not make it a requirement. How can a person say that he supports a principle, that he would like to see it occur, and then turn around and say that he does not support it when it is embodied in legislation? That is the standard of the hypocrisy displayed by the members of the Labor Party tonight.

The Hon. J.D. WRIGHT: I made it clear at the outset that the Minister would try to twist what I have said. I am not opposing secret ballots for officers and union officials. I am opposed to that part of the legislation (and I must oppose the whole lot, because it is combined) that provides that white collar organisations or any other organisations must fall into line with the provisions that are to be enacted, whether or not an organisation has used a collegiate system, a system of appointment, and whether or not the secretary is an employee and not an official. Will the Government also apply this provision to employer organisations? Will the Government insist that, in future, employer organisations elect their officers? Of course the Government will not do that.

The employer organisations act in exactly the same way as the white collar organisations, as the Minister well knows. As an example, Mr Schrape is an appointee: there is no need to have him elected; he is appointed by the executive, or whatever it is called in an employer organisation. All the employer organisations do that.

The Minister of Industrial Affairs is directing his venom at the trade unions and the associations of workers, but not at the employer organisations. For the life of me, I cannot see the difference. I cannot see any difference in relation to the SAIT or the P.S.A., because they want to appoint their administrative officers. Those officers have no rights in relation to policy matters, they cannot dictate policy and, in fact, are dictated to by the elected executive committee. That is the source of my opposition to the provision. It is not the election of officers, and it is no good the Minister's trying to twist it, either.

The Hon. D.C. BROWN: I do not know how many times I must correct members opposite for their ignorance on this matter. I have made clear throughout the debate that what applies to trade unions will also apply to employer organisations.

The Hon. J.D. Wright: What about Mr Schrape?

The Hon. D.C. BROWN: Mr Schrape, the Secretary of the Chamber of Commerce and Industry, will have to be elected under this provision; he knows that he will have to be elected under it.

Mr Gregory interjecting:

The ACTING CHAIRMAN (Mr Mathwin): Order! The Minister does not need the assistance of the member for Florey.

The Hon. D.C. BROWN: The Deputy Leader has tried to suggest that I am applying this to trade unions and not to employer associations. That merely shows that he has not bothered to read the Bill. It is quite clear that it applies to all associations, be they employer groups or trade union groups.

The Hon. J.D. Wright: When will the ballot be held for Mr Schrape's position?

The Hon. D.C. BROWN: Once the legislation comes into force a ballot will have to be held for his election.

Mr Peterson: Who'll get the vote?

The ACTING CHAIRMAN: Order! The member for Semaphore will have his opportunity to vote shortly.

The Hon. D.C. BROWN: Clause 8 provides:

> The rules of the registered association apply for the following:

There is then a list. That applies to employer associations as much as it does to trade unions. For the Deputy Leader to accuse me of taking a one-handed attitude on this matter shows his small mindedness and ignorance. If he only realised that quite a few employer associations already have to elect their secretaries, as do white collar unions, perhaps the Deputy Leader would understand the position more clearly. Mr Alan Swinstead, Executive Officer, Metal Industries Association, must be elected under the Federal legislation, and he will have to be elected under this legislation in exactly the same manner.

Mr Gregory: He can't be because—

The ACTING CHAIRMAN: Order!

The Hon. D.C. BROWN: I did not know that it was possible to have two members on their feet at once. Employers know that the same principles apply to them, and they have discussed the implications of it.

The Hon. J.D. Wright: Many tradesmen are registered. How could they be elected under this Act?

Mr Gregory: They can't be registered under—

The Hon. D.C. BROWN: They will have to be registered. If they want to be registered under the State Act they have to apply the same principles, in the same way as the Chamber of Industry and Commerce, which, if it wants to be registered under the Federal legislation, will have to apply the same principles as apply under this legislation. Obviously, members opposite are trying to make something out of an issue that has worked effectively at the Federal level where there has not been the chaos suggested by the Leader. No-one has objected to what has applied federally. What has happened is that a number of rather crooked union elections have been pulled up, and we know that in a number of cases the elections have been overruled by the Federal commission and new ballots have had to be held.

The Hon. J.D. Wright: And so they should do.

The Hon. D.C. BROWN: Yes, and so they should, and the same should apply here in South Australia. Why is the Opposition opposing this measure? The provision is the exact mirror of what has applied federally for some time.

Mr PETERSON: I was interested in the Minister's statement that there are provisions to correct any anomaly in the voting system, anyway. It raises again the question of why we must change it. It is interesting that Mr Schrape will now be elected if his organisation seeks registration. Will that same situation apply in the case of Mr Swinstead? What if those respective organisations do not register in South Australia? Will they still have standing, or will they be wiped out? I have been concerned about the accuracy of some statements made by the Minister in the debate.

I contend that many statements made about Opposition members have been inaccurate and that the Minister has misrepresented what has been said. I quoted directly from two papers in the debate, one from the P.S.A., and the other from the South Australian *Teachers Journal.* I quoted directly, word for word, from those papers, and I have been accused of not being accurate in what I have said. I can only presume from that that there are untruths in those papers. They relate to the consultations or discussions that have taken place so we take it that that is not right.

An honourable member: A bunch of ratbags.

Mr PETERSON: Obviously, these are the organisations that Government members would love to get in their grip and squeeze. Government members would love to have them on their knees and doing everything. These organisations have worked for years. They work, they are effective and they are representatives of the members. It is the members in these organisations that make the decisions, irrespective of what Government members thinks. Who gets the votes? Who stands for election in those organisations? It is the members. Who gets a say in policies and in what happens? It is the members. In the constitution of every organisation of which I am aware there are provisions for correction of anything that is wrong. We have the right for special general meetings, or penalty provisions so that any committee member or authorised person in that organisation can be censured. Again, I am not sure what it is all about.

The Minister also said that I spoke on closed shops, but I definitely did not do so last night. So, again the Minister was inaccurate. The Minister referred to the Government being given the right and said that this was part of its election policy. I said at the time that they had gone to water. I would like to prove that by referring to the Liberal Party's policy on industrial relations issued before the 1979 election. I refer specifically to paragraph 8 in the policy on secret ballots, as follows:

> Secret ballot on motions when strikes or picket lines are being decided . . .

That is a secret ballot, covered by this provision. It continues:

> The Liberal Party is concerned at the frequency and haste with which some left wing militant unions use strikes and picket lines as political and industrial weapons. Many of the strikes are held and picket lines arranged without the support of the majority of union members. Often members are not even consulted about the strikes or picket lines. The Liberal Government—

and this is important—

> will legislate to ensure that there is a secret ballot on a strike or picket line motion put to a meeting. Union members at the meeting can then vote according to their wishes, rather than be directed by fear and group pressure.

It finishes off as follows:

> In addition, a Liberal Government will encourage union members to attend union meetings where strike or other issues are being considered.

That is the Liberal Party policy. The Minister said that the Government has been given a mandate. Why did not the Government do it?

Mr Lewis: We are.

Mr PETERSON: No. There is another interesting point in the policy statement relating to the payment of monetary bonds as a condition of improved benefits as follows:

> Some left wing unions obtain wage increases and fringe benefits for their members far in excess of their relative work value.

The ACTING CHAIRMAN: I hope that the honourable member can link this matter with the clause.

Mr PETERSON: Certainly. The clause is related to secret ballots and the secret ballot on motions in relation to strikes and picket lines is directly related to that. It is a policy that has not been applied. The Minister also said that it is a sad day when this Parliament cannot make a decision and impose what it believes is the right thing. However, the Government has not done it. This legislation is a political ploy and it is a watered down, cosmetic, palatable piece of legislation that the Government is putting. It is printed with printers ink which gets the headlines in the media leading up to the election, so that the Government can claim that it complied with its promises made before the election. If the Government has in hand all the policy that it says it has, where are the other clauses for the secret ballots?

Mr GREGORY: Section 115 of the Act provides that the Governor may, by regulation, prescribe model rules for associations and the adoption of any such model rules by an association shall be sufficient compliance with such of the conditions prescribed as are dealt with by the adopted rules. I am not aware of the regulations which were made by the Government and which provide the model rules, but I am aware of the industrial proceeding rules. Section 59 states that, as a precondition for an association being registered, the constitution of the committee of management, the election and the appointment and removal of members thereof must be within the rules. The Act also provides, under section 134C:

> A rule of a registered association—shall not impose upon applicants for membership, or members of the registered association, conditions, obligations or restrictions which, having regard to the objects of this Act and the purpose of the registration of associations under this Act, are oppressive, unreasonable or unjust.

As I stated earlier in this House, the Minister has not been able to tell us of any irregularity in any ballot that has been conducted in accordance with rules of associations that were registered in the Industrial Commission of South Australia. It is true that the Minister referred to a ballot of the Amalgamated Metalworkers Union that was dealt with in the Federal court, and the member for Brighton referred to a ballot and objections raised by a dissident member of the Federated Clerks Union, which matter was also raised in the Federal court. I advise the member for Brighton that that aggrieved member (whom the honourable member was championing here the other night for 25 minutes), while having four or five actions against the union, did not bring

one of them to conclusion, because it is my belief that, if he had brought one action to a conclusion, he would have been charged with perjury at the end of it.

If the current Act and the industrial proceeding rules make provision for secret ballots (and they do—and they work quite well), if there is no objection, why is the Government introducing this Bill on the basis that it is a mirror image? That is the question. South Australia has a system that seems to be working well. It allows all industrial organisations, whether blue collar or white collar employee organisations or employer organisations, the right to conduct their affairs as they see fit, and to elect their officers in secret ballots as they are advised and forced to do if they want to register.

The Minister stated that Mr Schrape will have to be elected as the General Manager or Secretary of the Chamber of Commerce and Industry. I believe that Mr Schrape would have to change his title, because he is now known as the General Manager. I would think that Mr Schrape may have to change his occupation, because he is an employee, and the Chamber of Commerce and Industry is an employer organisation. This Bill refers to any person or body either corporate or unincorporated who or which on behalf of himself or itself or another employs one or more than one in the industry. It goes on to describe certain organisations.

To the best of my knowledge, Mr Schrape does not employ anyone. When he was engaged to work for the Chamber of Commerce and Industry, I understand, he was then a public servant working for the Department of Trade and Industry, and had represented Australia abroad. I believe that, in the traditions of the Chamber of Commerce and Industry, Mr Schrape, is doing an excellent job. The Assistant General Manager, Mr Lindsay Thompson, was also an employee of another organisation. If something is working well, why drag in something else from another system and impose it on our system?

I could understand the Minister's concern if he could demonstrate to this committee one instance of a ballot being challenged in the State Industrial Commission under this very broad definition and section of the Act which says that it is oppressive, unreasonable or unjust. Any lawyer who could obtain a degree, become articled, and be admitted to the bar could mount an argument on a ballot if any grounds existed. However, they have not, which leads me to believe that there have been no challenges and there is no need to amend the Act. That is what we are saying.

If these things are happening in South Australia, will the Minister tell us about them? Will he tell us why the Act needs to be amended, and not just talk about something happening elsewhere? Many organisations are different. Those organisations conduct their affairs to suit themselves, provided they operate within a general parameter. The Act makes those provisions for model rules to be prescribed. The Act provides for people who are oppressed, unreasonable, or unjustly dealt with to appeal. None of these things have happened, so why this legislation?

The Hon. D.C. BROWN: I move:

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

Motion carried.

The Hon. D.C. BROWN: In reply to the member for Florey, we do not want to go back to a second reading debate. A principle is involved. The present legislation in this State does not require secret ballots. I believe it is fair and reasonable for this Parliament to stipulate that there should be and it has wide support in the community. It has worked well at the Federal level and we are simply picking up a mirror provision. All the other points in light of that are basically irrelevant.

Mr McRAE: I seek to link my remarks on clause 8 with my remarks on clause 11, as the two are interwoven. I gave notice last night that I would be seeking information on this matter. Quite apart from the cost question, and apart from the fact that no demonstrable reason has been given for a provision of this kind, I have a grave worry which is backed up by Professor Lane, in his observations in the same text book to which I referred earlier in the *Moore v. Doyle* case.

I can appreciate the situation involving a State registered organisation where the Minister seeks a compulsory secret postal ballot. In those circumstances, will the Minister undertake that the State will bear the cost, because the Commonwealth does in such circumstances, and always has? The second circumstance is the one that causes me real concern. It may be said that this is a lawyer's concern, but the fact is that lawyers deal with real people day in and day out and are concerned about unnecessary expense and worry been incurred. Where there is no clear State organisation such as SAIT, or one of a number of other organisations, but there is one of these hybrid bodies, by incorporating all this (if the Minister believes that it is absolutely necessary in the public interest that it be incorporated) are we not setting up a situation where a *Moore v. Doyle* challenge in the Federal court will become almost obvious?

Thirdly, where there is a situation of this hybrid sort where the Commonwealth requires a ballot and where both the branch and the Federal body are equally required under the Commonwealth Act, rules and regulations to carry out the various procedures, is the Minister satisfied that he is not setting up a situation in which one of two things may occur: either that the State branch election under the proposed 120a will be a duplication of the Federal procedure, or (and perhaps more dangerously) where it is the reverse and where it will be perceived in the minds of Federal authorities that the mere holding of that separate ballot will clearly made the branch organisation registered in the South Australian court clearly identifiable as one of those incorporated bodies under the *Moore v. Doyle* umbrella.

I do not want to prolong this matter. These are very sincere questions. I believe in proper union ballots and have always stood for that and, indeed, have suffered for it and been prepared to stick my neck out and get a few in the chin in the process. I am not asking these as glib questions, but as sincere questions.

The Hon. D.C. BROWN: The answer to the first question is 'No'. The answer to the second question is 'No'; there is a specific exemption or moratorium on the *Moore v Doyle* situation as part of this that carries that on. The answer to the third question is also 'No'.

The Hon. J.D. WRIGHT: I asked the Minister some time ago whether or not there could be any effect on the basis of the Federal/State relationship, meaning that if a State ballot were held, where a State organisation is a part of the Federal body, could it also be necessary to hold a Federal ballot to fill the Federal positions. The Minister merely brushed across that by saying that this mirror legislation had worked well in the Federal setting, and there is no reason why it cannot work well: it is not applying to the State arena. Now the legislation is extending itself into the State. I want to know, because it is a very important question, whether or not there may have to be two ballots. If that is the case, different people could be elected; person A could be elected as the State representative or secretary of the body and person B elected under the Federal Constitution and ballots. We could find them both turning up for work—one the Federal secretary of the State branch and one the State secretary of the State branch—if it becomes necessary to have both a Federal and a State ballot. The Minister

needs to give this much consideration because the *Moore v Doyle* case comes into this very heavily.

Secondly, is the Minister able to tell me of any State registered organisations that do not provide in their rules for secret ballots or do not conduct their ballots in a secret way, either by post or by turning up to a ballot box and putting the votes in the ballot box, as the waterside workers do—other than those organisations to which I have referred such as the white-collar groups, which have a collegiate system and do not have their secretaries as elected officers because they are not filling positions of policy and those positions for which one would expect elections to take place for elected officers?

Those are both vital questions, and I would like the Minister to be correct on both of them. It is no good the Minister's getting irritated at this late stage at night and dressing us down by telling us that we are asking futile questions, because we are not. We are asking very important questions for this legislation, which the Parliament needs to know before members cast votes in this area. If it becomes necessary, which it well could, to have the two ballots, chaos could occur in the trade union movement because two different people could be holding a trade union position.

The Hon. D.C. BROWN: I think that the honourable member asked two specific questions. In answer to the first question, separate ballots would be required. Regarding the second question, I cannot give the honourable member the information he sought. That information has not been provided to me, but I emphasise that this is more than just providing for a secret ballot.

This also provides for procedures to be adopted in relation to the holding of secret ballots and to rights of appeal if those matters are not adhered to. Therefore, it is more than just having a secret ballot: in fact, any secret ballot that is not properly run is not a very effective secret ballot. The whole purpose of this provision and the reason we have based it on the Federal provision which seems to work so well, is that it allows a right of appeal if improper procedures are adopted. It is not just a matter of saying whether or not everyone uses a secret ballot at present: what is perhaps more important is whether or not everyone uses appropriate procedures, and we are ensuring that a valid election takes place.

The ACTING CHAIRMAN: The honourable member for Elizabeth. I must inform the honourable Deputy Leader that he has had three questions on this clause.

The Hon. J.D. Wright: I have not; that is my second.

The ACTING CHAIRMAN: The honourable member for Elizabeth.

The Hon. PETER DUNCAN: I oppose this clause but, like my colleagues, I want to make clear that I in no way oppose secret ballots for union elections, and it is, as I and others have said in this Parliament on many occasions previously, an unfortunate thing that in Committee when we get a long and complex clause like this one, it leaves a person with no alternative but to choose to oppose the whole clause, including some matters that he would like to support, or to support the whole clause including some matters that he does not support, and I find myself in that difficult situation. I really cannot see why within the context of a secret ballot, a properly conducted ballot, a union should not be able to have the option of conducting its ballot partly by postal ballot and partly by people attending at a hall or conference, or something of that sort, and voting in secret with ballot papers in a booth or some other arrangement as we mostly do in State elections.

I cannot see why that is not a method which the Government would approve and allow under the legislation, but this legislation is going toCoutlawthat type of rule unless it is a pre-existing rule at present. Some unions cover members who work in a particular work place; one site only or two sites, for example. I can think of the pulp and paper workers who have members, as I understand it, only at Cellulose, in Millicent. There are other examples of unions that have members only in one particular plant, and it is far cheaper to set up a ballot box at that particular work place, issue ballot papers to the members and conduct the election properly and correctly as we conduct State elections without the need to conduct a postal ballot.

By inflicting compulsory postal ballots on unions, we are simply loading them up with bureaucratic procedures which are quite unnecessary. For example, it may well be that under this legislation shop stewards will have to be elected, and what the Minister is doing is to require that shop stewards will have to be elected by postal ballot. That is bureaucratic nonsense. It ought to be possible to provide in the legislation, if you must, but certainly in the rules of the association, for an effective and proper arrangement to allow for balloting at work sites where that is appropriate, and I cannot see any reason at all for our foisting upon the union movement this bureaucratic nightmare.

It will be expensive. As my friend pointed out, it is not the Government that is going to pay the cost of running these postal ballots: the union movement will have to bear the cost. If, as I say, this balloting provision extends to shop stewards, as I believe it does, then it is going to be a very expensive procedure for unions to have to be conducting on a quite regular basis ballots, by post, of members.

As I understand it, in most unions shop stewards are elected on an annual basis, not for three or four years. So, I would like to know the Minister's answer to that. I point out that that method of balloting I have just mentioned the part-balloting through ballot-boxes in booths at the work place, or at the site of the organisation, and postal ballots were the methods used recently by the Collingwood Football Club. I have heard no complaints about the way that ballot was conducted.

I know that the Minister is going to allow that type of balloting to continue where it already exists, but new proposals for changes of rules to provide for balloting through a ballot-box and a booth are not going to be allowed, and I think that that is bureaucratic nonsense.

The Hon. D.C. BROWN: First, I point out that a secret postal ballot is required only where a direct postal ballot or collegiate vote has been taken. In fact, some other appropriate secret ballot method, not requiring a postal ballot, is quite acceptable, as the honourable member would realise from reading the Act. It is not fair to say that a postal ballot would be required in all circumstances, as implied by a number of members.

The other point I draw to the attention of members is one which the honourable member started to pick up but which other members conveniently ignored. New section 120b (3) provides:

> Where the rules of a registered association as in force at the commencement of this section provide for an election or elections to which this section applies to be by a secret ballot other than postal ballot, the Registrar may, upon application by the association in accordance with the regulations, by instrument under his hand, exempt the association, in respect of an election, from the application of this section if he is satisfied that the conduct of the election in accordance with those rules—
>
> *(a)* is likely to result in a fuller participation by members of the association in the ballot than would result from a postal ballot;
>
> and
>
> *(b)* will afford to members entitled to vote an adequate opportunity of voting without intimidation.

In other words, the provision is already there for a case as described by the honourable member where, for instance, shop stewards are currently elected without a secret postal vote. They will now be allowed to apply and obtain exemp-

tion if the Registrar is satisfied with the techniques currently applying. Frankly, I cannot see that the problems supposed to be about to occur under this section, as suggested by the honourable member, will occur. The provision is there for people to go along and obtain an exemption from a postal ballot, provided it is still a fair and reasonable method.

The Hon PETER DUNCAN: This may not be the appropriate time to ask this question, but I want to ask a question about the provisions in relation to auditors, and I will need to refer to clause 4, clause 8, and Parts of clause 12.

The ACTING CHAIRMAN: The main part of that is covered in clause 12.

The Hon PETER DUNCAN: Not the election, Sir. The election is covered in this clause. I want to link them up.

The ACTING CHAIRMAN: I will leave it, then, to the honourable member to link them up.

The Hon. PETER DUNCAN: I understand that the rules of most organisations provide for the election of auditors. Is the Minister proposing that, under the rules, a firm of auditors will have to go through the procedure of standing for election? As I interpret the legislation, that will inevitably be the case, although I do not think that that is what the Minister intends. I think that this is a serious problem, although, obviously, not a political problem. It might be a political problem for the Government in relation to the Chartered Institute of Secretaries and others, but it is not a political problem between the Parties, as I understand the situation. I ask the Minister to give careful consideration to that matter and to look at the possibility of amending the definition of 'office' in another place to ensure that auditors are exempted from that definition.

I do not believe that it is the intention of the Minister that an organisation be required to run a postal ballot for the position of auditor. I suppose that the Minister will claim that most organisations have only one auditor and, therefore, only one person can be nominated and because of that an organisation need not run a ballot. However, I could easily imagine a situation where some disruptive elements in an organisation might well decide to nominate another person as auditor, and an organisation would have to go through the quite ludicrous task of having an election for the position of an auditor of a union, to be conducted by a postal ballot. I believe that that situation would be absolutely intolerable.

The Hon. D.C. BROWN: No, there will not be a problem such as that suggested by the honourable member. Clause 12 refers specifically to the appointment of an auditor. Therefore, the problem highlighted by the honourable member will not arise, because there is no requirement for the auditor to be elected, and there is nothing in that provision requiring that an auditor be an officer or an official of an organisation or association.

The Hon. PETER DUNCAN: The definition of 'office' quite clearly states:

> The office of a member of the Committee of management... the office of president... the office of a person holding, whether as trustee or otherwise, property of the association or branch... the office of a member of any conference, council, committee, panel or other body within the association or branch which, under the rules of the association or of the branch, is empowered to make, alter or rescind rules or to enforce... or every office within the association or branch for the filling of which an election is required to be conducted within the association or branch.

My contention is that, if the position of auditor is one that requires election under the rules, it would fall into the definition of 'office' as provided, and therefore an election for that position would be required.

The Hon. D.C. BROWN: In regard to the circumstances now outlined by the honourable member, the obvious step to take would be to change the rules of the organisation so that the auditor does not have to be elected but can be appointed.

Mr PLUNKETT: The Minister has stated that the Federal system of a court controlled ballot is successful. In regard to the union that I came from, the Australian Workers Union, ballots are conducted by means of the electoral office. Elections are conducted in that way but the cost is not borne by the union. The cost to the union would be enormous if it had to foot the bill. As the Minister agrees that the Federal system is a good way of conducting elections, why does he not agree that the State should meet the cost of such elections?

The Hon. D.C. BROWN: This matter has already been raised in Committee, but the decision has been made that the State will not pick up the cost of running elections.

Mr PLUNKETT: Obviously the Minister intends to put to the wall those unions that cannot afford to hold elections. Several small unions could not bear that cost, nor could many larger unions. What sort of financial institutions does the Minister believe unions are? Many do not have the funds to conduct such elections. In regard to *Moore v Doyle*, what protection does the Minister guarantee from his Federal colleagues under this voting system?

The Hon. D.C. BROWN: I cannot give a guarantee on behalf of my Federal colleagues, and it is inappropriate to ask me to do that.

Mr GREGORY: In his reponse to the member for Elizabeth, the Minister referred to new section 120b (3), where reference is made to 'an election'. The Minister was replying to a question from the member for Elizabeth regarding the election of shop stewards. The word 'an' is singular.

The Hon. D.C. Brown: It provides for an election or elections.

Mr GREGORY: The words provide for individual positions. Each election is for an individual position, and every shop steward elected would require an application for exemption if the elections are conducted under normal ballot rules in the workshop. The Minister can shake his head, but one reason why there has not been much industrial litigation in South Australia over the rules of registered associations is because the Acts are not specific. The people who want to gouge money from unions and mount cases running to hundreds of thousands of dollars are not encouraged to do so, but I can imagine someone picking up such a point to initiate an action.

I refer to one union which would have to seek exemptions for between 700 and 900 elections. Often it is not known when the elections are held, because notices are put on the notice board advising members to conduct an election each year for shop stewards. They respond by replying that someone has been elected and that the election has been held. It is accepted that the members on the job will ensure that elections have been held, because the system has been operating since 1851.

The Minister will have to appoint more industrial registrars to deal with all the applications. The legislation provides that he must be satisfied. Unions will have to employ a permanent officer to deal with these exemptions. It is for that reason that Opposition members believe that the current provisions and proceding rules make adequate provision for secret ballots. The Minister has not responded to questions from this side about where secret ballots are not being held and whether there are any irregularities in this State.

The Hon. D.C. BROWN: First, I assure the honourable member that, in referring to a series of elections, because it is expressed in the singular, it does not mean that one has to apply at a formal hearing for every one. To suggest that is ridiculous. If one looks higher up in subclause (3), one sees that it states 'for an election or elections'. It uses the plural. I also make the point that this provision has applied

quite successfully under Federal legislation, and all the problems, concerns and doubts that have been expressed by honourable members opposite have not been evident under the Federal legislation. Why, therefore, is this a sudden fear now?

Mr GREGORY: Will the Minister tell the Committee whether it is the intention of his Party, if it remains in Government, to amend the Industrial and Provident Societies Act, the Associations Incorporations Act, the Friendly Societies Act, the Credit Unions—

The CHAIRMAN: Order! I ask the honourable member to explain to the Committee what relevance these other Acts have to the clause that the Committee is discussing?

Mr GREGORY: I understand that we are talking about secret ballots and how they shall be conducted. Members will recall that when we were discussing this matter before the House I referred to trade unions being voluntary organisations. I think that every organisation that I have mentioned (and there is one more that I will mention) are voluntary organisations. My understanding of the term 'voluntary organisations' is that it relates to those organisations that people join for mutual benefit.

The CHAIRMAN: I will allow the honourable member to continue, as long as he relates his remarks to the clause.

Mr GREGORY: I ask the Minister whether his Party, if it remains in Government, will similarly amend the Acts covering those organisations to provide for secret ballots in line with the requirements of clause 8 of this amending Bill, on the basis that they are voluntary organisations, the same as trade unions. These Acts do not provide for secret ballots and do not contain provisions such as those in this Bill.

Many of the organisations that are covered and controlled by those Acts have assets far in excess of what trade unions have. Their turnovers each year are far in excess of those of the Trade Unions, and they have a far greater effect on people who live in this State, such as people who want to go to hospitals, who are members of friendly societies (relating to medical and hospital benefits), credit unions or building societies.

The Hon. D.C. BROWN: As the honourable member knows, as Minister of Industrial Affairs I do not have authority to answer that question in relation to the other Acts, which come largely under the Attorney-General or Minister of Consumer Affairs, depending on which Act he is referring to. The honourable member will have to wait and see whether the Government does it.

The Committee divided on the clause:

Ayes (22)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Becker, Billard, Blacker, D.C. Brown (teller), Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, and Wotton.

Noes (20)—Messrs Abbott, L.M.F. Arnold, Bannon, M.J. Brown, Duncan, Gregory, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, Payne, Peterson, Plunkett, and Slater, Mrs Southcott, Messrs Trainer, Whitten, and Wright (teller).

Pairs—Ayes—Messrs Chapman and Wilson. Noes—Messrs Corcoran and Crafter.

Majority of 2 for the Ayes.

Clause thus passed.

Clause 9 passed.

Clause 10—'Cancellation of registration of association.'

The Hon. J.D. WRIGHT: This broadening clause attempts to amend section 132 of the Act, which deals with deregistration. The section in its current form has stood the test of time. It gives the Registrar every opportunity to handle deregistrations, should they be required. However, the Minister is attempting to allow one organisation to deregister another organisation. The first thing that comes to my mind is that there will be debates, arguments and disputes over membership of organisations and demarcation disputes, and that these matters will go to the court arena. It is my simple belief that demarcation and membership disputes should be handled by the trade union movement.

I have always said that demarcation disputes are best handled by the Trades and Labor Council and not by employers, courts or Governments, as I do not believe that Governments are able to enter into the field in any legitimate way. Of course, employer applications against employee organisations can only further add to disenchantment, disunity and disorganisation within the trade union movement and in industrial affairs. I do not understand why the Minister wants to give that power to employer organisations. It is a large extension of the provision which has been in the Act for a long time and has stood the test of time. To the best of my knowledge it has raised no difficulty in so far as deregistration matters are concerned.

I agree that a member or past member should have a right under these circumstances, because he may be compelled to take some action against an organisation that has not treated him properly in the first instance. I have been involved in that personally so I know that it is a right that needs to be there. I make no argument about it. The Minister is attempting to allow evidence to be introduced from other tribunals. That is a complete departure from the current provisions and, in my view, it opens up the matter extremely widely. It does not contain the dispute to the event that may have started it in the first place. If the Minister is successful with this legislation it will clearly allow evidence to be introduced from any other branch. If the Federal branch of a union, for example, is in some difficulty and the State branch is in no difficulty whatever, it is my understanding from the way the legislation reads that the State branch could suffer or vice versa because of some action taken in the State or Federal arena.

I have said from the beginning that the whole of the ideology in the legislation is to bankrupt the unions as quickly as possible. The Bill reeks of that principle throughout. All of the clauses will cost the unions money. In the last clause carried the Minister, on his own admission, stated that there would have to be two ballots for every position which is a further cost to the organisations. The amendments to the deregistration rules are another factor of cost to the organisations. We, on this side of the House, consider that the current provisions in section 132 give ample opportunity for anyone to take action in the Industrial Court. We see no reason why the deregistration rules should be widened to cause further confusion and give employers further opportunity to make applications against employee organisations for deregistration, thus giving wider scope for giving evidence to the courts. It is all about costing the unions more money. That is the whole philosophy and ideology of the legislation and every clause of the Bill reeks of it.

The Hon. D.C. BROWN: The Deputy Leader has jumped to a certain number of conclusions without really understanding how the legislation will work in practice. We can take the case of an employer association or trade union that has been carrying on a practice found to be totally unacceptable. It may have been carrying on that practice in a number of States. The association may be registered under both the Federal and State Acts. If a case is heard federally and that association is deregistered, it is only appropriate that immediately action is taken as part of that malpractice which has been occurring within this State, that appropriate action be taken in South Australia to deregister the union for exactly the same practice. We are trying to achieve uniformity. It would be inappropriate if a body deregistered

under a Federal Act for malpractice were allowed to continue to operate under the State Act.

The Hon. J.D. Wright: If the State body was innocent why shouldn't it? If it had nothing to do with the infringement why should it be involved?

The Hon. D.C. BROWN: If the State body is innocent and the malpractice has not occurred in South Australia, it is obvious that the application of any association for deregistration of the body accused of malpractice will be quickly thrown out by the Industrial Commission. However, it is reasonable that an association that has been affected should have the power and right to present a case. The crux of this matter is that it is not up to the association that is bringing forward an application to make a judgment; it is up to the Industrial Commission. No one has questioned the impartiality or judgment of the Industrial Commission, so why does the Deputy Leader now suggest that, when the Industrial Commission comes to this clause, it will become vindictive, biased or one sided? Such a suggestion is without foundation. The only power given here is for an association to ask for a case for deregistration to be heard here in South Australia.

The Hon. J.D. Wright: You've gone a long way around getting there.

The Hon. D.C. BROWN: If there has been a Federal deregistration case which has some relevance to the State then, obviously, evidence presented federally can be brought forward at the State hearing. That is done merely for simplification, because we all know that there are federally registered associations and State registered associations which cover basically the same groups of people within the one State. It is therefore appropriate that there be some procedure to pick up both State and Federal jurisdiction.

Clause passed.

Clause11—'Certain matters not to be challenged.'

The Hon J.D. WRIGHT: I do not oppose this clause if it does what it says. I understood that the Act took charge of this situation until 1986, yet the Minister is extending the proposals and protections until 31 December 1984. If one looked at section 133 of the Act one would have thought that there is ample time already allowed for this in the Act. If the Minister is merely extending that time because he has to, I have no objection to the clause, but if there are any other reasons I would like to know them.

The Hon. D.C. BROWN: The Labor Party opposed amendments to this Act that I introduced into this House last year seeking to extend the moratorium, so there is no moratorium.

The Hon. J.D. Wright: We did not oppose the moratorium; we opposed other things.

The Hon. D.C. BROWN: The Opposition opposed the legislation and combined with the Australian Democrat in the Upper House to defeat the legislation. Therefore, there is currently no moratorium in the *Moore v. Doyle* situation and all trade unions are fully exposed to a legal case on that basis. We are attempting to reintroduce a moratorium to apply until December 1984.

The Hon. J.D. Wright: We will agree if that is what you are doing.

The Hon. D.C. BROWN: I am sure the Deputy Leader would. Anyone who did not agree to that happening would have no sense. It was that action taken by the Opposition and the Australian Democrat that leaves all trade unions in this State exposed to legal action under the *Moore v. Doyle* principle.

The Hon. J.D. Wright: The Minister should be accurate in what he says. He will say anything and that is why I am a great advocate of putting all members on oath. The legislation that was rebuffed, or thrown out, as it should have been, in the Upper House was Draconian legislation, and the Minister well knows it. He embodied in that legislation the extensions of the moratorium on the *Moore v Doyle* situation. It is no good his saying that it is our fault. He has had plenty of time to bring back at least one amendment to the Act. It is no good the Minister's trying to confuse people by not telling the truth in this House about the legislation. We support this clause.

Clause passed.

Clause 12—'Insertion of new Part IXA and Part IXB.'

The CHAIRMAN: Order! Before calling the member for Playford, I point out to the Committee that this clause covers pages 6 to 25. It is a very large clause. On a previous occasion we had some confusion and I bring that to the attention of honourable members in order that that confusion shall not take place again.

Mr McRAE: Will you, Mr Chairman, adopt the procedure of honourable members asking three questions and then sitting down and, in that way, focussing attention on what they want answered and having done with it?

I deal first with the accounts and audit provisions. I totally support proper audits and accounts of union funds, as I support any other organisation which holds money in trust for its members, having a proper accounting and auditing system. If any evidence were needed for that, one would only have to look back to my record and see that I put my whole political career on the line in 1974 when I involved myself—perhaps unwisely at that time, but historically it is a fact—in the A.G.W.A. internal dispute and vigorously fought a battle in the courts on this very question. So, let there be no doubt in anybody's mind on where I stand on proper audits and accounts. One would be a fool to say otherwise.

Having said that, the criticism that I make and the first question that I ask the Minister relates to the intervention of the Minister in this area. Really, what has happened here is that the accounts and audit sections are lifted—the Minister said 'lifted from the Federal Act', and in one sense that is true—from the Companies Act, and in that sense it is entirely proper. Why does the Minister get his nose into the act? This is a matter between member and association, member and member, and the courts, and that is it, and it is the last matter in which a Minister should become involved. That is my first question in that area.

Secondly, although the matter under question has been in one sense meticulously drafted, it really misses out on a few things, in that the records of events often these days are contained in film—microfiche and the like. I rather question whether the reference to the books and records picks that up in relation to another Bill now before the House. We have had discussions with Parliamentary counsel, and it appears that it does not. In fact, some attention should be given to that matter, but with that one exception I am totally in accord with the philosophy that goes behind this. Of course, this should be here and unions should abide by this. To the best of my knowledge, with the exception of the A.G.W.A. incident in 1974, they have, and they learnt dearly and I also learnt dearly, the cost of not abiding by such provisions. So, under that heading we can get it clear that what I am asking the Minister is, first, what is his warrant for becoming involved?

Secondly, if there is a warrant, either for the Minister or for the court, are we adequately protected, because in relation to a similar Bill my advice is that we are not? Now, when we come to disputed elections, in many senses I agree with this procedure being far better than the existing procedure. In fact, again referring to the A.G.W.A. case, it was highlighted that something like this was required in order to get a proper and all-embracing inquiry into what was going on, but again we find the potentiality for Ministerial interference, as distinct from an inquiry by the court and by the officers of the court. My last question is a very important and

sincere one and I hope it will be treated in that vein when the Minister replies.

What concerns me, both in relation to this matter and to a number of other matters is the relationship between the Minister and the Judiciary in the Industrial Court structure of this State. I am very concerned indeed as to the independence of the Judiciary, the commissioners, and the registrar, and I am not suggesting for a moment that the Minister has attempted to interfere or tamper with that independence, but what does concern me is this: there seems to be an attitude which has evolved over the years whereby the court, the commission, and indeed the registrar regard themselves as part of the department of the Minister, and I do not care whether it is a Labor Minister or a Liberal Minister. I am against it totally, because the Judiciary should be seen to be, and should be, totally above any Ministerial interference or even potential interference.

If one takes the analogy of the Supreme Court, the Attorney-General does have discussions with the Chief Justice, representing the judges and other officers of the Supreme Court, and that is entirely what one would expect. But there seems to have developed a philosophy under which there is a differentiation between our Industrial Court and Industrial Commission and the Minister who happens to be in charge for the time.

That concerns me greatly as it could mean that (and I am not suggesting that it is this Minister or any Minister known to me, but it could happen that under clauses like this and, indeed, under the whole philosophy which seems to pervade the machinery of the system) a Minister can get a hearing and perhaps influence proceedings. I am not referring to individual proceedings, and I do not believe for a moment that we have ever had a Minister who has tampered with individual proceedings, but certainly we could have a situation where a Minister could impose his will to some extent (because it is his department) on what the judges, commissioners, registrars, magistrates, etc., do.

The Hon. D.C. BROWN: As to why I, as Minister of Industrial Affairs, have given myself the power, I point out that new section 142m provides:

(1) Where—

(b) the Minister is of the opinion that there are reasonable grounds to suspect that an association has not, as regards a matter affecting its finances or financial administration, complied with a provision of this Act or a rule of the association,

the Minister may direct the Registrar to cause an investigation into the finances and financial administration of the association to be carried out.

The reason is, as the honourable member realises and has said, that we have picked up mirror provisions as far as possible from the Federal Act. But, under the Federal Act, there is the Industrial Relations Bureau, to which the Federal Act gives that power. As we do not have an Industrial Relations Bureau in South Australia, obviously I cannot give that power to the bureau.

I do not know whether the honourable member would like me to set up a bureau and give it that power, but I think that that is inappropriate. If a formal complaint is received by the Minister (and, after all, the Minister is the person who has to take ultimate Parliamentary responsibility for this), the Minister must try to have someone carry out that investigation. I stress that the Minister himself does not have the power to carry out the investigation. The Minister must have evidence that there has been malpractice or that the financial provisions of the Act have not been complied with before any such investigation is carried out. Obviously, he therefore has to be able to stand up publicly or to justify to this Parliament what evidence he has before asking for an investigation.

I would be the first to agree with the honourable member that this power should not be provided if, in fact, it was the Minister himself carrying out this investigation, because I believe that Ministers should not put themselves in the position where they can demand that this be done, or carry out their own investigation. That is why all the Minister can do is ask the Industrial Registrar to carry out that investigation.

The third point raised by the honourable member concerned whether or not the Industrial Registrar is the appropriate person to do this. The present Act already gives *quasi* judicial powers to the Registrar. For instance, the Registrar passes judgments on any deregistration application. All that is being done is that that same power is being given to the Industrial Registrar here. I appreciate that the Industrial Registrar may not have the resources or the skills to carry out such an investigation, so the Bill thus provides that, where appropriate, the Industrial Registrar can obtain additional expert advice from outside sources.

This provision is similar to that in companies legislation where the Attorney-General has the power to request assistance from the Corporate Affairs Commission or to appoint an investigator to carry out an investigation. In fact, as the honourable member would realise, this was recently done by the South Australian Government where the Attorney-General appointed an investigator, whose report is still being prepared. I stress that a similar type of power to that used elsewhere is being picked up here. I do not think it is unreasonable, because in the case I mentioned the Minister has the power to appoint an investigator, and this clause provides that the Minister may ask the Industrial Registrar to be the investigator and, if need be, to take expert advice. I think I have been very even handed in regard to this in applying the same standard as that which applies to private companies.

The Hon. Peter Duncan: It will be a very long time before an employer organisation gets investigated.

The Hon. D. C. BROWN: The same principle applies to both employer associations and trade unions—it is an even handed approach. The Industrial Registrar is a public servant and currently has *quasi* judicial powers and obligations under the Act. I think that everyone realises that he has those judicial responsibilities and that no-one would interfere. I think, in fact, the Act does protect him in that regard. If the point raised by the honorable member is valid (but I do not think it is) then it would apply to many of the existing powers, and not just to that proposed in this legislation.

I urge all members to support this measure. I think that the financial measures proposed are reasonable. Basically, they mirror the Federal provisions, which I think have worked well. The provisions proposed in this Bill have been slightly altered, because South Australia has slightly different provisions in its Acts: for example, there is no Industrial Relations Bureau in South Australia.

Clause passed.

Clause 14—'Conscientious objection.'

The Hon. J. D. WRIGHT: One would describe these provisions as being the final link in the Minister's chain. This clause binds together all the elements concerning the breakdown of union membership, and I refer to preference to union members, conscientious objectors and all the other aspects attempting to bankrupt trade unions. The Minister is not in a position to deny that. He is weakening the organisation. The current provisions in regard to conscientious objection gives a person the right to apply to the court on religious grounds and, if that can be established, that person is granted conscientious objector status.

The Labor Party supports that. It supported it for the nine or 10 years that it was in Government, and it still supports it. However,we cannot support this clause, because it gives an open book for people to opt out of organisations

without any reason whatever. That is what the Minister is doing in this clause. If the Minister approached this matter honestly in regard to giving individual rights he would place some sort of obligation on people to establish their grounds for conscientious objection.

Does the Minister believe it is enough for a person who has a row with a shop steward to claim that he has become a conscientious objector, that he can make application and be granted permission to leave the union? Does the Minister say that because a union did not go on strike over an issue that that gives a member the right to leave that association? Does the Minister say that if a properly conducted ballot was held and the majority of members decided to go on strike and one member or several members did not agree with the decision, that that forms the basis for an application on the grounds of conscientious objection? It is as simple as that.

As I stated last night, any disenchanted member of an organisation, and from time to time people are disenchanted with an organisation over various matters, could be in this position. An organisation may not be militant enough, it may be right wing or the member believes that it is too far left, yet it is the organisation which represents him in the work place. There is nothing to stop a member or employer from getting a batch of application forms and circulating them in the factory and saying that it is an opportunity for people to make a simple application without giving reasons.

Unionists could be applying *en masse* to the court for conscientious objector status, and they would be granted it under this clause. The Minister has gone too far. There is no way that the Labor Party can support this provision. We believe that, if a person is working in the work place, wherever that may be, and he is covered by a registered organisation which provides the awards and conditions for that employee, that person ought to pay his way like everyone else. We oppose this clause.

The Hon. D.C. BROWN: First, I point out that Mr Cawthorne stated:

1. The grounds on which exemption for conscientious exemption is granted be widened to cover conscientious objection generally.
2. That the procedure by which a certificate is obtained be deformalised.
3. That all discrimination against the holder of a certificate of exemption be outlawed.
4. That the penalty for breach of the conscientous objection provision be reviewed.

In each case that is what I have done. The next point provides:

5. That payment of equivalent moneys be paid in to Consolidated Revenue.

That is what I did not do, because we decided to continue the existing procedure where payment is made to a charity, the Adelaide Children's Hospital. We did not believe that it should go to the Government in the form of a tax. I point out that, basically, all of Mr Cawthorne's recommendations, except the last one, have been accepted. I believe it is totally unacceptable that, at present, the only ground that allows a person to legitimately register as a conscientious objector is on religious grounds. People refuse to join organisations or decline to join organisations for all sorts of reasons. Religious grounds is a legitimate reason, but what about political grounds, personal feelings, and personal objections? Are those people allowed to object.

Mr Whitten: Shouldn't they give reasons?

The Hon. D.C. BROWN: Yes, they are required to sign the appropriate form saying that they have genuine conscientious objections to joining a union. They cannot simply opt out and say 'Look, let's do it on the cheap. I don't want to pay my union membership. I will go off and register as a conscientious objector'. They will have to pay an equivalent fee to the union membership fee. We have broadened this ground to take in all the other areas in which a person has a genuine conscientious objection. I am sure that no-one would oppose that. Are we saying that no-one is allowed to have a personal objection or a personal view on something? Are we saying that people cannot think, cannot exercise or cannot hold personal points of view?

Mr Gregory: It's 1984, isn't it?

The Hon. D. C. BROWN: It appears that way from what members opposite are putting forward.

The Hon. J.D. Wright: The Federal Act doesn't do it.

The Hon. D.C. BROWN: In fact, the Federal Act is broader than the current State Act.

The Hon. J.D. Wright: Not as broad as yours.

The Hon. D.C. BROWN: The Federal Act does not require objections only on religious grounds. The Federal Act uses an almost identical phrase, that is, 'general conscientious objection'. The Federal Act does it on exactly the same basis.

The Hon. J.D. Wright: The Registrar has to establish that.

The Hon. D.C. BROWN: They have to go and argue it.

The Hon. J.D. Wright: Yours doesn't?

The Hon. D.C. BROWN: The grounds by which it can be granted are exactly the same—conscientious objection. What I have done is deformalise the agreement so that an applicant simply signs an appropriate form.

The Hon. Peter Duncan: The grounds are not the same. Under the Federal Act, it requires that the Registrar be satisfied; there is no such requirement here.

The CHAIRMAN: Order!

The Hon. D.C. BROWN: I stress that the actual basis on which it is granted under the Federal Act is conscientious objection, and that is what the grounds are here. The procedure here (and that is what I think the honourable member for Elizabeth is confusing this with) is less formal than the Federal procedure. That is what Mr Cawthorne recommended, and that is what I have adopted. I think it is inappropriate that a person should have to go along and publicly argue his views to the Registrar, or someone else. If he holds those views, he holds them strongly. They are his views and he should not have to go and prove that he holds those views. Therefore, I find it incredible that any member would oppose this particular clause. If ever there was a reasonable, fundamental middle of the road point of view of a procedure being adopted, this is it.

The Hon. PETER DUNCAN: I most certainly oppose this clause. I do so for a number of reasons. In the first place I must say in passing that I find it quite odd that the Minister, of all people, should be extending to a whole rag bag of other ideas and ideologies the same benefits which, under the existing legislation, are available to people who have genuine religious beliefs.

What he is doing, of course, is throwing in religious beliefs with a whole rag bag of other objections, some of which may be valid reasons for not joining a union and some of which may not. The only requirement in relation to conscientious objection under this legislation is for a person to simply make that claim. There is no requirement at all for anybody tc be satisfied about the genuineness of the claimants belief. I find that quite extraordinary. I am concerned because employers could use this against their employees. It would not be difficult for certain employers to obtain a bundle of statutory declarations and then say to their employees, 'We are not having any unions in this place; this is a non-union shop'.

Everyone will sign one of these statutory declarations and the company will send a cheque to the Registrar covering the total amount of union dues that is liable. Plenty of companies pay union fees for their members, and it would be no skin off their nose to pay that money. The great

advantage would be that they would not have the union coming in to provide protection for the workers in the plant. There is nothing to stop an employer doing exactly that. He can take a bundle of statutory declarations, approach each employee and say, 'You will sign this.' Having collected all the signatures, the employer can send the forms to the Registrar with a lump sum cheque.

As the legislation now stands, the Registrar will be able to do nothing about that, because he will have the money and the statutory declarations. In those circumstances, I oppose the clause most strongly. The Minister might say that, once people were employed, it would be quite impossible for the employer to take that action. Of course, there is an alternative: a person could apply for a job, and the prospective employer might bob up with a form and, after ascertaining that that person was not a member of a union, could say, 'Right, you can have the job if you sign this statutory declaration form.' There is no provision in this Bill to stop an employer taking that action.

Once the employee signs the statutory declaration, he would be granted a certificate, and that would be the end of the matter. I can well imagine that some employers (and I am certainly not casting aspersions on all employers) will play those sorts of tricks. Neither the Bill nor the Act provides protection in that regard. Clause 14 (b), which amends section 144a of the Act, states:

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 $500.

First, I point out that, to my knowledge, the word 'differentiation' is not a legal term known to the law and defined by law, so we are entering so-called uncharted waters in using that term. I am greatly concerned that, once a person is granted a certificate, a union official, on visiting a plant approaching that person and saying, 'Have you changed your mind yet? Come on—you ought to join the union. Do the right thing by your workmates', would certainly be differentiating in regard to that person as against the rest of the employees in the plant. Therefore, the union official would be guilty of an offence and would be subject to a penalty not exceeding $500. That is sufficiently unsatisfactory, but that sort of so-called differentiation might well be seen as an intimidation under new section 166a *(a)* which provides:

Where the holder of an office—

and an organiser is an elected official in most unions or will be under this legislation—

in an association is convicted of an offence involving violence or intimidation—

Mr Gregory: A shop steward.

The Hon. PETER DUNCAN: Yes—

... 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.

That is a very serious situation that the Minister is creating. Anybody who knows anything about the normal rough and tumble of shop floor union activities—

Mr Lewis: Like the builders labourers.

The Hon. PETER DUNCAN: Contrary to what is said by the honourable member, who the other night went on at some length with a great amount of unsubstantiated anecdotal comment about the builders labourers, I know something about the builders labourers in South Australia. It is a body of union officials who are dedicated and concerned. I have no doubt in my mind of the overwhelming support of their membership. The Secretary has been appointed by a Government body—

The Hon. D.C. Brown interjecting:

The ACTING CHAIRMAN (Mr Russack): Order! The member for Elizabeth has the floor.

The Hon. PETER DUNCAN: I know something about the day-to-day operations of shop floor union politics and union operations. If a person has a conscientious objection certificate, he would be in a very powerful position in relation to an organiser or shop steward, because that person could make allegations, substantiated or otherwise, against the shop steward. If he was able to prove them to the satisfaction of, I presume, an industrial magistrate, in those circumstances the shop steward or union official would be convicted. It might well then be held that he was disqualified from election or appointment to any office in an association for a period of five years. That is a very grave situation. It is not only a situation that could well arise but is also a situation that will lead to double jeopardy being applied to persons in that situation. They will be fined on the one hand, and disqualified from holding office (a much more severe and heavy penalty), on the other hand.

Mr Lewis: Like drunk driving.

The Hon. PETER DUNCAN: It does not give one much confidence in the future of the State when we stand in Parliament trying seriously to debate an issue such as this and hear stupid inanities coming from the member. It is a sad reflection on the Parliament. I simply conclude my comments by saying that the whole of new subsection (6) and its inter-relationship with new section 166a ought to be looked at much more carefully. It is providing a very powerful weapon in the hands of a disgruntled person who may well be the holder of a conscientious objection certificate. It is a very serious situation that the Minister ought to consider very carefully. What I have said is not opposed to conscientious objection certificates. I am concerned about the potential use of that penalty power in conjunction with new section 166a. I finally point out that new section 166a means sudden death.

If one falls within new section 166a, one can get five years suspension in a flash, no matter how minor the intimidation might have been. To some extent, I can understand these conditions applying to situations involving violence, although I do not necessarily hold with that because an action might involve a small amount of violence. However, the intimidation limb of this defence is so broad and so ill defined that the most minor transgression could lead to the extraordinarily heavy penalty of a person being precluded from holding a position for a period of five years. We should not forget that full-time union officials are professionals at what they are doing. I know that they are elected from the shop floor in many cases, but many of them are people who have developed great expertise in their role as a union official and to deny such a person his livelihood in that context is a grave and serious step to take.

I can imagine that, if we were in any other area of legislative endeavour, and if a provision was put forward that was going to deny a person their livelihood for a period of that length, this Government would be screaming. I can remember some of the consumer protection legislation dealing with car dealers, real estate agents, and the like, where the Liberal Party was prepared to entertain suspensions, disqualifications and the like only in the most grave circumstances. Yet in the circumstances mentioned here the slightest intimidation could lead to a person being disqualified from election or appointment to an office in an association for a period of five years.

The Hon. D.C. BROWN: There are some points that the member for Elizabeth deliberately overlooked. For instance, a person applying under the conscientious objector provision must sign a statutory declaration. It is not possible for people to come along, shove a form under your nose, and say, 'Sign here, mate, if you want a job here. Sign this. Sign

that.' A statutory declaration carries certain legal obligations, as the member for Elizabeth knows. People who sign such declarations falsely face the appropriate consequences. That is the first point, there is a legal obligation on the person signing the form to do so on true and proper grounds.

Secondly, I found it interesting that the member for Elizabeth quoted new subsection (6) at some length. He used it as the grounds for saying that this was such a harsh provision, yet he completely ignored the part of the same provision which would stop what he implied was about to occur. Honourable members may recall that the member for Elizabeth said that the employer would require all his employees to sign one of these statutory declarations to become conscientious objectors. However, that new subsection states:

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.

If an employer is to give favourable consideration to people who are conscientious objectors and who hold a certificate as opposed to all other people in his employment, then he is guilty of an offence. How can the member for Elizabeth make the sort of accusations he has made when a person who holds a certificate cannot be favoured against a person who does not hold one? I point out to the honourable member that there are already safeguards in the Act which state that a person shall not discriminate against or in favour of a person who is or is not a member of a union. That, again, clearly protects the sort of case about which the honourable member was talking. Frankly, there is no validity in the argument that he has tried to dredge up tonight.

The Hon. PETER DUNCAN: It is very difficult to deal with a person like the Minister. Particularly if it suits him, he is inclined to be somewhat obtuse. The fact is that new subsection (6) applies only to a person who already has a certificate. Clearly, an employer, in going around and saying to somebody, 'If you want a job here, sign this statutory declaration', is not transgressing new subsection (6), because the person before whom he is putting that statutory declaration does not have a certificate of conscientious objection at that time. All he is asking that person to do is to sign a statutory declaration. So, at the time when he would be possibly differentiating for or against a person, that person would not be a conscientious objector for the purpose of this legislation. Therefore, the Minister is off the rails there and is incorrect.

He simply has not answered my second point at all. The fact of the matter is that a person who is a union official, for the most minor transgression or differentiation, if that differentiation was some sort of minor intimidation, could be precluded from holding office for five years—an extraordinarily serious penalty. That penalty may be justified in the case of really serious activities, but in this instance it is not justified at all.

One further point is that this piece of legislation is not a criminal Statute, and it is no doubt arguable whether it is necessary for a complainant under new subsection (6) to prove his complaint beyond reasonable doubt or simply beyond the balance of probabilities. If it is only the civil onus of proof, which might well be the case, it would be relatively easy in those circumstances for an aggrieved conscientious objector who hated unions—that sort of person who has a pathological hatred of unions—to concoct a story purely and specifically for the purpose of roping in a union official so that he could be brought within section 166a.

The Hon. D.C. BROWN: The member for Elizabeth has overlooked the fact that section 144a (3) is still in the Act and has not been altered. I will read it to the honourable member. It is currently in the Act: it has worked and apparently has not caused any problems, and is really the point to which he is referring. It states:

Notwithstanding anything in this Act or in any other Act or Law, no differentiation—

That word, which he says is being introduced for the first time, has been in the Act right through—

shall be made for any purpose between the position of a person who is a member of a registered association and the position of a person who holds a certificate that is in force under this section in relation to that registered association in so far as the fact, that a person is or is not a member of that association, is relevant.

The power has been there. The Opposition itself has said that apparently there have been no problems with the existing arrangements. All the Government has done is pick up a penalty under that. Now, the Opposition is saying suddenly that that arrangement that has been operating for so long suddenly is going to cause enormous problems, even though we are not altering that provision at all. That is the sort of extent to which they have gone to dredge up fears and to concoct all sorts of situations as to why this legislation, which is in large part already operating, suddenly will not operate just because we are broadening the power.

Mrs SOUTHCOTT: I would just like to stress again what I said last night, that we welcome the broadening of the categories for conscientious objectors. We defend, as I stated last night, the right of individuals not to join an association if they have a valid reason. We also believe that trade unions are necessary in the interests of the community, as are employer organisations, and it is in the interests of the community for responsible trade unions to exist. The provision refers to the statutory declaration. It also refers to the payment of a prescribed fee but, as the Minister has stressed, it is not necessary to either join a union or register as a conscientious objector. The question is, as far as I can see, in that case why should anyone join or do either? I believe that the effect of this amendment could be quite widespread and make it very difficult for unions to continue to exist and to operate fully.

I have had an amendment drawn up which I will not be moving tonight, but which I will have referred to my colleague in the other House, and that relates particularly to the payment of a prescribed fee. Under the present legislation, the prescribed fee is to be paid to the Adelaide Children's Hospital. Although I strongly support the Adelaide Children's Hospital as a charity, I cannot see the relevance of the money being paid to the Adelaide Children's Hospital. It has nothing to do with unions. I am not talking about support for the Children's Hospital, for which I have worked for many years. That is not the matter of the question.

The point is that I believe strongly that people who work under awards, under conditions that are obtained for them through unions, have a responsibility to pay something for that service. I understand the reluctance of people not to pay funds to unions to be used for the support of political Parties, and the amendment that we would be suggesting would be that the prescribed fee be paid to the Registrar and it would be paid into a separate fund maintained by the appropriate registered association. It can be called a representation fund, and the money from that fund shall not be applied by the association to provide support for a political Party or for any other purpose other than the payment of salaries and wages of officers and employees of the association and costs and expenses incurred by the association in negotiation and advocacy of improved conditions of employment, and in otherwise representing the interest of persons whom the association is entitled to represent. We believe very strongly that people who benefit from the work that is carried out on their behalf have a responsibility to pay their share. They are not compelled to join unions, and I am not suggesting that. We are saying

that the option should be there. If they wish to register as a genuine conscientious objector, that is fine, but there is a responsibility for them to pay their way and not to simply benefit by the money paid by the people. Therefore, we support the payment of a fee, not to the Children's Hospital, which has nothing to do with the matter and has not earned any of the awards or conditions that people work under, but back into a union fund to be used solely for that sort of support.

The Hon. D.C. BROWN: I know that the Australian Democrats always try to sit on the fence somewhere between the Liberal Party and the Labor Party, but when it comes to freedom of choice as to whether or not one joins an association, then one should be either in favour of it or against it. There is no room for compromise and no fence that one can sit on. From what I can see—and I appreciate that the honourable member has probably been served up a Federal policy that she is required to support—when it comes to this issue, there is no room to sit on the fence as the Australian Democrats are trying to do.

I find it totally unacceptable, based on the policy just outlined by the honourable member, that one should be allowed, on grounds of genuine conscientious objection, not to have to join a union, to register as such, but then, under law, that person's money is taken and paid to a trade union. If one objects to joining a trade union for some reason, whether religious or on some other grounds, then one's money should not be required to go to the trade union movement. What is the point of having a conscientious objection if the compomise is that one does not have to join, but one's money is given to the trade union movement anyway.

I covered the one qualification that the honourable member put on that, and that was that the money paid to the trade union movement has to go to salaries and cannot be used for political purposes. The honourable member also put other qualifications on it as well. That is fine, and I am sure that that would be upheld by trade unions. What they would do is say that all the money from the conscientious objections will go to paying the staff. That would mean that more money that comes from the ordinary union members would go to the political levy. It would just be a dog chasing a dog, a fiddle here and there, and one would end up with exactly the same sum going to political contributions as would have happened if the person had joined the union. That is why I make it clear that there is no compromise on this: either the Australian Democrats get into bed with the Labor Party or they come over and support the Liberal Party and support the right of an individual having a choice of whether or not that person joins a union.

Mrs SOUTHCOTT: Obviously, the Minister cannot understand the finer points of principles. I am talking about the principles of the Australian Democrats. We are not sitting on the fence. What we are suggesting is paying a fee for service. There is an option between joining a union and that is one matter, and we recognise that people have objections to joining a union. Paying a fee for service is not joining a union. There is an option and it is not sitting on the fence.

Mr Lewis: What service?

Mrs SOUTHCOTT: The service provided by unions. It would be very good if the honourable member recognised the service that unions give. They give a great deal of service. It would be very good if members opposite found out something about the work of unions in protecting the rights of their workers. I am talking particularly about the safety precautions that they use and the interest of the health of their workers. If a lot of employers and perhaps members opposite had the same concerns, then the unions may not need to be so busy. The union movement came into operation for extremely good reasons—for the protection of the workers.

I believe that it is vital that there is always a strong union movement in Australia, a responsible one which all people should be encouraged to join voluntarily. If those people do not wish to join it voluntarily, but wish to take advantage of the benefits, then it is fair that they should pay a fee for service. As far as saying that the unions would simply pay it over and use it for their own political purposes and so on, all I can say is that not everyone would behave in the same way that the Minister suggested.

Other people have objections, and one of the strongest reasons why people object to joining a union, as was mentioned by members during this debate, is that they may not wish to pay money to a political Party. An alternative might be preferred, namely, that there be a flat fee that everyone pays, in addition to which there could be a voluntary payment made to a political Party if so desired. I stress that there are many people in the community who can see the difference in regard to doing it in the way that I have suggested.

Mr LEWIS: I must respond in some part to the illogical remarks made by the member for Mitcham. It is regrettable that she just does not understand, I suppose, that if, say, there was a country at war with another country and a third country came along and said, 'Okay, we know that you attacked the second country, that you have an army, that you also have starving women and children, and not enough food, not enough wheat, but we can provide you with the wheat you need—

The Hon. J.D. WRIGHT: On a point of order, Mr Chairman. I cannot see any reference to wheat, armies or starving children in this legislation. I do not think the honourable member is speaking to the clause that is before the Committee. I would like you to give me a ruling on that matter, Sir.

The CHAIRMAN: I take it that the member for Mallee is going to link up his remarks, and that at this stage he is giving a brief summary of what he intends to put to the Committee. I will allow him to continue. The Chair has given members considerable latitude in speaking to the clauses in this Bill. However, I believe that it is appropriate at this hour that the member should link up his remarks to the clause before the Committee.

The Hon. J.D. WRIGHT: On a further point of order, Sir. Not having ruled in my favour, could you explain to the Committee why you were laughing and covering your face with your hand when the honourable member was speaking?

The CHAIRMAN: Order! Will the honourable member withdraw that remark, as he is reflecting on the Chair.

The Hon. J.D. WRIGHT: I withdraw reluctantly.

The CHAIRMAN: The honourable member will withdraw the second time, without qualification.

The Hon. J.D. WRIGHT: It is 12 o'clock at night, so I withdraw.

Mr LEWIS: I was simply drawing an analogy to illustrate the point that, whereas the donor of the goodies might specify that they be used only to feed, say, the women and children, that only leaves more of the local goodies to feed the armies that are committing the aggression. Therefore, union dues, which would otherwise be paid if a person chose to join a union, would in part be provided to a political Party (the Labor Party) which is affiliated with the unions. If dues collected from a person who is a conscientious objector went only towards paying salaries and wages of union employees, who ostensibly are endeavouring to obtain better employment conditions for the workers, that would merely mean that the remaining voluntary members of the

union could make a greater contribution to the welfare of the Labor Party and its slush funds.

Mr GREGORY: The current amendment provides for an abstention on the grounds of conscientious objection and provides that people can sign a statutory declaration. That removes from the Act the requirement that people satisfy the Industrial Registrar that they have a conscientious objection. However, it does not provide for unions to question the validity of such a statutory declaration. The Minister implied that such a declaration is signed and that therefore it must be true. During the debate the Minister has portrayed a dismal lack of understanding of industrial reality.

There is a requirement generally in industry that people seeking sick leave complete a statutory declaration to say that they are or have been sick. One principal reason for complaint about this extension is that people who work in industry in South Australia and who are covered by awards or decisions of conciliation committees, with the exception of agreements, are given the benefits of that award and the conditions of employment in the industry whether or not they are members of the union. That is what the objection is about: people who are getting something for nothing.

Obviously, Government members agree with that philosophy, because we have seen this Government refusing to investigate bottom of the harbor schemes where people who have dodged taxes are allowed to get away with it and get something for nothing. The rationale advanced by the Minister will then apply also if the Government retains office and he will legislate to require the R.A.A. to provide its services free to all drivers in South Australia whether or not they are R.A.A. members. Similarly, he will require friendly societies to provide benefits to people whether or not they are members, and he will require credit unions to provide benefits to people whether or not they are members—they get the same benefits, and that is what it is all about.

Mr Lewis: What nonsense.

Mr GREGORY: It is not nonsense. It is the exact analogy. I can understand the honourable member being confused because his Party, in a fit moral righteousness, decided to ban the importation of goods from the Soviet Union in retaliation for its invasion of Afghanistan.

The CHAIRMAN: I suggest that the honourable member link up his remarks.

Mr GREGORY: To draw the analogy about freeloaders, in the last few days there has been a press report which indicated that the Victorian Government had reached agreement with the Municipal Officers Association for certain wages and conditions to apply to members of the association and for those conditions to be back-paid only to members of the association. Now we find that the Federal Government has objected to that agreement being ratified in the Arbitration Commission, and the commission has determined subsequently that the agreement should apply to all people, whether or not they are members. This is the crux of the issue: if you do not pay you should not get the benefit.

Mr Lewis: That's a dog in the manger attitude.

Mr GREGORY: I wonder what sort of business the honourable member conducted before he entered Parliament. Did he give his services freely whether he was paid for them or not? I know that the member for Glenelg would not provide a painting service unless he was paid, and that is what it is all about: people should pay for the service they get.

This provision will bring about a workshop situation where people who do pay will object to working with people who are not paying. Great play has been made by Government members about freedom of choice, claiming that people are free to choose. What about the freedom of the majority of people in the work place to choose the people with whom they work? That choice is being taken away.

Mr Lewis: Their concern should be the job, and not with whom they work.

Mr GREGORY: That has a lot to do with it—the freedom to choose with whom one works. The honourable member's inane interjections, as they are often described, illustrate that he has never been in a work place and has no understanding of the situation. If the honourable member had any understanding he would know what the position really is. This provision will do away with the closed shop agreements which have stood the test of time in industrial relations over a long period. The provision will tell companies and unions who are negotiating closed shop agreements that they are now under threat. That will cause further industrial disputation.

Mr LANGLEY: I have listened intently to the points of view expressed from both sides, including those expressed by the Minister. I do not believe that anyone expects to get anything in this world without paying for it. The Government hates unions and hates their policies. The Government will allow some workers, non-unionists, to enjoy the benefits gained by unions. I point out that unions cost money, especially when they go to court in relation to matters such as this.

As the Minister well knows, members on this side must join the Labor Party to become members of Parliament. That is quite right. Are candidates who seek endorsement with the Liberal Party required to be members of that Party? In other words, are non-members of the Liberal Party endorsed by the Party? I doubt very much whether that is possible. I believe that that is similar to the situation in relation to unions. I do not think that the Liberal Party has ever endorsed a person who is not a member of that Party. That is the way it should be. As the member for Mitcham said, if you want something, surely you have to pay for it. I learnt early in life that you get nothing for nothing.

Why should non-unionists enjoy benefits gained by the trade union movement? I think the Minister is troubled a little bit by closed shops. I may be wrong, but I believe that it will be possible for a person to work for an electrician without becoming a member of a union. Small business people do not have to be members of a union anyway. When unions fight for these things, they get them. I assure members opposite that, if they employed someone, he would want exactly the same money as a person who is in a union. It is so wrong and I do not believe in it. The amount of money that the Labor Party receives from the union movement for elections (which members have spoken about) would not be anywhere near as great as the amount that the Liberal Party receives from employers. I do not think that there is any doubt about that.

I do not expect to receive anything I do not pay for. I do not believe that other people should get anything that they do not pay for. The member for Glenelg said that he was a unionist, and I told the House which union he was in. I often complain that workers are underpaid. Workers who are not in a union do not deserve to go to the union for help. They try to do that sometimes when they find they are being underpaid by their employer. They go to the union and ask it to do something about it. I repeat, if you do not pay for something you do not deserve it.

The Hon. J.D. WRIGHT: I refer to the Minister's reply (I think to the member for Mitcham) wherein he said that, providing a person lodges a genuine statutory declaration, conscientious objection would be granted. What does the Minister mean by the term 'genuine statutory declaration'? According to the Bill, a person only has to lodge an application. The applicant does not have to prove anything and the Registrar does not have to be satisfied. If this legislation

becomes law, I want to be sure about the Government's definition of 'genuine statutory declaration'.

The Hon. D.C. BROWN: The person is required to sign a statutory declaration, set out under Statute and, as the honourable member knows, that carries certain obligations.

Clause passed.

Clause 15 passed.

Clause 16—'Discrimination in relation to independent contractors, etc.'

The Hon. J.D. WRIGHT: This clause proposes to insert a new section 157a, which has its origin in section 132A of the Federal Act, which was inserted in 1977. The proposed new section will make it an offence for a registered association to advise, encourage or incite a person who is or is not employed 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 employee to join an association.

For the purposes of this section, the action is deemed to be the action of the association if taken by the committee of management of the association, or 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 the first instance.

There are three significant differences between the proposed section and section 132 of the Federal Act. The definition of 'discriminatory action' is wider than in the Federal Act; the prohibited action on the part of an organisation under the Federal Act relates to membership of that organisation, whereas in the proposed amendment prohibited action relates to membership of an association; the Federal Act contains no reference to conscientious objectors, as does the amendment to the State legislation. The Minister has really placed the final nail in the coffin. First, he has taken away the right to award preference by the court; he has widened the conscientious objections that will allow people not to join unions for no genuine reason and on no grounds (they can refuse to pay union fees); and the final nail in the coffin is that the Minister wants to control job activity to ensure that people join unions.

That is what this clause is about. The Minister will let people off, and he is now taking the necessary action to place penalties on the association if any action is taken on the job. I can cite an example. At a work site in, say, Leigh Creek, where there is no adminstration by union officers (who reside in Adelaide), someone may refuse to join the union. The men may go on strike to try to force that person to join the union. Without any doubt, the Minister is encouraging disputation at the job site. With this clause, the Minister is trying to restrict the activities of people to prevent them doing anything, and those persons are then dealt with. Even the conscientious objector is referred to in this Bill, whereas he is not referred to in the Federal Act.

The Opposition opposes this clause quite strongly. On the one hand, the Minister talks about people's civil rights and protection, and allowing them the right to opt out of unions. However, he does not give other people the same right to refuse to work with a person who will not join a union. Where are the civil rights in that action? We listen to the Minister talking about civil rights. The Minister talks with a forked tongue when he refers to civil rights. If a person has the right to opt out of an organisation, the other people in that organisation have the same right not to work with him. It must be both ways, and cannot be single-handed. That is what the Minister is about. He is giving a conscientious objector who has no genuine objection whatever the right to say, 'I do not want to join a union'. The Minister admitted that in his last reply to my question. He said that it was all right provided that the person concerned signed a statutory declaration. No reason has to be given and no-one has to be satisfied that the person has a genuine objection.

In the next clause the Minister tells us that persons in the union have no right to take any action against that individual who will not pay his way. If that is being honest, the Minister ought to have a decent look at himself. It is certainly one-sided. The story that the Minister has tried to get over all night is that he has been even-handed. This clause gives away the whole game. It exposes the Minister, the Government and the legislation for what it is. It is a farce. This is the worst clause in the legislation, because we are getting away from what the Government has been talking about. The Opposition opposes it very strongly.

The Hon. D.C. BROWN: I find the argument just used by the Deputy Leader of the Opposition almost unbelievable, because I do not think it stands up to common logic. I draw an analogy with what the Deputy Leader is saying. I refer to our racial discrimination legislation, under which it is an offence to discriminate against any person on the basis of race. We all agree that one should not be able to discriminate against a person on that basis. The Deputy Leader is saying that, having put forward that one cannot discriminate against a person of different race, one should be able to turn around and say, 'I am not willing to work with a person of that race and I should therefore have the right to strike.' That does not stand up to a logical assessment.

The Hon. J.D. Wright: That's your opinion.

The Hon. D.C. BROWN: It does not, and I think everyone would agree. If we are going to give someone freedom of choice to join a union, we cannot take discriminatory action against that person because he has not joined a union. That is what the honourable member wants.

The Hon. J.D. Wright: That is what you're forcing in this Bill.

The Hon. D.C. BROWN: If I am protecting the person who has decided not to join a union, I am proud of the fact. If I am protecting persons against that sort of intimidation, coercion or threat from union members, I am proud to be standing up and defending such a clause. That says it all for this clause.

Mr GREGORY: Earlier this evening the Minister was questioned about the penalties that would be provided against employers who were encouraging employees to sign a statutory declaration not to be members of a union. He referred to section 144 (3) which provides that, 'no differentiation shall be made for any purpose'. He said that the power was in the Act. If that is so, why is the Minister putting in the whole of clause 16, if he is so confident that the penalties will apply against an employer who differentiates and tries to persuade people not to join a union, when these amendments apply only to associations?

The Committee divided on the clause:

Ayes (22)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Becker, Billard, Blacker, D.C. Brown (teller), Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, and Wotton.

Noes (20)—Messrs Abbott, L.M.F. Arnold, Bannon, M.J. Brown, Duncan, Gregory, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, Payne, Peterson, Plunkett, and Slater, Mrs Southcott, Messrs Trainer, Whitten, and Wright (teller).

Pairs—Ayes—Messrs Chapman and Wilson. Noes—Messrs Corcoran and Crafter.

Majority of 2 for the Ayes.

Clause thus passed.

Clause 17—'Force or intimidation not to be exercised.'

The Hon. J.D. WRIGHT: This clause takes into consideration the involvement of violence, intimidation, or so forth, by a trade union official. It goes on to state that, if a trade union official is convicted of such an offence, then he is not able to hold a position in his organisation for the next five years. I will not, nor will the Opposition, in any circumstances condone violence in the industrial arena. We will oppose that as strongly as will anybody else. This legislation was described by me during the second reading debate, and by the member for Elizabeth tonight, as being double jeopardy. Let me cite the example where an officer of a union was involved to some small degree in a passive picket line. The manager came along and a scuffle occurred. When tempers flare, all sorts of things can occur—not deliberately or intentionally, but they can and do happen, and have happened.

I have a letter here which, if it were not so late in the night, I would read for the member for Mallee, about an employer in the baking trade who attacked a union official. It is a very long letter. I might give it to the member for Mallee so that he might learn something. It is no good saying that the aggressor is always on the side of the unions. The aggressor is on the employer's side as well on many occasions.

An honourable member: Who said they were?

The Hon. J.D. WRIGHT: Well, your interjection indicates that you believe that. Let me go on with the analogy that I want to give. The union official could be of excellent repute; he could have been an official of the union for 10, 15 or 20 years. We find that if he gets a conviction in the Supreme Court for the incident that occurred, in which he might not have been the aggressor in the first place but was merely defending himself, quite simply, he has a conviction under this Act and he loses his job for five years. I do not think that that is fair. I do not think that there should be cause for double jeopardy in these circumstances. I do not support under any circumstances any trade union officer, employer officer, or anyone else going around creating violence and standing over people. That cannot under any circumstances be agreed to, but I do not believe that one's job can be placed in jeopardy for that position as well as his being penalised in the Supreme Court.

The evidence given to me today came from the baking trade. The organiser went on to a property to sign up some non-unionists and he was grabbed, thrown against one of the ovens, and then thrown out of the place. He had to defend himself, but he was not the aggressor. The employer was the aggressor. He was a little man, incidentally, and the other man was about 16 or 17 stone, so I do not suppose that he would give himself much chance in a fight. Had he fought back or defended himself and hurt the other person, there was a strong chance that he could have been convicted, because he was on the property of the employer, although with the employer's permission. It was the manager, not the owner of the place, who took action against him. This is the letter, and I intended to read it, but I will not because it is a very long letter, explaining those details to me.

That person could have found himself convicted in the Supreme Court as well as under this legislation. It is in those circumstances that the Opposition sees this as double jeopardy. It can cost a person who has been an excellent trade union official all of his life his job and career.

Let me cite this example to honourable members. It could happen that the man is in, say, the second or third year of his term when such an incident occurs. He loses his job for five years, which prevents him from running for the next ballot, so effectively he could be out of a job for up to nine years under these circumstances, as well as paying his fine to the Supreme Court or suffering whatever penalty he incurred there. It is Draconian legislation, and we oppose it.

The Hon. PETER DUNCAN: I want to say something about this clause, because, like the Deputy Leader, I believe that it is possibly the worst clause in this Bill. What has not been pointed out yet is that this clause applies in its practical effect only to trade union officials. Whoever heard of a circumstance where a full-time official of an employer would be in a situation where he was on the shop floor or on the employers premises? As I said last night, General Motors does not call out the Chamber of Manufactures every time they have a minor industrial dispute. It is the trade union movement officials who are on the spot. All night the Minister has been telling us that this Bill is even handed between the trade union movement and the employers organisations. Well, this clause does not apply in an even-handed fashion. This clause will mean that trade union officials will be subjected to the penalties set out under this clause, and employers will get off without any penalty.

That is the effect of this clause; it is not even handed at all, and the Minister can sit there smugly reading a newspaper if he likes. I am not going to allow this clause to pass this Committee tonight without having something to say about it, because I believe that it is a most pernicious attack on the trade union movement. It is almost impossible to imagine a diligent and effective trade union official undertaking his duties without at some stage or other being involved in some conduct that might well be described as intimidatory. That, in many respects, is the very nature of a trade union official's work. It might come as a shock to some members of the House who are not members of the legal profession, but the crime of assault does not in fact need to involve the application of physical force to the body of the so-called victim. It simply involves putting that person in fear of some physical contact.

That clearly would involve intimidation, and this clause would leave it open for an employer to incite, to encourage violence, to be as aggressive as possible towards a trade union official, and if the trade union official should transgress, even to the slightest degree, it would leave it open for the employer to charge that official with a technical breach of the criminal law, a very minor assault or something of that sort, and the result would be that that trade union official would lose his job and would not be able to run for office for five years.

Mr Lewis: He should learn to control his temper.

The Hon. PETER DUNCAN: All I can say is that we were talking about certificates being issued a little earlier. If there was a doctor in the Chamber I know what sort of certificate he would issue to the member for Mallee. I believe that this is a grave assault upon the rights of trade union officials, and I believe that it has been done deliberately and intentionally by this Government to try and destroy the effectiveness of the trade union movement. The only way that trade unionists will be able to protect themselves against this clause will be to ensure that any industrial muscle applied in disputes must actually be applied by rank and filers, members on the job. If a union official tries to apply any industrial pressure to resolve a dispute, the effect of that inevitably will be that this clause will be called into effect and the result will have the extraordinarily serious effect of denying that trade union official his livelihood for a period of up to five years, and possibly of course more than five years. By the time the person is disqualified from holding office, it might well be another two or three years

until the next election and then it could be another four years after that before he would be eligible to run.

So, it could in fact be eight or nine years, an enormous penalty. As I said earlier, if we were dealing with any other area of legislative endeavour, apart from the trade union movement, this Government would not have a bar of such a penalty. It would be up in arms. There would be screams in the Parliament about what an injustice it was to deny a person the right to carry on his occupation. That is exactly what this Government is doing.

Let us look at it very carefully, because what the Government is proposing is a flat penalty. It is not a provision for a disqualification for up to five years, it is a flat five years. So, the most minor transgression could lead to these drastic consequences. In those circumstances, I believe that this Government ought to be ashamed of itself, although I am hardly surprised that this Government should put up such a thing at this time. It is a cynical electioneering move: that is all that it can be called and that is what it will be seen as by the people of South Australia.

Every member on this side of the House knows the track record of members in the Government Party, and their predecessors: the way they have bashed the trade union movement from its very inception. It was the Party that introduced the anti-combination Acts. It was their Party that all the way through has tried to make life as difficult as possible for legitimate trade unions and trade unionists going about their proper business. That Party is now carrying on its historical role tonight in introducing this legislation. For that reason members on this side of the House are hardly surprised. But that does not in any way get away from how unjust and incorrect in principle the application of this particular provision is.

When the legal profession becomes aware of the implications of this Bill, there will be a widespread community outcry about the implications of it, not only the double jeopardy, but the incredibly severe penalty for what could be an extraordinarily minor transgression of denying a person their livelihood for a period of eight or nine years. It is a disgrace, and any member of this Parliament who has any shred of principle should vote against this provision, throw it out of the Bill and, hopefully, at the third reading stage, throw the whole Bill out.

Mr LEWIS: It is necessary in this instance to answer the absurdities, the inconsistencies and the illogicalities of the arguments advanced by the Deputy Leader and the member for Elizabeth. What they are advocating is that, if there is a teacher incapable of controlling his bad temper in the classroom, they would endorse the butality to which the children would be subjected if that teacher felt provoked by the behaviour of a child. Those members are advocating that a policeman incapable of controlling his temper should not be prevented—

Members interjecting:

Mr LEWIS: Their jobs are just as much, as members opposite have said by their reasoning, in jeopardy. If there is a trade union official incapable of controlling his temper, then it is high time in the last quarter of the twentieth century that that kind of practice was taken out of industrial relations and that kind of person was taken out of industrial negotiations.

We do not need brutality to obtain consensus, yet members opposite are advocating that people incapable of controlling their temper ought not to be subjected to some control. Members opposite are advocating barbarism. Members opposite are allowing, and suggesting that we should continue to allow, that kind of barbaric practice to continue quite inconsistently with the way in which the law applies to any other citizen in any other job, where people have to deal with others. Members opposite should understand the stupidity of the position that they have taken. Given the kind of nympholeptic lather into which members opposite have worked themselves during the past 24 hours over the prospects of the forthcoming poll, I can understand their frustration.

Mr GREGORY: I am grateful to the member for Mallee for providing us with light relief, because he made some play about the need to protect children and citizens of the community from over zealous police officers and physical assault and brutality. I think that the honourable member and other members opposite have certainly missed the point of the objections made by those on this side of the House in respect of this measure. Opposition members have never maintained that any person convicted of a criminal offence should not suffer the appropriate penalties. What we had complained about concerns the fact that this provision applies to only one section of people involved in the industrial scene. It does not provide for employers at all. Employers can do all these things, can be convicted, but still continue to be an employer.

I refer to the case of officials of most of the unions registered in the State Industrial Commission. If those officials are elected officials and come within the scope of the provisions of new section 166a (if it is enacted), they would find themselves ceasing to hold office and would then have to obtain other jobs back in the industry with which they were involved. If they were unable to do that, they would then be ineligible to be a member of the relevant union because they would no longer be employed in the industry. An advantage of having been a union official is that when I was asked at one time what I would do if I was defeated at an election for a position at Amalgamated Engineering (because I was being opposed at that election), I was able to respond by saying that if I were looking for work I would know where not to go. That is a fair summation, because if one has been an effective union official one finds it difficult to get a position in the industry from which one has come, because everyone know you.

The Opposition maintains that the current legislation has worked quite well. When questioned during the Estimates Committees the Chief Secretary was able to say with great reluctance that such things as those referred to by the Minister and by the member for Mallee do not exist. One has only to cast one's mind back to the incident where a member of the Industrial Commission together with a union official were assaulted by an employer, and where one employer from Mount Barker had to be restrained by his son when he threatened to shoot a union official. The employer concerned is still operating his bakery and under the provisions of this legislation would still be there, and still have his livelihood. We have not been talking about violence, but about intimidation. The mere act of being involved in industrial confrontation with an employer involves some intimidation. We could find that industrial disputes were being settled on the basis of vindictiveness.

There are one or two employers about who would want to seek prosecution and convictions on the basis of intimidation, with a view to fixing a bloke up, and giving him five years. If the Minister was fair dinkum, he would be ensuring that any employer convicted of intimidation or violence arising out of an industrial dispute would be unable for five years to employ people in his industry. The Minister has portrayed himself as being even-handed, but if that were so he would be providing for such conditions, but he is not doing so, which implies he is not even-handed, nor is the Government in dealing with the workers of this State. The entire Bill illustrates that fact.

Mr PLUNKETT: Based on what has been said from the Government side tonight, it appears that the union official is viewed as the aggressor. I was an organiser for 11 years

and was attacked three times. I was once with another official who was attacked. When the matter went to court a penalty was imposed against the employer who attacked my colleague. In my case, I was attacked for no reason other than that I was a union official. I did not approach anyone to join a union, and I was just attacked in a town.

Such a situation could happen when this provision comes into force and it could be construed that the union official caused the problem. Under my employment conditions elections were held once every four years, which would mean that, if the election had just been held, I could be disqualified from holding a union position for almost eight years. This is one of the worst Bills imaginable. The Minister, the Government and its members know that, because the Bill is certainly an election gimmick designed to cause trouble. The Government has little with which to face an election, and it hopes to obtain some assistance from this Bill.

The Committee divided on the clause:

Ayes (22)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Becker, Billard, Blacker, D.C. Brown (teller), Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, and Wotton.

Noes (20)—Messrs Abbott, L.M.F. Arnold, Bannon, M.J. Brown, Duncan, Gregory, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, Payne, Peterson, Plunkett and Slater, Mrs Southcott, and Messrs Trainer, Whitten, and Wright (teller).

Pairs—Ayes—Messrs Chapman and Wilson. Noes—Messrs Corcoran and Crafter.

Majority of 2 for the Ayes.

Clause thus passed.

Title passed.

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

That this Bill be now read a third time.

The Hon. J.D. WRIGHT (Deputy Leader of the Opposition): I place on record that the Opposition is going to oppose the third reading of this Bill. The Opposition did not oppose the second reading for the sole purpose of getting the Bill into Committee, so that we could discuss the various clauses in the legislation and place the Opposition's points of view before the Government to see whether there was any change of mind on any of the clauses. There has not been any change of mind on one clause. In fact, there has not been a chance of a word or even an 'i' undotted or a 't' uncrossed so far as this legislation is concerned, neither job nor title, as I am reminded by my honourable colleague.

As I said in my second reading speech, this is one of the worst pieces of legislation that I have ever encountered since being in this House. I sincerely believe that if the Minister, by some remote chance, is returned to the Government benches after the election he will regret this legislation in great detail. As I have said previously and indicate now, this legislation is about disputation; if that is what the Minister is setting up, that is what the Minister is going to get, and he can feel quite sure about that.

The House divided on the third reading:

Ayes (22)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Becker, Billard, Blacker, D.C. Brown (teller), Evans, Glazbrook, Goldsworthy, Gunn, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, and Wotton.

Noes (20)—Messrs Abbott, L.M.F. Arnold, Bannon, M.J. Brown, Duncan, Gregory, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, Payne, Peterson, Plunkett, and Slater, Mrs Southcott, and Messrs Trainer, Whitten, and Wright (teller).

Pairs—Ayes—Messrs Chapman and Wilson. Noes—Messrs Corcoran and Crafter.

Majority of 2 for the Ayes.

Third reading thus carried.

ADJOURNMENT

At 12.54 a.m. the House adjourned until Thursday 14 October at 2 p.m.