HOUSE OF ASSEMBLY

Tuesday 20 March 1984

The SPEAKER (Hon. T.M. McRae) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

His Excellency the Governor's Deputy, by message, intimated the Governor's assent to the following Bills:

Adelaide Festival Centre Trust Act Amendment,
Classification of Publications Act Amendment,
Education Act Amendment,
Film Classification Act Amendment,
Further Education Act Amendment,
Industrial Conciliation and Arbitration Act Amendment (No. 3),
Klemzig Pioneer Cemetery (Vesting),
Legal Services Commission Act Amendment,
Local Government Act Amendment (No. 2),
Local Government Act Amendment (No. 3),
Local Government Finance Authority,
Magistrates,
Marketing of Eggs Act Amendment,
Motor Vehicles Act Amendment (No. 3),
Motor Vehicles Act Amendment (No. 4),
Natural Death,
Pipelines Authority Act Amendment,
Prisons Act Amendment (No. 2),
Real Property Act Amendment (No. 2),
Savings Bank of South Australia Act Amendment,
Shop Trading Hours Act Amendment (No. 2),
South Australian Ethnic Affairs Commission Act Amendment,
South Australian Waste Management Commission Act Amendment,
State Bank of South Australia,
State Lotteries Act Amendment,
Statutes Amendment (Criminal Law Consolidation and Police Offences),
Statutes Amendment (Flood Management),
Statutes Amendment (Magistrates),
Stock Diseases Act Amendment,
Stock Mortgages and Wool Liens Act Amendment,
Trustee Act Amendment,
Wrongs Act Amendment.

APIARIES ACT AMENDMENT BILL

His Excellency the Governor's Deputy, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

SMALL BUSINESS CORPORATION OF SOUTH AUSTRALIA BILL

His Excellency the Governor's Deputy, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

PETITION: RUNAWAYS

A petition signed by three residents of South Australia praying that the House support the establishment of an independent inquiry into the Department of Community Welfare's attitude to juveniles, particularly runaways, was presented by the Hon. J.D. Wright.

Petition received.

PETITION: COMMUNITY WELFARE ACT

A petition signed by 404 residents of South Australia praying that the House urge the Government to amend the Community Welfare Act so as to prohibit the removal of children from their parents without parental consent or direction of a court was presented by the Hon. J.D. Wright.

Petition received.

PETITION: WATER QUALITY

A petition signed by 83 residents of South Australia praying that the House urge the Minister of Water Resources to explain the reasons for inferior water quality in the Lyndoch area was presented by the Hon. E.R. Goldsworthy.

Petition received.

PETITION: HIGHBURY AND HOPE VALLEY LAND

A petition signed by 114 residents of South Australia praying that the House urge the Government to retain land owned by the Engineering and Water Supply Department fronting Awoonga Road in Highbury and Hope Valley was presented by Mr Ashenden.

Petition received.

PETITION: HIGHBURY LAND

A petition signed by 70 residents of South Australia praying that the House urge the Government to retain land owned by the Engineering and Water Supply Department which is bounded by Lower North-East Road, Awoonga Road and Elliston Avenue, Highbury, was presented by Mr Ashenden.

Petition received.

PETITION: MINNIPA RESEARCH CENTRE

A petition signed by 456 residents of South Australia praying that the House oppose the sale or transfer in part or totally of the Minnipa Research Centre was presented by Mr Gunn.

Petition received.

PETITION: SECOND MURRAY BRIDGE HIGH SCHOOL

A petition signed by 1 046 residents of South Australia praying that the House urge the Government to make available funds in the next financial year for a second high school in Murray Bridge was presented by the Hon. D.C. Wotton.

Petition received.

PETITION: FUEL EQUALISATION SCHEME

A petition signed by 343 residents of Eyre Peninsula praying that the House urge the Government to implement a State fuel equalisation scheme was presented by Mr Blacker.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* all the questions on the Notice Paper except No. 245; and I direct that the following answers to questions without notice and replies to questions asked in Estimates Committee A be distributed and printed in *Hansard.*

SHOPPING CENTRE LEASES

In reply to **Mr GROOM** (29 November).

The Hon. G.J. CRAFTER: The report of the Working Party on Shopping Centre Leases has been released by the Attorney-General for public comment. It has been circulated to all those who made submissions to the Government on this matter. It is available from the Attorney-General's Department if any other person wishes to obtain a copy of the report and comment upon it. It is anticipated that consideration of comment will take place in the new year and the Government will be advised of reaction to the report and then consider what steps should be taken to implement the report.

ANSTEY HILL CONSERVATION PARK

In reply to **Mr ASHENDEN** (19 October).

The Hon. D.J. HOPGOOD: The current situation as regards Anstey Hill Regional Park is as follows:

1. A Joint Steering Committee comprising representation from local groups, the Tea Tree Gully Council, the Department of Recreation and Sport and the Department of Environment and Planning, under the chairmanship of Basil Thompson, has undertaken an in-depth study of the park and is about to submit its final concept report to me, as successor in title to the former State Planning Authority.

2. The Joint Steering Committee has recently considered the findings of an independent review team, set up by the Director-General of Environment and Planning to look at divestment of the former SPA reserves. These findings have not as yet been approved for implementation by the Government.

3. The review team, in its consideration of Anstey Hill Regional Park, recommended that the whole area be transferred to the Department of Recreation and Sport with certain provisions relating to conservation of the native vegetation, which covers the majority of the area. As the Department of Recreation and Sport has no land management capability, it was proposed that an approach be made to the Tea Tree Gully Council to assist in this capacity.

4. The Joint Steering Committee is ensuring that the representations made by the public during exhibition of the draft report and at public meetings held to consider its proposals are fully accounted for in the final report, with particular emphasis on conservation issues. The Steering Committee has paid particular attention to an overall fire containment plan. Fire tracks in accordance with this plan are currently under consideration.

5. Regarding fire containment proposals in the area, this question was answered in a Ministerial statement given to the House on 17 November 1983.

KOOLANGARRA KINDERGARTEN

In reply to **Mr MAX BROWN** (11 November).

The Hon. LYNN ARNOLD: The Kindergarten Union has advised me that its recurrent budgets make provision for teaching salaries and budget operating grants for each kindergarten. Any expense incurred by the kindergarten other than for salaries must be found by the management committees either from the operating grant, from fees levied on children attending or from other fund raising. In the matter of the broad issue of kindergarten security and maintenance, the Kindergarten Union is anxious to provide funding by way of assistance grants to kindergartens for these items. However, within the context of the prevailing economic climate calling for expenditure restraint, the Union advises that enlargement of grants to kindergartens is not possible.

It is my understanding that the Kindergarten Union sets aside an emergency fund within its administrative budgets to make grants for unforeseen expense items which threaten the health, welfare or safety of staff and children. The placement of a security fence around a rainwater tank does not seem to fall into this category. I believe that the Kindergarten Union had previously written to the Koolangarra Kindergarten Committee to warn it that the cost of a security compound around the tank could be prohibitive and out of proportion to the value of the tank, and recommending other less costly measures which could be taken to protect it. In the circumstances, I believe that the Union cannot offer financial assistance to the Koolangarra Kindergarten for the stated purpose.

WORD PROCESSOR PURCHASES
(Estimates Committee A)

In reply to **Hon. D.C. BROWN** (4 October).

The Hon. LYNN ARNOLD: A previous survey of Government agencies carried out during 1982-83 by the Data Processing Board estimated the sum to be $360 500 for 1983-84. This amount may be on the low side, because additional data obtained from this survey showed that 83 per cent of Government agencies were likely to acquire word processing equipment at some time during 1983-84, or beyond. It is important to keep in mind that these future word processing equipment acquisitions may be components of wider reaching office automation facilities.

DATA PROCESSING CONSULTANCIES
(Estimates Committee A)

In reply to **Hon. D.C. BROWN** (4 October).

The Hon. LYNN ARNOLD: Data collected for other purposes by the Data Processing Board from Government agencies and from other surveys within the private sector has been examined to provide an answer. Ignoring such economic factors as inflation, little change is anticipated on expenditure for 1983-84 relative to that spent in 1982-83.

In reply to **Hon. D.C. BROWN** (4 October).

The Hon. LYNN ARNOLD: Returns recently received by the Data Processing Board for 92 per cent of Government agencies with whom the Board is in regular contact indicate the amount to be $550 677 spent on external consultancies.

In reply to **Hon. D.C. BROWN** (4 October).

The Hon. LYNN ARNOLD: The State Supply Division indicates that the information specifically sought for 1982-83 is not immediately available, but could be extracted from appropriate computer files. However, the following information is available. During the contract period with Raytheon International, from 1 September 1981 to 31 August 1983 for stand-alone word processing equipment the purchases made came to $535 250. This amount is estimated

to be around 50 per cent of the total purchases made of word processing equipment over that period by the Government.

In reply to **Hon. D.C. BROWN** (4 October).

The Hon. LYNN ARNOLD: The State Supply Division indicates there were five companies who supplied standalone word processors during 1982-83: namely, Wang, Remington, Sigma-Wordplex, Data General, Rank Xerox. Also, Wang supplied some multi-station installations.

GOVERNMENT POLICY ON WORD PROCESSOR PURCHASES
(Estimates Committee A)

In reply to **Hon. D.C. BROWN** (4 October).

The Hon. LYNN ARNOLD: The State Supply Division indicates that the Raytheon International contract for standalone word processing equipment ended on 31 August 1983, and that any equipment bought after this time by Government agencies will be through the normal competitive tendering process relevant to the market place.

WORD PROCESSOR AGREEMENTS
(Estimates Committee A)

In reply to **Hon. D.C. BROWN** (4 October).

The Hon. LYNN ARNOLD: The replies are as follows:

(a) Both the Supply and Tender Board and Raytheon International mutually agreed to terminate the contract on 31 August 1983. Neither Raytheon International nor the Supply and Tender Board completely performed all terms of the contract.

(b) Without examination of individual orders actual amounts cannot be determined. However, approximately 50 per cent of the $535 520 spent on word processors during the period of the contract was spent with Raytheon International.

DATA PROCESSING EQUIPMENT
(Estimates Committee A)

In reply to **Hon. D.C. BROWN** (4 October).

The Hon. LYNN ARNOLD: The Data Processing Board is aware of two computer systems not operating as planned. A system problem at the Institute of Medical and Veterinary Science is well on the way to being corrected. A solution for a system problem at the State Library is being actively sought in conjunction with the equipment vendor.

COMPUTER PURCHASES
(Estimates Committee A)

In reply to **Hon. D.C. BROWN** (4 October).

The Hon. LYNN ARNOLD: Based on the best information currently available to the Data Processing Board, the following Government agencies may procure computer equipment during the next 12-18 months for various purposes. Some of these agencies are currently examining the feasibility of proceeding in this direction and, as a consequence, the following should be considered as a provisional list: Lotteries Commission; Totalizator Agency Board; Lands Department; Electricity Trust of South Australia; Education Department; Department of Technical and Further Education; Government Computing Centre; Motor Registration Division; Corporate Affairs Department; Engineering and Water Supply Department; Police Department; Legal Services Commission; South Australian Housing Trust; Justice Information Project, including on a collective basis the Courts Department, Attorney-General's Department, Department of Community Welfare, Police Department, Correctional Services Department and Department of Labour; various hospitals, either individually or collectively.

FISHING LICENCE FEES

In reply to **Hon. P.B. ARNOLD** (29 November).

The Hon. J.C. BANNON: The Minister of Fisheries letter of 1 July 1983 set out proposed fees for the prawn, abalone and rock lobster fisheries. Following extensive negotiations with the fishing industry, fees have been set as follows:

1. Prawn Fishery—The prawn fee will be 3.5 per cent of the three year rolling average value of production for 1983-84 and 1984-85.

2. Abalone Fishery—The abalone fee will be 5 per cent of the three year rolling average value of production for 1983-84 and 7.5 per cent of the three year rolling average value of production for 1984-85.

3. Rock Lobster Fishery—The rock lobster fee will be $5 a pot for 1983-84 and $5 a pot for 1984-85.

The formula stablished in the prawn fishery and the abalone fishery for 1983-84 and 1984-85 will not change, and the rock lobster fee will remain at $5 a pot for 1984-85.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. J.C. Bannon)—

Pursuant to Statute—

I. Land Tax Act, 1936—Regulations—Fees.

II. Superannuation Act, 1974—Regulations—Ballot Papers.

By the Minister for the Arts (Hon. J.C. Bannon)—

Pursuant to Statute—

I. State Theatre Company of South Australia—Report, 1982-83.

By the Minister of Labour (Hon. J.D. Wright)—

Pursuant to Statute—

I. Industrial Safety, Health and Welfare Act, 1972—Regulations—Construction Safety.

By the Chief Secretary (Hon. J.D. Wright)—

Pursuant to Statute—

Friendly Societies Act, 1919-1982—Amendment to General Laws—

I. Manchester Unity Independent Order of Oddfellows Friendly Society in S.A.

II. Independent Order of Rechabites, Albert District No. 83.

III. Independent Order of Rechabites Friendly Society, S.A. District No. 81.

IV. Hibernian Friendly Society.

By the Minister of Emergency Services (Hon. J.D. Wright)—

Pursuant to Statute—

I. Listening Devices—Report, 1983.

By the Minister for Environment and Planning (Hon. D.J. Hopgood)—

Pursuant to Statute—

I. Botanic Gardens—Report, 1982-83.

II. Coast Protection Board—Report, 1981-82.

III. Crown Lands Act, 1929—Section 5 *(f)*—Statement of Land Resumed.

Planning Act, 1982—Crown Development Reports by South Australian Planning Commission on Proposed—

IV. Division of Land at Renmark.
V. Upgrading of a Warehouse, Mount Gambier.
VI. Extension to the St Agnes Bus Depot.
VII. Establishment of a Temporary Construction Depot, 1157 Grand Junction Road, Holden Hill.
VIII. Relocation of a Classroom within the Campus of Elizabeth Community College.
IX. Land Division at Wingfield.
X. Construction of an Amenities Building at Port Adelaide Sewage Treatment Works.
XI. Land Division at Port Adelaide.
XII. Land Division at Torrensville.
XIII. Construction of Classrooms at Seaton High School.
XIV. Borrow Pits for Leigh Creek—Lyndhurst Road.
XV. Dual Unit Transportable Classroom at Mount Barker College of TAFE.
XVI. Additions at the Victor Harbor High School.
XVII. Additions at Mount Compass Area School.
XVIII. Additions to the Strathalbyn High School.
XIX. Single Unit Transportable Classroom at Mylor Primary School.
XX. Shelter Shed at Blackwood Primary School Oval.
XXI. Dual Unit Timber Classroom at Kadina Primary School by Education Department.
XXII. Garage at Athelstone Primary School.
XXIII. Office Accommodation at Kadina Courthouse.
XXIV. Construction of an Activity Hall at Taperoo High School.
XXV. Classrooms at the Port Adelaide College TAFE, Ethelton.
XXVI. Classroom at West Lakes High School.
XXVII. Land Division Plan at Gloucester Avenue, Belair.
XXVIII. Land Acquisition at Torrensville.
XXIX. Division of Land.
XXX. Canteen Verandah at Marden High School.
XXXI. Classroom at Torrensville Primary School.
XXXII. Classrooms at West Lakes Shore Primary School.
XXXIII. Temporary Works Depot, North East Road, Tea Tree Gully.
XXXIV. Quarrying Operations for Stuart Highway.
XXXV. Borrow Pit.
XXXVI. Land Transfer at Gillman.
XXXVII. Land Acquisition at Mile End.
XXXVIII. Land Acquisition at Klemzig.
XXXIX. Division of Land for Future Road Purposes, Grange Road, Grange.
XL. Single Timber Classroom at Moonta Area School.
XLI. Development at Davenport Aboriginal Reserve.
XLII. Construction of Sewage Pumping Station at Port Adelaide.
XLIII. Land Division, Kidman Park.
XLIV. Reconstruction of the Port Adelaide Bus Depot.
XLV. Division of Land at Walkerville.
XLVI. Transportable Toilet Block, Lock Area School, Lock.
XLVII. Transportable Classroom, Munno Para Primary School.
XLVIII. Planning Appeal Tribunal Rules—Leave to Appeal.
XLIX. Regulations—Mount Lofty Ranges Watershed. Real Property Act, 1886—Regulations.
L. Assurance Fund.
LI. Certification of Instruments.
LII. Fee for Requisitions.

By the Minister of Transport (Hon. R.K. Abbott)—

Pursuant to Statute—

I. Metropolitan Taxi-Cab Act, 1956—Regulations—Common Licence.

Motor Vehciles Act, 1959—Regulations—

II. Accident Towing Roster Scheme.
III. Civil Defence.
IV. Registration Fees.
V. Police Offences Act, 1953—Regulations—Traffic Infringement Notice.

Road Traffic Act, 1961—Regulations—

VI. Tyres and Seat Belts.
VII. Traffic Infringement Notices.
VIII. Wearing of Seat Belts.
IX. State Transport Authority Act, 1974—Regulations—General Regulation.
X. State Transport Authority—Report, 1983.

By the Minister of Marine (Hon. R.K. Abbott)—

Pursuant to Statute—

Boating Act, 1974—Regulations—

I. Milang Zoning.
II. Port Stanvac Zoning.
III. Harbors Act, 1936 and Marine Act, 1936—Regulations—Survey Fees.

By the Minister of Tourism (Hon. G.F. Keneally)—

Pursuant to Statute—

I. Dentists Act, 1931—Regulations—Registration Fees.

Food and Drugs Act, 1908—Regulations—

II. Antioxidants, Colouring and Additives.
III. Canned Meat Products.
IV. Cheese, Cocoa and Chocolate.
V. Malted Milk Power, Marzipan and Sauces.
VI. Meat Hygiene.
VII. Hospitals Act, 1934—Regulations—Fees.
VIII. Institute of Medical and Veterinary Science—General By-laws.
IX. Medical Practitioners Act, 1983—Regulations—Royal Flying Doctor Service.
X. Narcotic and Psychotropic Drugs Act, 1934—Regulations—Amphetamines.
XI. Pharmacy Act, 1935-1973—Regulations—Fees.

Prisons Act, 1936—Regulations—

XII. Parole of Prisoners.
XIII. Remissions of Sentence.
XIV. Radiation Protection and Control Act, 1982—Regulations—Transport of Radioactive Substances.
XV. South Australian Health Commission Act, 1975—Regulations—Incorporated Hospital Fees.

By the Minister of Local Government (Hon. G.F. Keneally)—

Pursuant to Statute—

Building Act, 1970-1971—Regulations—

I. Fire and Earthquake Standards.
II. Local Government Building Fees.

Local Government Act, 1934—Regulations—

III. Expiation Fees.
IV. Local Government Officers Qualifications.
V. Parking.
VI. South Australian Waste Management Commission Act, 1979—Regulations—Licensing and Fees.

Corporation of Adelaide—By-Laws—

VII. No. 16—The Central Market.
VIII. No. 20—River Torrens.
IX. Corporation of Glenelg—By-law No. 66—Controlling the Use of the Jetty.

Corporation of Noarlunga—By-laws—

X. No. 19—Street Traders and Street Hawkers.
XI. No. 21—Signs.

District Council of Murat Bay—By-laws—

XII. No. 4—To Control Motor Vehicles.
XIII. No. 13—Keeping of Dogs.
XII. District Council of Port Elliot and Goolwa—By-law No. 39—Lodging Houses.
XV. District Council of Snowtown—By-law No. 24—Cemeteries.

By the Minister of Education (Hon. Lynn Arnold)—

By Command—

I. Australian Fisheries Council—Resolutions of 13th Meeting, Sydney, 23 September 1983.
II. Australian Forestry Council—Summary of Resolutions and Recommendations of the 20th Meeting, Melbourne, 6 June 1983.

Pursuant to Statute—

I. Brands Act, 1933—Regulations—Fees.
II. Cattle Compensation Act, 1939—Regulations—Compensation Rate.
III. Dried Fruits Board of South Australia—Report for Year Ending 28 February 1983.
IV. Meat Hygiene Act, 1980—Regulations—Carcase Description.
V. Technical and Further Education Act, 1975—Regulations—Exemption from Fees.
VI. Tertiary Education Authority of South Australia—Report, 1982.
VII. Weeds Act, 1956—Regulations—Noxious Weeds.
VIII. Woods and Forests Department—Report, 1982-83.

By the Minister of Mines and Energy (Hon. R.G. Payne)—

Pursuant to Statute—

I. Electrical Articles and Materials Act, 1940—Regulations—Portable Electric Vacuum Cleaners.

By the Minister of Community Welfare (Hon. G.J. Crafter)—

Pursuant to Statute—

Rules of Court—Supreme Court—

I. Administration and Probate Act, 1919—Probate Clerk.

Supreme Court Act, 1935—

II. Probate Fees.
III. Legal Practitioners Costs.
IV. Bills of Sale Act, 1886—Regulations—Fees.
Classification of Publications Act, 1973—Regulations—
V. Copies of Publications.
VI. Videotapes.
VII. Commercial Tribunal Act, 1982—Regulations—Registrar.
VIII. Companies (Acquisition of Shares) (Application of Laws) Act, 1982—Regulations—Co-operative Scheme for Companies and Securities.
IX. Companies (Application of Laws) Act, 1982—Regulations—Co-operative Scheme for Companies and Securities.
X. Consumer Credit Act, 1972—Regulations—Tribunal and Forms.
XI. Consumer Transactions Act, 1972—Regulations—Tribunal.
XII. Credit Unions Act, 1976—Regulations—Appeals.
Fair Credit Reports Act, 1975—Regulations—
XIII. Appeals.
XIV. Tribunal.
XV. Hairdressers Registration Act, 1939—Regulations—Registration Fees.
XVI. Local and District Criminal Courts Act, 1926—Regulations—Fees.
XVII. Securities Industry (Application of Laws) Act, 1981—Regulations—Co-operative Scheme for Companies and Securites.
XVIII. Trade Standards Act, 1979—Regulations—Dust Masks.

By the Minister of Aboriginal Affairs (Hon. G.J. Crafter)—

Pursuant to Statute—
I. Aboriginal Lands Trust—Report, 1982-83.

By the Minister of Recreation and Sport (Hon. J.W. Slater)—

Pursuant to Statute—
Racing Act, 1976-1983—
I. Greyhound Racing Rules—Use of Sires.
Rules of Trotting—
II. Drugs.
III. Prior Race Drug Testing.
IV. Spider Fund Deduction.

MINISTERIAL STATEMENT: ROAD TRAFFIC ACT AMENDMENT BILL

The Hon. R.K. ABBOTT (Minister of Transport): I seek leave to make a statement.

Leave granted.

The Hon. R.K. ABBOTT: I wish to draw the attention of honourable members to a clerical error which appears in the explanation of clauses for the Road Traffic Act Amendment Bill. The explanation of clause 14 refers to the removal of a limitation on the amount of penalties that may be imposed for certain offences. I ask honourable members instead to read the explanation as a reference to the removal of a limitation on the amount of fees that may be charged under the regulations in respect of specified matters.

PUBLIC WORKS COMMITTEE REPORTS

THE SPEAKER laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Marla Bore Police Complex—Stages I and II, (Final Report)

Yatala Labour Prison—Security Perimeter Fence and Microwave Detection System, (Final Report)

Adelaide Remand Centre (Currie Street), (Final Report)

State Aquatic Centre, (Final Report)

Northfield High School—Library Resource Centre Re-establishment, (Interim and Final Reports)

Port Adelaide, Outer Harbor No. 6 Berth (Second Container Crane),

Yatala Labour Prison (Visiting Centre and Adjacent Staff Development Centre).

Ordered that reports be printed.

QUESTION TIME

RAILWAY STATION REDEVELOPMENT

Mr OLSEN: Will the Premier say why he has been a party to secret arrangements which give the consortium developing the railway station site an improper advantage over other applicants for the right to operate the casino? The Premier has refused my repeated calls to make public the principles of agreement he signed in Tokyo last October for the railway station redevelopment, and the Government had that agreement suppressed during the Casino Supervisory Authority Inquiry. I quote:

> The body shall have the first right to lease at a fair rent to be agreed any part of the main railway station building which is not required by the State Transport Authority for its normal operations, office and administration purposes by South Australia or for any governmental or Parliamentary use.

That was part of clause 2 *(m)* of the principles of agreement. The body referred to is the ASER Property Trust comprising Kumagai Gumi Company Limited and the South Australian Superannuation Fund Investment Trust. This clause gives the ASER Property Trust first right to lease the casino premises. That Trust, together with Pak-Poy and Kneebone Pty Ltd, has formed the ASER Investment Trust, which they propose should operate the casino. In a letter to the Crown Solicitor, dated 27 November last year, the legal representative for this group stated that the secret Tokyo agreement gives the group the right to determine who should hold the lease of the casino premises.

Well knowing all of this as a signatory of the principles of agreement, but refusing to make these facts public, the Premier has strongly supported the location of the casino in the railway station building, and, during the Casino Supervisory Authority Inquiry, the Government specifically supported the proposals of the ASER Investment Group on arrangements for leasing the casino premises, and opposed alternative proposals by the Superintendent of Licensed Premises and the Lotteries Commission.

It has been put to me clearly that those facts amount to a conspiracy by the Premier to ensure that the consortium developing the railway station project obtains a direct financial interest in the operation of the casino, and that other applicants for the right to operate the casino, who have spent thousands of dollars making their submissions, have been completely misled by the Premier.

The Hon. J.C. BANNON: It seems that the Leader of the Opposition has been spending the Parliamentary adjournment having a little coaching from his friends Mr Sinclair and Mr Greiner, and one or two others.

Members interjecting:

The Hon. J.C. BANNON: It is an interesting reaction. I think that I have hit the nerve there. We know that there has been a little coaching going on in New South Wales. I say that because of the way in which that question was framed: the secret arrangements, the secret Tokyo agreement—this innuendo and spreading of the ideas of conspiracy, and so on, very nicely. The word 'conspiracy' was actually used. That is quite outrageous, and I would have thought that already the Leader of the Opposition, in his carping and cavilling attempt to put down this project, stood condemned by the people of South Australia. First, he cannot accept that there is a massive tourist and convention development going on over the road. He has attempted to

find every way of putting it down and supporting those who oppose it for commercial reasons. Also, he cannot accept that, by a logical, well regulated and certainly open public process, a recommendation was made by an independent authority on the location of the casino. Let us not talk about secrets here: we cannot listen to that nonsense. The Government has been quite open in every action it has taken in this area. It has been quite open—

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. I, like the Premier, took part of the explanation, particularly that part which referred to a conspiracy, as meaning a conspiracy to defeat the course of justice. It is a very serious allegation indeed, and I hope that the reply will be listened to in silence. The honourable Premier.

The Hon. J.C. BANNON: Thank you, Mr Speaker. Of course, part of this process of smear and innuendo involves creating as much uproar and confusion as possible in the House, and I thank you, Sir, for your intervention. Perhaps it might be a good idea if members of the Opposition, with their narrow minded attitude to this project, started becoming a little more constructive. There are no secrets in this matter. All the substantive points contained in the agreement have been put before the House. I have corresponded with the Leader on this precise matter, and on his 25 points and a number of other things connected with it. I have said to him, and I repeat again today (and he well knows), that legislation will be brought into this House, an enabling Act covering the ASER development, in which all those matters will be laid out before the Parliament and debated.

In the meantime, let me say quite clearly that the arrangements that have been entered into are to the financial benefit of this State and its development, and let me hear no other cavilling from those opposite. As far as the casino is concerned, again the situation is quite clear. We made no secret of the fact that there was very specific advantage to the community and Treasury of South Australia in that casino's being located as part of the ASER development. We made no secret of the fact that, as an adjunct to hotel facilities, the convention centre, the Festival Centre Trust and the whole of that complex that is being developed there, the casino would be very useful.

If the Casino Supervisory Authority, an independent body which had public hearings on this matter, had decided that it was to go elsewhere, so be it. That would have been its decision, and that decision would have to be adhered to. It set out its reasons at great length as to why it did not decide that the casino should be somewhere else, and why it decided in favour of the ASER development. As part of the ASER development, quite clearly it will be developed along with those other facilities, and it will bring very immediate and tangible financial benefits.

Is the Leader, who is constantly carping about the degree of exposure that the Government's finances may have, the cost benefit to the community and the viability of the project generally, arguing that we should not be supporting that project's viability? The fact is that we are, and we have made that quite clear.

As to the innuendo behind his question, let me put clearly on record that the operator of the casino will be nominated in accordance with the provisions of the Act. The casino operator will be licensed under the terms and conditions laid down by the Authority and its accompanying regulations, and the Lotteries Commission will in fact let that licence to the operator on appropriate terms and conditions. No group currently interested has any specific advantage. All those groups who are able to put a proposition will, I imagine, put that proposition, and they will be judged accordingly, and the Government will be at arm's length from that process, as the Act requires. There is nothing improper, or nothing underhand going on, and in terms of the basic ASER project, a full debate will take place in this House around its terms and conditions.

The contrast between the way in which this Government is handling this project and the way in which the Leader's predecessor handled the Hilton Hotel project is very marked indeed. We were even required to consider and vote upon (which we did, in the interests of the State—we supported it) a particular enabling Act before heads of agreement had been signed and completed. We at least are able to bring to this Parliament a proper assignment of what the agreement is, what the financial risk to the State is and what our commitments are, in all respects. That shall be done, and I think it is about time that this innuendo and nonsense stopped.

ALICE SPRINGS TO DARWIN RAILWAY

Mr KLUNDER: Will the Premier report to the House on discussions he held with the Prime Minister and Chief Minister of the Northern Territory concerning the Alice Springs to Darwin railway project?

The Hon. J.C. BANNON: Yes, it is very appropriate that I should do so. I met with the Prime Minister, together with the Chief Minister of the Northern Territory, in Sydney last Thursday. Since the publication of the Hill Inquiry Report, I have made clear on behalf of the Government of South Australia, the Chamber of Commerce and Industry and the UTLC, which worked with us in preparing our submissions to the Hill Inquiry, that we did not accept the findings of that inquiry. We believe that at the very least the reasoning behind the conclusions which they drew—the assessments on which they based their freight estimates, for instance—should be set out and explained, and that point was put directly and clearly to the Prime Minister at the meeting. There were, we believe, a series of errors made in the calculations by the Hill Inquiry, and as a result we believe that the conclusions it drew are not sustainable.

That is our attitude, and that remains the attitude of the South Australian Government. We believe that the railway should be built and we believe that that is economically justifiable. Unfortunately, the Federal Government does not agree with us. Not only has it accepted the Hill Inquiry but the Prime Minister advised us that a further assessment of the Hill approach and its methodology by the Bureau of Transport Economics confirmed the Hill figures. Again, we are not in possession of those workings, and I have asked the Prime Minister for a copy of the BTE Assessment so that we can have an independent look at it.

In addition, the Prime Minister indicated that the Federal Government was not inclined, on the basis of the evidence before it, to take any action in relation to transport links with the Northern Territory. That is a fairly disastrous situation for South Australia if that in fact prevails. If we are not to have a railway (the Prime Minister has indicated that it is his intention to adopt the Hill findings and, therefore, not to proceed with the railway) then at the very least we need an urgent upgraded road programme as an alternative to link Alice Springs and Darwin, with improved transhipping facilities in Alice Springs. It is most important for South Australia that we get that.

What sort of support are we getting on that proposition? In relation to the railway, one of the most difficult and embarrassing situations with which we have had to contend in our debate with the Prime Minister over the last however many months prior to and following the Hill Report being brought down is a foolish and politically reckless stunt undertaken by the Chief Minister, the Premier of Queensland and the Leader of the Opposition in South Australia in

relation to an alternative proposition of some sort of link through Mount Isa. In fact, such has been the damage done there that when we confronted the Prime Minister, Mr Everingham and I arguing the case, the Prime Minister's fallback position of rejecting the Hill Inquiry was to invite the Chief Minister of the Northern Territory to proceed with this misguided Queensland enterprise of a rail link.

I made the point, which I now make publicly, that that was simply a political stunt and that the participation of the South Australian Leader of the Opposition only acted to undermine our case. However, the Commonwealth Government says, 'Stunt or not, we invite you to go back to Mr Bjelke-Petersen and get him to agree with the feasibility study and line construction funded by Queensland that he promised.'

It is interesting to note that this ally and mentor of the Leader of the Opposition (the Queensland Premier), in his submission to the Hill inquiry, said that the development of this rail link would not give as many benefits as would one between Tennant Creek and Mount Isa and that the construction of the central corridor would severely disadvantage Queensland to the extent that Queensland would seek compensation for loss of trade and other inequalities. That is the attitude to this project of the ally of the Leader of the Opposition: cynical politicking which he should be ashamed of having lent himself to. As to the road, which is an important alternative (if we are not to get a railway we must get a road), the Prime Minister has invited me to have further discussions on that. He made the point (and the record, unfortunately, is clear) that the Chief Minister said that there was no need for a road and that the present state of the road, with some limited changes as part of a long-term programme, would be adequate. However, that is not South Australia's view, and we are continuing to press both the Prime Minister and the Federal Minister for Transport to announce and bring forward that project as a matter of urgency so that proper transport links between Adelaide and the Northern Territory throughout can be established. I hope that on this occasion and on this project we can have the wholehearted support of Opposition members.

RAILWAY STATION REDEVELOPMENT

The Hon. E.R. GOLDSWORTHY: Why did the Premier sign the principles of agreement for the Adelaide railway station redevelopment project when a provision in that agreement pre-empts the power of the Lotteries Commission to appoint a casino operator? The Casino Act gives the Lotteries Commission the power to appoint an operator for the casino.

Mr Ferguson: Do you want it built?

The Hon. E.R. GOLDSWORTHY: We do not want people conned to put up money for the authority. The Parliament supported this provision to keep the Government at arms length from this decision, to prevent any suggestion of corruption arising, and to keep out organised crime. However, as the Leader has already pointed out in his previous question, the consortium which is undertaking the redevelopment project is claiming that clause 2 *(m)* of the suppressed Tokyo agreement gives it the right to determine who should hold the lease to the casino premises, and the consortium itself is seeking a direct financial interest in the casino through obtaining the right to operate it. The claim by the consortium means that the power of the Lotteries Commission to appoint the operator has been effectively pre-empted. This consortium is seeking to ensure that it shall become the operator, notwithstanding the views of the Lotteries Commission or submissions by other applicants for the operator's licence. It makes a sham of the inquiry by the Casino Supervisory Authority, thwarts the intention of the Act, and means that other applicants to operate the casino have wasted their time and money.

The Hon. J.C. BANNON: The situation is not pre-empted. As I understand the position, the operator will be chosen according to the procedures laid down under the Casino Act. It is as simple as that. The Tokyo agreement was signed on the basis that there would not necessarily be a casino: in fact, the project could go ahead on the basis of there not being one. That was made clear at all stages of negotiation and discussion by the Government. In fact, the independent Supervisory Authority has stipulated the site of the casino. Naturally, it will be integrated into the overall ASER project, and that will be to the benefit of the project and will confer specific financial benefits on the State. That is where the matter rests.

QANTAS CONCESSION FARES

Mr FERGUSON: Will the Minister of Tourism say whether he has had an opportunity to approach Qantas Airways Ltd to see whether South Australia can be included in the itinerary for concession fares for American tourists? Recent press statements have indicated that Qantas fare concessions are available to American tourists for stopover trips to Cairns, Canberra, Melbourne, Launceston, Perth, Alice Springs, Coolangatta and Sydney. It is reported that Adelaide is not a stopover for the concession fare, although there is no doubt that South Australia has a lot to offer the American tourist.

The Hon. G.F. KENEALLY: I certainly agree that South Australia indeed has a lot to offer the American tourist as it has to offer all tourists, nationally and internationally. There are two matters that I should address. First, there has been an incorrect report of the Qantas position. Qantas has not released any new packages that do not include Adelaide, and in fact the concessional fares are provided by domestic airlines by two systems. One package for $500 covers 6 000 km of air travel with three stopovers at cities nominated by the travel agent. Another package for $800 offers 10 000 km of air travel and seven stopovers. These packages must be bought by international travellers before they come to Australia. Both packages enable the travellers to select the three destinations that they wish, which, of course, includes Adelaide and any other destinations that they choose. So, there certainly has been some wrong reporting.

I took the opportunity to speak with Mr Brown, the Federal Minister for Tourism, during the week that the report was printed in the paper. Mr Brown was in Adelaide at a Ministers' conference. Having taken up the matter with him, I was assured that certainly a mistake had been made. I also followed up the matter with Qantas, which has confirmed that it has not released any new packages which exclude Adelaide. Despite that, as Minister of Tourism in South Australia I have used every effort, as has the Department of Tourism, to impress upon the Federal Minister and Qantas that, when releasing any package in Australia, Adelaide should always be one of its priorities. We have not been disadvantaged: there is no package that leaves out Adelaide, but I think that the bad publicity that accrued from that unfortunate statement made interstate has had some impact on the tourist industry in South Australia. I am happy to have had this opportunity to put the record straight.

CASINO

The Hon. MICHAEL WILSON: Can the Premier say why, during the Casino Supervisory Authority's inquiry, the

Government opposed the proposals made by the Superintendent of Licensed Premises, with the support of the Lotteries Commission, that the Commission should obtain exclusive right to possession of the casino premises? In a submission to the inquiry, the Superintendent of Licensed Premises proposed that the Lotteries Commission should obtain an exclusive right to possession of the casino premises, on terms and conditions acceptable to the Commission. The Lotteries Commission endorsed this approach as one necessary to allow the Commission to effectively discharge its responsibilities as the holder of the licence under the Casino Act.

The Government, however, rejected this proposal and instead specifically supported the arrangements put forward by counsel for Pak-Poy Kneebone Pty Ltd which also opposed giving the Lotteries Commission exclusive right to possession of the casino premises. Evidence of the Government's support for the Pak-Poy Group is contained on page 1229 of the transcript of the Casino Supervisory Authority's inquiry.

The Hon. J.C. BANNON: The Government's view was that it was not necessary for such exclusive rights to be approved, that there was, in fact, a demand for flexibility in the area, and that there was no problem associated with this matter. In fact, I am sure that the Superintendent of Licensed Premises, because of the current discussions relating to terms and conditions of the licence and the submission that he made in terms of control of the casino, will be quite satisfied with the controls that are to operate.

SCRATCH-N-SNIFF STICKERS

Mrs APPLEBY: Will the Minister of Community Welfare, representing the Minister of Consumer Affairs, urgently investigate the implications involved in the use and availability of scratch-n-sniff stickers? It has been drawn to my attention by a number of constituents that these fragranced stickers were given to primary school children by teachers last year as a reward for good behaviour. Upon investigation I found that these stickers have been made available through General Educational Materials, a company supplying articles for teaching purposes, and not through Education Department suppliers. The catalogue relating to these stickers shows that they are available in a variety of smells such as fruit, food, gasoline and oil.

The intent of these stickers is for the child to scratch the surface and inhale the smell. A medical practitioner in my electorate has also contacted me. He is concerned at the implications of these stickers being used as a reward and feels that this leads to it being thought that it is okay to sniff and experience substances not necessarily conducive to good health.

I know that there is a massive retail campaign commencing in Adelaide today whereby these stickers will be displayed for sale in packs and in sheet form. My constituent's concern is that these stickers, which have had only limited usage, will now be readily accessible items establishing the product as a 'sniffing is normal' activity, and that this will lead to the abnormal behavioural patterns established in other sniffing activities.

The Hon. G.J. CRAFTER: I thank the honourable member for her interest in this matter in raising the concerns that she has expressed to the House. I shall refer her question to my colleague in another place, although I understand that information so far gathered indicates that there is no actual health hazard directly associated with this product. However, the Commissioner for Standards in this State is awaiting further information from the Food and Drugs Administration and the Consumer Products Safety Commission in the United States of America, since the product is of American origin. When that information has come to hand and been assessed by the authorities in this State (and, indeed, within Australia) further action can be considered by the Government.

CASINO

The Hon. D.C. BROWN: Will the Premier say what is the Government's estimate of the profit the casino will make for its operator? In its submission to the Casino Supervisory Authority the Government estimated that the revenue it would earn by way of a direct tax on the net gambling revenue from the casino's operations would be around $8.9 million. In arriving at this estimate, I assume that the Government has taken into account the projected profits of the casino operator. It has been put to me that the operator's profit on the basis of the Government's estimate of taxation (that is the $8.9 million) will be about $9 million annually.

The Hon. J.C. BANNON: I cannot answer that question. The profit that the operator makes will be a reasonable one in the circumstances. However, we have examples drawn from a number of casinos operating both here and overseas which give an indication of the scale of profit that is considered reasonable in such circumstances. All of that will be catered for in the arrangements that are entered into. I hope that it will be as profitable as it can be, because the more profitable it is, the more revenue there will be coming into the State of South Australia and the more tourists and other people there must be enjoying our facilities and services (and spending all sorts of other money, as well). Finally, there will be a lot more jobs created as a result of the development, so let us hope that the profits are very large indeed.

CABBAGE WEED

Mr WHITTEN: Can the Minister of Water Resources say whether it is true that cabbage weed is flourishing off St Kilda beach due to treated effluent from the Bolivar Sewage Treatment Works? In the March edition of the Local newspaper, the *Para Gazette,* an article claimed that cabbage weed was flourishing on the effluent from the E. and W.S. sewage operation, despite the conclusion of a 1975 departmental report that the treatment works had no effect on the weed's proliferation.

The Hon. J.W. SLATER: I am aware of the article and report to which the member for Price referred, the report in the *Para Gazette* being headed, 'It stinks'. I thought for a moment that it was a political article which probably referred to pre-selection ballots for the Liberal Party. The 1974 departmental report showed that land based discharges were not a primary factor in the seasonal proliferation of cabbage weed or ulva, which is its botanic name.

Studies of cabbage weed show that high nutrient concentrations within the Barker Inlet almost certainly have contributed to its extent and frequency. However, there is no basis for the claim that fully treated effluent from the Bolivar Sewage Works is a primary contributor to the proliferation of cabbage weed.

Mr Becker interjecting:

The Hon. J.W. SLATER: For the information of the member for Hanson and others, the Bolivar works was commissioned in 1965. Before that partly treated effluent from the old Islington sewage farm was discharged into North Arm Creek, which flows into the top of Barker Inlet. That discharge would have resulted in a greater nutrient

load being discharged into the Barker Inlet than is currently discharged into it. The cabbage weed problem is a natural phenomenon that persists. It is certainly a nuisance to the residents of St Kilda and surrounding areas.

I know that my colleague, the Minister of Education and member for Salisbury, has had complaints about the odours which emanate from this cabbage weed, which decomposes and drifts on to mud flats and beaches. Some of the reasons for the weed's proliferation are temperature, nutrients, and water and tide movement. I am advised that the Bolivar works may contribute some nutrients to the inlet, but I point out that nitrogen and phosphorous are also present from decomposing vegetable matter that comes from nearby mangrove swamps. There is also stormwater and surface discharge from drains and, more importantly, waste discharges from the industries near the Port River, so there are contributing factors to this growth of cabbage weed. Obviously, treated effluent from Bolivar cannot be completely prevented from entering the sea.

Members interjecting:

The Hon. J.W. SLATER: I think that it is a very important treatment works. If the flow into the sea from Bolivar works were stopped completely we would be in worse trouble than we are with the cabbage weed, which I am advised would still flourish.

RAILWAY STATION REDEVELOPMENT

The Hon. MICHAEL WILSON: Does the Premier agree with the statement made by the Director of Tourism when before the Casino Supervisory Authority that the Tokyo agreement suggests that the ASER Investment Trust will be the operator of the casino? On page 121 of the transcript of evidence taken before the Casino Supervisory Authority, Mr Angel (who I think was counsel for the Lotteries Commission) asked the Director of Tourism (Mr G.J. Inns) the following question:

If you look at page 10 of exhibit G4, clause 2 (m),—

I interpolate there for the benefit of the House that that relates to the suppressed Tokyo document, and that clause 2 (*m*) is the one that has already been referred to by the Leader of the Opposition—

you will see provision is made there for the body as defined in the agreement to have first right of lease at fair rent of the railway station premises. Does that not suggest that it is anticipated that the body shall be the operator of the casino?

For the purposes of the agreement, the body is defined as the ASER Property Trust. In answer to that question, Mr Inns said:

Yes, it suggests that, yes.

The Hon. J.C. BANNON: I do not entirely agree with that because—

Members interjecting:

The Hon. J.C. BANNON: I was asked whether I agreed with that statement and I said that I did not entirely agree with it. The agreement certainly does not preclude a body such as the ASER Investment Trust being the operator.

Indeed, as the Government's submission pointed out, the desirability of the casino's being part of the overall ASER development is something that I must repeat, *ad nauseam,* is in the best interests of the project, the community and the financial viability about which the Leader was so concerned last year, when he was also, of course, throwing doubt on there being any hotel operator who would be interested in coming into this failing project. I think that what has occurred today has certainly given the lie to that. However, if one reads clause 2 (*m*), to which reference has been made, one sees that it does not either support the interpretation that has been put on it by the Government or, indeed, Mr Inns' response to that question.

STEWART COMMITTEE

Mr FERGUSON: Can the Minister of Mines and Energy indicate when he expects the Stewart Committee to complete its investigations into the State's future electricity generation options? I am prompted to ask this question because of an article that appeared in the Yorke Peninsula *Country Times* on 7 March this year in which the Leader of the Opposition is reported as claiming that the Committee's report has been delayed for at least three months beyond the scheduled completion date at the end of this month.

The Hon. R.G. PAYNE: Perhaps I should start my response to the honourable member's question by making the observation that the Leader of the Opposition, as he has demonstrated today, has got it wrong once again. Despite the Leader's pronouncement in the press of a three-month delay, I prefer to accept the assurances of the Chairman of the committee, Mr Doug Stewart, who has advised me that the committee's findings will be in my hands in approximately two weeks. As a matter of interest, I am scheduled to meet with Mr Stewart later this week to discuss aspects of the Committee's works and the timetabling of the various sections of the report. These are the facts of the matter, and I suggest that the Leader of the Opposition could find better things to do than to fly kites in the Yorke Peninsula press.

CASINO

The Hon. JENNIFER ADAMSON: Can the Premier say whether he or any other Minister gave the Lotteries Commission any directions in respect of the granting of the casino licence, the processing of applications for the right to operate the casino or any other matter related thereto?

The Hon. J.C. BANNON: No directions have been given. Obviously the Lotteries Commission has ascertained the Government's attitude to the role it must play under the legislation. The Government, I think, has a perfect right to let its views be known. That is the situation. I am rather surprised that the former Minister of Tourism dares to raise her head on this matter because she opposed it to the last breath when it was before this House and rejected its tourist connotations, as did the Leader. However, she, in particular, knows how illogical that was and what a great asset this casino will be to the tourist industry of South Australia.

DAMAGE TO RAILCARS.

Mr HAMILTON: Can the Minister of Transport state the cost of repairing damage done, and what action will be taken by the State Transport Authority in relation to the disturbing incident that occurred on an STA service to Outer Harbor last Sunday morning? A report in the *Advertiser* of 19 March states:

Rampaging passengers on a specially chartered State Transport Authority train at Outer Harbor early yesterday morning smashed lights, ripped and cut seats, discharged fire extinguishers and left urine, vomit and liquor in carriages. . .

Police confirmed they arrested two people for disorderly behaviour and said it had been an 'ugly scene.'

An STA official said the authority was investigating the incident and had not yet assessed the damage.

The Hon. R.K. ABBOTT: Yes, I have a detailed report on the incident to which the honourable member refers. On Saturday 17 March 1984, two special trains were chartered on behalf of Prickly Pear Promotions and The Bay Disco

(Glenelg Football Club). Both trains consisted of six railcars and were scheduled to depart Adelaide at 1945 hours and 1952 hours respectively, travel to Outer Harbor, unload passengers and return to Adelaide empty. The two trains were then scheduled to return to Outer Harbor, load passengers and depart at 0130 and 0135 hours for Adelaide. Arrangements were made to have security forces on hand in Adelaide and at Outer Harbor to assist the normal train working staff, if required.

At 1936 hours the platform constables advised security car 5, on patrol, that some passengers on the two trains were affected by alcohol. Security car 5 interrupted the second movement at Glanville but found all to be orderly. At 12.15 a.m. on Sunday 18 March security car 5 attended Outer Harbor to assist staff to keep order amongst the passengers (approximately 800—1 000). The majority of the passengers were observed to be intoxicated when leaving their function at 12.40 a.m. At the scheduled departure time passengers were observed sitting on the roofs of various railcars and sitting on couplings and under railcars. This led to some minor injuries to feet and fingers.

At 1.20 a.m., following a request to Train Control for assistance due to the security forces being unable to control the passengers, the civil police arrived and assisted. Several fights started between passengers on and adjacent to the railcars and several arrests were made. Because of the disturbance it was finally necessary to couple both trains and return to Adelaide 70 minutes behind schedule. The train departures were hampered by passengers tampering with the emergency air valves.

The initial damage to the railcars has been assessed as follows: 19 ripped seats; four fire extinguishers discharged; and two fire extinguishers missing. In addition, damage occurred to light fittings in two railcars; one door of railcar 870 partly kicked in; graffiti was sprayed on the interior of several cars; and first aid boxes were opened and used. The initial cost has been estimated as follows: damage, $1 600. additional crew and security staff salaries, $500 and cleaning costs, $500 a total of $2 600. Normal procedures were carried out as part of this special charter and the usual railcar hire rates were charged. An inquiry has commenced into the incident and I will be further advised when the results are known. We are investigating avenues for the recovery of costs.

RAILWAY STATION REDEVELOPMENT

The Hon. P.B. ARNOLD: Will the Premier request the Chairman of the Casino Supervisory Authority to lift his suppression order on the principles of agreement for the railway station redevelopment or, alternatively, will the Premier now table in the House the agreement and any other documents relating to the railway station redevelopment and the casino?

The Hon. J.C. BANNON: The honourable member has obviously not listened to what I have said on two or three occasions. An enabling Bill will be introduced in the Parliament. During the debate on that Bill all the details sought by the honourable member will be available for his consideration. I am sure that he will be gratified indeed with the project, all the key elements of which were mentioned in the statement I made as long ago as October last year.

STRATA TITLE REGULATIONS

Mr MAYES: Will the Minister of Community Welfare ask the Attorney-General to report on progress of the review of the Real Property Act and, in particular, the provisions dealing with strata title properties? I have received numerous complaints from constituents regarding disputes with strata title corporations as a result of the real estate boom currently occurring in my district. Many owner-occupiers have told me that non-owners are now occupying many strata title units within the Unley district. As a consequence of landlords being absent from properties owner-occupiers are having difficulties in settling disputes, particularly in relation to the physical environment within the strata title area. In fact, the physical and domestic environment of these strata title corporations is deteriorating. Information supplied to me indicates that it is essential that the Act be reviewed. In particular, I am told that the only way settlement of disputes can be reached under the Act is for action to be taken in the Supreme Court.

The Hon. G.J. CRAFTER: I thank the honourable member for his question. I am sure that all honourable members have had representations made to them about the issues he has raised. I think there is little doubt that this legislation does need to be reviewed. I understand that the Attorney-General is currently reviewing the Real Property Act. I will obtain a report from him for the honourable member on the progress that has been made with that review.

RAILWAY STATION REDEVELOPMENT

The Hon. B.C. EASTICK: Can the Premier say whether he consulted with the Treasury about the financial arrangements proposed in the principles of agreement for the Adelaide railway station redevelopment before he signed that agreement on behalf of the people of South Australia and this Parliament?

The Hon. J.C. BANNON: The Treasury was fully aware of all the provisions in the agreement and the financial obligations entered into.

INDUSTRIAL SAFETY

Ms LENEHAN: Can the Minister of Labour say whether he has contacted other Australian Ministers of Labour with a view to increasing penalties for negligence in the case of industrial accidents? Following the release of the booklet *Limbs, Lungs and Lives* by Mike Rann, information has been tendered that industrial accidents will not be treated seriously while Governments prescribe totally inadequate penalties for negligence. Mr Rann says that fines for even serious negligence are often scandously low. He refers to the tragic absurdity of existing penalties and cites a Victorian incident that occurred in 1981. In that incident, two teenage boys were asked by their employer to clean out a degreasing vat. They were given no information as to the nature of the chemicals with which they were working or any protective clothing other than a pair of boots each. Within 20 minutes both boys were unconscious and next day they were dead. Eventually the company concerned was fined $2 000 for its failure to observe regulations pertaining to enclosed space.

The Hon. J.D. WRIGHT: I have had the opportunity of reading the excellent document written by Michael Rann on the subject of industrial safety, health and welfare. He put much research and time into this booklet, but he is not after any reward: the subject is one of interest and concern to him. I think it is one of the best documents I have seen produced on this subject. If any member on the other side is interested in safety, health and welfare in industry, I can commend this work as sound reading. It would also solve some of the problems emanating from some people in South Australia at present. For instance, I cite an article in yesterday's press wherein employers condemn some of my

activities and speeches on safety, health and welfare and prescribed penalties. The Government has made a conscious decision as to what should be done in regard to penalties: it is picking up the recommendations of the Mitchell Report made some years ago in order to devise a scheme whereby penalties under any Act will fit into certain categories, so that, if division 1, division 2, or division 3 moves in any piece of legislation, all legislation will be considered across the board and the penalties categorised.

I am the first to admit that many penalties, especially under our own Act, need looking at closely. I have laid the foundation for that to be done: I have initiated an inquiry by Dr John Matthews into the whole area of safety, health and welfare. I have received an interim report on that matter and I understand that I am to receive the final report in April or early May. I do not know what Dr Matthews will recommend as to penalties, but there are many instances to which one could point as to how an accident could have been prevented had proper action been taken in the first place. I do not place all employers in this category, but there are some who do not take the responsibility or care to ensure that the accident does not occur in the first instance.

This Government is cognisant of the fact that penalties need to be looked at. However, it is not only a matter of penalties: we must also consider managerial skills, awareness, training and education of all the people in the work place. There needs to be a total cohesion of all people in the work place. I could continue speaking on this matter for a long time, and it is no good the Opposition's complaining. It is a serious subject in which the honourable member has previously indicated her interest by writing to me about safety in the work place and she is entitled to a proper answer to her question.

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

Members interjecting:

The Hon. B.C. EASTICK: On a point of order, Mr Speaker—

The SPEAKER: Order! I am about to call on the business of the day. The honourable Deputy Premier.

The Hon. B.C. Eastick interjecting:

The SPEAKER: I hope that the honourable member for Light spoke in a lighthearted fashion.

The Hon. B.C. EASTICK: I spoke to draw attention to the responsibilities of the Speakership in relation to the Standing Orders of the House.

The SPEAKER: The honourable Deputy Premier.

SITTINGS AND BUSINESS

The Hon. J.D. WRIGHT (Deputy Premier): I move:

That for the remainder of the session the House meet at 2 p.m. on Tuesdays, 11.45 a.m. on Wednesdays and 10.30 a.m. on Thursdays; and that, if the House be sitting at 1 p.m. on any of those days, the sitting shall be suspended for one hour.

This seven-week period is a legitimate testing time to see how the new arrangements will fit into the responsibilities of all members. I do not put members in various categories when I say that, but many complaints have been received from members on both sides about late sittings. I see the ex-Minister of Agriculture nodding his head in assent to that statement. This motion is a serious attempt to overcome the hazards associated with sitting beyond midnight, at a time when a member cannot perform at his best. I have sought and obtained the agreement of the Opposition to this motion and I thank it for that agreement. Like us, Opposition members want to give this procedure a trial. Much legislation needs to go through in the next seven weeks, so it is reasonable that the new procedure be given a trial during that time. I have assured members that the sitting hours will be reasonable, and that assurance will be honoured as far as is practicable. In the last day or so of the session members may have to sit later, but it is the Government's intention not to sit beyond midnight. It may be that the House does not have to sit beyond 10.30 p.m., which is the normal finishing time, and in those circumstances honourable members will have the opportunity to take part in the adjournment debate. I commend the new provisions to the House and sincerely hope that they will work satisfactorily.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): The Opposition supports the motion. As the Deputy Premier has said, he discussed this matter with the Leader and with me. It is unfortunate that we started this sitting with 10 minutes chopped off Question Time. It would have been courteous for the Deputy Premier to have moved to extend Question Time. Indeed, I had an important question to ask about the Hon. H.R. Hudson, but I was precluded from doing so. Nevertheless, Opposition members will co-operate with the Government as we always do to facilitate the operation of the House. We pointed out to the Deputy Premier that the legislative programme appeared a little unrealistic, but the Government can count on the co-operation of the Opposition regarding reasonable sitting requirements.

Motion carried.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 4)

Adjourned debate on second reading.

(Continued from 8 December. Page 2560.)

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): For a number of reasons the Opposition opposes this Bill. The Minister of Labour made much of what he called the prevailing mood of consensus that he said was sweeping across the Australian community. We are getting our own brand of consensus according to the Minister. The Industrial Relations Advisory Council was set up, it was said, in a great spirit of co-operation and consensus. We were all going to love one another and agree on the legislation to come before the House. The Premier has been trying to con the people of South Australia that the Government has support right across the community for the new legislation.

It is the local version of EPAC, involving the Prime Minister and his contention of there being a great spirit of love and affection washing across the community and the disparate groups which make up the Australian community. We have our own version here in South Australia: the Deputy Premier told us on the airwaves the other night that the Prime Minister was learning from him. I heard that on a newscast. It was stated that EPAC was a move by the Prime Minister, and the Deputy Premier stated that he was the teacher, not the pupil. He is trying to con the public. What the Opposition said during the debate on IRAC has in fact come to pass. We asked whether the members of that council were representative of organisations and we were told that they were not. In due course these people were appointed from the union movement and employer groups, and they are there as individuals. I understand that it has been made abundantly clear to them that they are there as individuals, not representing any group.

We also stated during the discussion on the Bill that members of IRAC would be effectively muzzled due to a secrecy clause. This arises from the new broom Labor Government, the open Government that we were promised would be visited on South Australia. I would like to see them if they were running a closed shop! The provisions in the IRAC Bill effectively muzzle the members of IRAC: they cannot report to any parent organisations and cannot open their mouths publicly. Yet, here is the Deputy Premier trying to con the public of South Australia and Australia by saying that he has consensus in relation to this Bill. In a news release that he put out, among many other things, a number of which were misleading, he stated that, even though some of the changes he was proposing were far reaching, they had received unprecedented support from both employers and unions. He wrapped it up by saying at the end:

> As I stated before, every one of the clauses has been agreed to by representatives of employer and union bodies.

However, they are not representatives of those bodies and it has been made abundantly clear to them that that is the case. I do not know the state of play with the unions, but the members of IRAC were not to report back to employer organisations, so they were completely in the dark as to what was in this Bill. Yet, the Minister said publicly that it has community support, including employees, unions and employer groups. The Minister waxed even more lyrical in the *Australian* of 5 December last year, in an article headed, 'Model industrial Bill endorsed by all'. It was referred to as legislation affecting the rights of unions and employers involved in industrial disputes and described as a model for industrial harmony, which would be tabled in the South Australian Parliament. It was stated further:

> Mr Wright, in confirming yesterday that the Bill would be presented to the House of Assembly, probably on Wednesday, said, 'I have been on cloud 9 ever since we achieved agreement between employer and union groups.'

The idea of the Minister being on cloud 9, metaphorically speaking or in any other way, does seem unusual. I cannot visualise big Jack on cloud 9! In maintaining that he has unprecedented support in the community for the Bill, he should find the response of employer groups when they find what is in the Bill something of a surprise. However, it will be no surprise to him now (although he has been keeping a brave face over the past two or three weeks) to find that there is unprecedented opposition to some provisions of this Bill coming from all the employer groups.

The Opposition is certainly opposed to it because it adversely affects the public of South Australia in serious ways. I have received submissions from the employer groups that the Minister maintained had agreed to the Bill. I have received submissions from the Metal Industries Association and from the Master Builders Association, on behalf of the following groups: the Australian Federation of Construction Contractors, the Master Plumbers and Mechanical Services Contractors Association, the Electrical Contractors Association of South Australia, Master Painters, Signwriters and Decorators Association of South Australia, Housing Industry Association and the Joinery Manufacturers Association. I also have submissions from the Employers Federation of South Australia, the Chamber of Commerce and Industry, the Printing and Allied Trade Employers Federation of Australia, all of which are opposed to important aspects of the Bill. I think the Minister would have received most of these submissions from all recognised employer organisations throughout the State expressing serious reservations and outright opposition to significant aspects of this Bill. I have also received letters from individual employers in relation to the legislation.

It is baloney for the Minister to try to use IRAC as the vehicle whereby he can claim unprecedented support for this legislation, and he knows it. He knows he has been hedging for the past two or three weeks. In fact, he was bold enough to say about three weeks ago that it appeared that there was some opposition to the Bill. When I indicated that there was strong opposition to the Bill he fell back again on this old ploy of saying that IRAC had agreed to the entire umpteen clauses. Of course, the people on IRAC were placed in a very difficult position: as I stated during the debate previously, they are not there representing organisations and they are sworn to secrecy and cannot talk about the Bill. They were presented with a hopeless piece of legislation which really must have been something, having regard to the number of amendments reported to me as having been made to the original Bill. It must have been pretty horrendous when it hit IRAC, but the Minister then claimed that because the clauses had been agreed to the Bill was all right. Of course, it is not. There are some very serious flaws in the legislation.

I will not canvass at length the details of the submissions at this stage, because this will be largely a Committee Bill, as we have drawn up a considerable number of amendments to it. The introduction to one of the submissions I think is a legitimate summation of what this legislation is all about. It states:

> It is the concern of the membership of this association that the industrial relations legislation in South Australia does not establish pace-setting provisions whereby South Australian employers are further disadvantaged in their manufacturing operations and competitiveness with other States with a consequential loss of employment opportunities.

I would have thought that the Minister would get that message loudly and clearly now, not only from employers but from parents whose youngsters cannot get jobs and from people who have been thrown out of work, as well as from the Opposition, and from all those who are worried about unemployment in South Australia. I remember that almost every day in this House when the then Labor Opposition was seeking to deceive its way into Government, as it did via its policy speech—

An honourable member interjecting:

The Hon. E.R. GOLDSWORTHY: I remind the member opposite whose mirth has got the better of him that the then Labor Opposition maintained that there would be no increase in taxes, that more people would be put on the public pay-roll, but that people would not be charged any more to keep them there. That statement I heard probably a dozen times during the lead-up to the last election. This Government deceived its way into office. The then Deputy Leader of the Opposition stated day after day, week in and week out, that there was a horrendous level of unemployment in South Australia. That was his big worry. However, it was maintained that a Labor Government would fix it by putting more people on the public pay-roll, but taxes would not be raised. So he is torn between two loyalties, and his concern for unemployment seems to be losing the tug of war at the moment.

Mr Ferguson: What has that to do with it?

The Hon. E.R. GOLDSWORTHY: If the honourable member had listened a bit harder he would have heard the quote which summed up the attitude of a lot of people to this pace-setting legislation, and that is that it would put further imposts on people who are in a position to employ and would thus reduce the opportunity to employ.

Mr Groom: Give us another example.

The Hon. E.R. GOLDSWORTHY: I will give another example. The Minister introduced amendments to the workers compensation legislation. He shed crocodile tears, but

he neglected to tell the community that he had introduced the original legislation which he now wants to repudiate.

Mr Groom: Give us some examples in this Bill.

The Hon. E.R. GOLDSWORTHY: I will give some examples. I thought the honourable member was asking the broader questions, an example of what the Minister was doing to militate against employment. One of the earlier Bills introduced into this House in this session was to amend the workers compensation legislation, to give back some benefits that had been marginally reduced. So much for the concern about unemployment and the effect on that! The Bill seeks to implement Labor Party and (I should more rightly say) union policy; the two are synonymous in effect—

The Hon. J.D. Wright: It is all based on the Cawthorne Report.

The Hon. E.R. GOLDSWORTHY: I will deal with that in a moment. We are opposed quite vehemently, on philosophical grounds as well as practical grounds, to a number of matters in this Bill. The Minister not only sought to con the public in stating that he had consensus in relation to this Bill (I have numerous submissions which give the lie to that), but he has taken to his bosom the Cawthorne Report, and it has become his credo, his bible, so to speak.

Mr Lewis: Where he agrees with it.

The Hon. E.R. GOLDSWORTHY: Yes. The Bill institutes a number of measures not recommended by Cawthorne, because Cawthorne has a more realistic assessment of the effect of the measures in this Bill on costs in South Australia. He declines to make recommendations in a number of areas. However, the Minister is far more forthcoming, and he carries a number of Cawthorne's recommendations further than suggested by Cawthorne himself. First, the preference to unionists clause, which we all know means compulsory unionism in terms of the Labor Party interpretation, is carried further than suggested by Cawthorne. What a weapon this Bill puts in the hands of the union officials who want to unionise a shop.

An honourable member interjecting:

The Hon. E.R. GOLDSWORTHY: The Bill refers to the 'preference to unionists clause . . .'.

Mr Ferguson interjecting:

The Hon. E.R. GOLDSWORTHY: Let me refresh the honourable member's recollection so that he knows what he is talking about.

Mr Ferguson: It has been in the printing industry—

The Hon. E.R. GOLDSWORTHY: I do not care where it has been; that does not make it right.

Mr Ferguson: It hasn't destroyed that industry.

The Hon. E.R. GOLDSWORTHY: What has it done for it? The fact that it is there does not make it right. What a philosophy! Because it happens somewhere, that makes it right. Hitler had a run for about 30 years, and that did not make him right.

Mr Ferguson: You haven't done your homework, that's your trouble.

The Hon. E.R. GOLDSWORTHY: We will see about that. Cawthorne says, 'I adhere to the view originally expressed' and goes down the track about preferences. We disagree with him, but the Minister has taken it even further. Cawthorne says:

> I adhere to the view originally expressed in the Discussion Paper that there is a case for allowing the Commission a discretion to amend preference to unionists in appropriate cases.

Mr Groom: It is in the Federal Act.

The Hon. E.R. GOLDSWORTHY: I do not give a darn what is in the Federal Act. That is as stupid as the argument put forward by the member for Henley Beach that because someone else does it that makes it right. How absurd in a free country!

Members interjecting:

The Hon. E.R. GOLDSWORTHY: The Cawthorne Report then states:

> Whilst on the issue of preference, it is my view that if a decision is made to allow the Commission a discretion to award preference to unionists, then it should be able to award preference in favour of members of a particular union. This power could be of use in demarking areas of employment.

However, the Bill states that preference to unionists shall be awarded in the interests of industrial peace. What an open cheque: to stir up trouble and then say, 'Look, we can overcome this problem. All you have to do is close the shop.' That is not what the Cawthorne Report is about, but that is what the Bill provides. What a weapon to hand to militant unions!

Mr Ferguson: That's your interpretation.

The Hon. E.R. GOLDSWORTHY: It is any commonsense interpretation. There is a real push on, as the Minister knows, and he has had to step in at times to quieten it down, to get closed shops, particularly in the building and subcontracting industries, which is another aspect of the Bill I will deal with. There are no recommendations in relation to demotion provisions in the Cawthorne Report. He thinks it not wise to get into that area in the present industrial climate and the present difficult situation in relation to the economy of South Australia. No demotion provisions are recommended by Cawthorne; but that is one of the major provisions in this Bill.

The Hon. J.D. Wright interjecting:

The Hon. E.R. GOLDSWORTHY: This Bill gives the Commission the ability to inquire into any matter; Cawthorne does not advocate that. He suggests that it might inquire into matters of industrial importance, but this Bill gives the Minister the opportunity of having the Industrial Commission look at anything that comes into his head. The provisions in relation to the hearing of dismissal disputes are quite different. The Cawthorne Report rightfully indicates that the proper place to hear this is in a judicial situation in the court. Cawthorne also talks about trying to settle such differences in terms of a pre-trial conference in the Commission. However, the Government rejects that, throws it out, and goes right against what Cawthorne is saying. It does not want the expertise of the courts in these matters: it wants to put them in the hands of a single commissioner, and this runs counter to what Cawthorne has suggested. It is all very well for the Minister to say that it is based on Cawthorne's Report; the Government has built on that report and, where it does not like it has rejected it and substituted something else, such as this provision.

The Hon. J.D. Wright: We have improved it.

The Hon. E.R. GOLDSWORTHY: Yes, improved it, because the Minister knows that that is what the union movement wants. It certainly has not improved it, and Cawthorne made his views quite clear in relation to dismissal. I believe that he was correct; that the right place for judicial judgments is in a court. There are a number of matters. Another is the way in which the Bill seeks to circumscribe (in fact cut right out) unregistered associations. At page 23, Cawthorne, referring to industrial agreements, states:

> You will be aware that at present the Act permits unregistered associations to enter into industrial agreements which themselves may be registered under the Act and thereafter be of similar effect to an award. This procedure has been of benefit to some employers who have persuaded their employees to form staff associations and who thereafter enter into agreements relating to wages and conditions with those associations. Thus, for example, in the case of a number of independent schools, industrial agreements have been entered into by the schools with staff associations comprised of clerks, general assistants, domestics, gardeners, groundsmen, and so on. This has the obvious advantage to the employer of bringing all staff under the one general agreement rather than having in many cases each classification covered by a different award with varying terms and conditions. Statistics show that up

until 1 June 1981 there were 459 registered agreements, 156 (or 35.5 per cent) of which had been entered into by unregistered associations.

Cawthorne goes on to talk about the UTLC and its submission and then makes this comment:

Whilst that may be so, I am not persuaded at this point that there should be any absolute prohibition on the right of an unregistered association to enter into an industrial agreement. In short, I do not see that the employers' argument, which is based essentially on the convenience of dealing with one association and of having one agreement regulating an enterprise rather than a series of awards, is outweighed by the arguments advanced by the UTLC.

We can see where the Deputy Premier got his marching orders from. There are so many hurdles: unregistered associations are prohibited from approaching the Commission and they are circumscribed in a number of other ways in this Bill. That is in direct contradistinction to what Cawthorne is saying. Because Cawthorne talks about unregistered associations and unregistered associations are mentioned in the Bill, the Minister is trying to con the public that he is going along with Cawthorne. But, he is going in exactly the opposite direction because that is where the UTLC wanted him to go, but it is not where Cawthorne said he should go.

The Hon. J.D. Wright: Your Minister stole the report.

The Hon. E.R. GOLDSWORTHY: That is an irrelevant contribution.

Mr Ferguson: What happened to the Cawthorne Report? Who sat on it?

The Hon. E.R. GOLDSWORTHY: We have it, and we are talking about it. These irrelevancies indicate to me, as they always do when we get sidetracked, that we are getting a bit close to the bone. There is one recommendation by Cawthorne which the Government has seized on and carried a bit further with which we disagree: it has taken preference to unionists further than is indicated by Cawthorne, I believe. It has also seized on this regulation of contract labour (this definition of employees in clause 4 of the Bill) with great glee.

We make no secret of the fact that we are absolutely and vehemently opposed to what is proposed in clause 4 *(a)* and *(b)*, for a number of reasons, some philosophical and some practical. I would have thought that the practical reasons would appeal to the Minister, who supposedly cares for the unemployed. I believe that if the unions desire to unionise all subcontract labour, as is provided for in clause 4, the inevitable result will be that the award conditions will apply. I understand that the on costs associated with that employment are up to 60 per cent in the building industry. Although I was told 48 per cent, I was given figures which I have no reason to doubt—

The Hon. J.D. Wright: You support underpayment.

The Hon. E.R. GOLDSWORTHY: I do not support underpayment.

The Hon. J.D. Wright: You said you did.

The Hon. E.R. GOLDSWORTHY: I did not say that at all. I am saying that if a man wants to work for himself, if he works hard and is satisfied with what he is doing, he should be allowed to do that. The subcontract system has been an efficient method of building reasonably priced houses in this State for many years, and the unions want to destroy that and tell the bricklayer how many bricks he can lay in a day, when he can go on holidays, and so on. They want the bricklayer to be regulated. That cuts right across any hope this country has of economic recovery in the longer term.

If we want to perpetuate unemployment and make further problems for the next generation we will go down the sort of track where we will regulate people and tell them what, when and how much they can do, when they will do it, and precisely when and how they will be paid. The subcontract system has worked well. The only thing wrong with it is that it is not unionised. Unfortunately, the guerilla tactics last year forced union membership on all major construction sites in metropolitan Adelaide. I have perused that agreement. It is a shameful day, I believe, for South Australia when people who I know are bitterly opposed to joining a trade union, self-employed people, will not get a job on a construction site in metropolitan Adelaide unless they join a union. That cuts right across the grain in a so-called democratic society of a large number of small people. That agreement was an absolute disgrace.

But, I can understand why it had to be signed because the guerilla tactics were such that they can pick off a builder and bankrupt him. They can stop a concrete pour when it is half finished. That is what happened. If members opposite think that that is democracy, it is not my idea of it.

The Hon. Jennifer Adamson: And the builder's client goes to the wall too.

The Hon. E.R. GOLDSWORTHY: My word, but that is what clause 4 is all about. We will not have it in a fit. Let me read from the submission prepared by the Master Builders Association on behalf of all the building organisations. The Minister has it. Referring to clause 4, it states:

The building and construction industry, together with many other industries, are based heavily—and rely to a considerable extent for their cost efficiency—on small businesses, including businesses operated by one, two or a similar small number of persons. In Australia generally, and including South Australia, these small businesses provide Australian citizens with a standard of residential accommodation which is equal to any anywhere in the world. In Australia, however, the affordability of such a high standard of accommodation is directly attributable to the industry, application and efficiency of the small businesses which provide bricklaying, carpentry, painting, plumbing, electrical installation and similar skills for the construction of houses, units and other types of residential accommodation. We see potential for these businesses to have their legal standing as sole traders and partnerships seriously distorted in the industrial law context by the paragraph *(ab)* of section 6 which the Bill proposes. Accordingly, in the interests of small business and in the interests of the maintenance of the standard of residential accommodation which South Australian citizens enjoy, it is our recommendation that paragraphs *(a)* and *(b)* of clause 6 be deleted from the Bill.

I agree with that. All the submissions, as the Minister knows, are along that line. So, I think there is strong opposition. We have a philosophical and very practical argument in relation to what this will do to the cost of housing. If we want the people of this country to be housed in smaller and smaller units until they are all flat dwellers, or all accommodated in the sort of accommodation that people can afford elsewhere around the world, the Government is going down the right track. There is no doubt about it. If it wants the kids playing in the street from multi-storey blocks of flats and the like, which is common for people who cannot afford housing, it is going down the right track. I do not believe that the Housing Industry Association is exaggerating when it says that when the building industry is completely unionised the cost of housing will increase by 10 per cent.

Mr Ferguson: We are building more houses now than you ever did.

The Hon. E.R. GOLDSWORTHY: That was a brilliant interjection. That is because there has been an enormous influx of Government public funds into housing from the Federal Government. The big recovery came, rains came at the right time, and the Government pumped an enormous amount of money into the housing industry. I am not arguing with that. However, that is what constitutes the recovery.

Mr Ferguson: Don't you want people to build houses?

The Hon. E.R. GOLDSWORTHY: I said I support that, but there is no way in the world that it can be sustained unless there is a real recovery in terms of manufacturing

and other sectors in the economy. We get one message from Keating one day and another the next. Last week things were going to be tough next year. This week there is to be a 10 per cent increase in the GNP this year because we have a State election in New South Wales. But, we have a record rural season and we have flowing into housing record Government funds on which the interest will fall in due course in terms of this record deficit. Do not let us kid ourselves that we have this great recovery or that we are on the crest of the wave.

The Prime Minister, to give him full credit, has managed to get people to unlock their purse strings, to open their wallets. He says that all is well with the world, we won the America's Cup with Australia II. But, the point made by the member for Henley Beach is completely irrelevant. A lot of Commonwealth Government money going to housing has nothing to do with this shooting match. Those measures will increase the cost of houses by 10 per cent, as the Housing Industry Association estimates, and I agree. That is conservative.

Mr Ferguson: You agree that we are building more houses than you did?

The Hon. E.R. GOLDSWORTHY: No. Public funds are. Taxpayers' funds are building more houses. There is some priority in terms of Government spending of our funds for more housing with which I do not disagree as a short-term palliative. Let us follow up that point for the honourable member in relation to what this unionising of the building industry is doing. Let us consider the South Australian Housing Trust. This is what members of the Housing Industry Association said about that:

Mr Ferguson: You'd be building more houses?

The Hon. E.R. GOLDSWORTHY: One would build a darn sight more houses, and get a lot more for taxpayers' funds if we did not make everybody in the building industry join a union. The following article appeared under the heading, 'Unionisation moves may harm recovery', and these are members of the housing industry talking, not me; the people who build houses:

> At a time when the housing industry is showing signs of recovery, leading hopefully to an improvement in the overall South Australian economy, the State Government is making moves which may jeopardise this.

They deal with two things: the command that all Housing Trust subcontractors must be unionists and this industrial legislation. They are the two points that they make in this publication. The article continues:

> The South Australian Government, through the Minister of Housing,—

who, I interpose, has retained the housing portfolio but has been sacked from Local Government—

> Mr Hemmings, has instructed the South Australian Housing Trust to insist on unionisation of all subcontractors engaged on design and construct homes in the future . . .
>
> An informal survey of major builders involved in design and construct shows that base costs of homes built under the scheme would rise by at least 10 per cent on each house if union demands were applied to each existing contract.

That is not Goldsworthy talking; that is members of the HIA.

Mr Ferguson: There are a lot of 'ifs' and 'buts' in there.

The Hon. E.R. GOLDSWORTHY: There are no 'ifs' and 'buts'; it is perfectly clear. Later in that article in relation to the legislation we are now considering, members of the HIA are reported as saying the following:

> It is hard to understand the rationale behind the move at a time when there is massive unemployment in South Australia, relieved only by the efforts of both the Government and private sector housing industry to change the situation.
>
> Not only will costs of housing rise, but the number of houses built will be reduced, and employment will not be increased to the extent which the industry considers possible.

That is in relation to this current legislation. There are a number of areas where we have a fundamental disagreement with some of the major provisions in this Bill. I have mentioned, also, the provisions in relation to the motion from which Cawthorne keeps right away in relation to making recommendations. I mentioned, also, the clause relating to preference to unionists. Not only does it push preference to unionists further but also removes some of the protections that currently exist in relation to people who are not in a union.

For instance, this Bill refers to giving some safeguards in the case of dismissals. It refers to there being no discrimination against an employee in relation to dismissal, simply on the ground that he is a union member. The original Act refers to a union or non-union member—he is or is not a member of a union. This Government strikes out the protection for non-unionists in that clause. It does not give a damn if non-unionists gets the sack, so that there is not only discrimination positively in favour of its compulsory unionism policy but also discrimination against non-unionists in this Bill.

Mr Ferguson: It's a Federal Act, and it's been there for 100 years.

The Hon. E.R. GOLDSWORTHY: I do not give a damn. Is the honourable member suggesting that, because someone, somewhere in this world passes law, that makes it right?

Mr Ferguson: But it has worked: that is the point.

The Hon. E.R. GOLDSWORTHY: I do not believe that it has worked.

Mr Ferguson: You haven't looked at it.

The Hon. E.R. GOLDSWORTHY: I do not believe that it has worked. It is all very well to say that it worked. It all depends on who one thinks ought to run this country—whether the Government ought to run the country or the union movement. It is perfectly obvious who runs this Government. I repeat again, so that members opposite understand: the Bill removes some protections from non-unionists and, as I said earlier, it removes all protections and ability for non-registered associations to approach the Commission.

The Government will not be surprised when I indicate that we will be moving to strike out the provisions in this Bill relating to preference to unionists. We know what it means, and we know the way in which it has worked in relation to the Public Service. I believe that the Public Service has worked very well without the necessity for the Government to send out instructions that no-one can get a job unless they join a union, that one's chances of promotion will be diminished if one is not in a union, and that heads of departments will supply lists of non-unionists for the purpose of union officials. I believe that the Public Service of South Australia works harmoniously and efficiently without that particular direction. Therefore, the honourable member can interject as often and as long as he likes about what works.

Of course, the honourable member knows darned well that it will work very well without compulsory unionism and that it will gain the acceptance of about 90 per cent of the public in a country like Australia which is supposed to be a democracy. He knows, if he had used the polls which are taken periodically in relation to compulsory unionism or preference to unionists, which is the guise under which this Government pursues it, that what I am saying is supported by the vast majority of citizens in this so-called free country. Therefore, it will come as no surprise that, on philosophical grounds, we would oppose any extension of those provisions, whether they are in the Federal Act, Soviet Russia or wherever they may be. Of course, it would not occur in Russia: they will not tolerate it, just as they will not in Poland.

Mr Trainer interjecting:

The Hon. E.R. GOLDSWORTHY: I believe that if someone wants to join a union, let him. However, to compel them to join, which is the way in which this Government is operating, is an affront to any free minded citizen in my view—it certainly is to me. I joined the Teachers Institute when I was a teacher because I was not compelled to do so. However, if they had made it compulsory I would have been the first one to fight it. Likewise, there are people who ought to have the ability to leave the Public Service Association if they want to. I know that some did over the stupidity of some of the uranium and political motions that were being mounted. I know that the same thing is happening in the Teachers Institute at present, and that it is an affront to certain people who are members of that organisation. If they want to resign they should be able to. Instead of that they are told that if they will not join, they will not get a job, and they have to agree to stay in there. We know that there was a large number of resignations from these organisations when they got overtly political on matters where, of course, I believe that they were not properly informed.

Mr Ferguson: It is like local government: it should not have politics in it.

The Hon. E.R. GOLDSWORTHY: I do not disagree with the honourable member, but people ought to be free to choose what they join and when they join, and to leave it if they want to do so. As I say, it comes as no surprise that we will attempt to apply some major surgery to that part of the Bill. The other area to receive our attention, which will not surprise the honourable members opposite, relates to tort actions. I do not wish to canvass that argument. Of course, it makes nonsense of the ability of a citizen to recover any real loss if he is excluded from so doing on the grounds that he cannot claim for economic loss, which is the only loss which will affect a business, or an individual. Economic loss is the one thing that can put a person out of business. If a person cannot sue for economic loss, as far as I am concerned, the provisions are worthless. I do not believe that people's rights should be circumscribed in this fashion on two counts—philosophical and practical.

What other recourse does a citizen, an employer, or any organisation for that matter, have if they cannot take action on account of economic loss and if they have to run the whole gamut of a protracted period before the conciliation authorities? The affair could run on for days or weeks. This could bankrupt a person, who has to wait until all this is exhausted, in terms of this Bill. There are also a number of other matters in the Bill which we will be seeking to amend, all of them significant, I believe, but some more important than others.

I hope that those amendments have been circulated. I believe that there is a hotch potch of provisions in this Bill. Of course, we agree with some of them. They tend to streamline the operation of the Commission and the court in some instances, but there are a number of serious reservations in relation to a whole range of matters in this legislation.

I will indicate briefly the clauses which cause us most concern. I have already stated that we are absolutely opposed to the propositions in clause 4. Clauses 8 and 21 remove from the Industrial Court the hearing of unfair dismissal claims. We are totally opposed to such a proposition, as was Cawthorne. Clause 14 gives the Commission sweeping powers to make general awards. We are opposed to such a power being given. From the submissions I have read there are good practical reasons for opposing such a power. Agreements may be reached in relation to a particular industry to place some extra allowances in one direction and maybe less in another, but to suggest that the power should be made to make general awards I believe is trying to seek the best of both worlds in terms of industrial conditions and on costs which are associated with employment in this State. I am opposed to those sweeping powers in relation to general awards, as are the submissions I have quoted, and for good reasons.

Clause 18 refers to the appointment of a board of reference. This clause gives wide powers to union officials to enter premises and inspect books. I believe that that goes too far. I believe the power given in clause 18 in relation to retrospectivity is unnecessary and will add costs to South Australian industry. If the Commission is to be empowered to make retrospective awards beyond the date of the application what incentive is there for a union or an employer group, an association (whether registered or unregistered), for that matter, to get its act together and go before the Commission if it knows that the order can be backdated prior to the date on which the application was made?

Mr Gregory: It says 'may be'.

The Hon. E.R. GOLDSWORTHY: Why should the provision even be there? I know that nexus is talked about and I know the qualifications contained in the Bill, but I believe we should oppose the idea of retrospectivity because the award should be from the date of application. That has a degree of retrospectivity and to suggest it goes back further I believe is unrealistic. I do not believe that leave of the Full Commission should have to be sought to institute an appeal. I believe that that is a right and a privilege that should exist in relation to an appeal against a judgment. This is another feature spelt out in clause 18. Clause 18 also refers to the power to grant relief to an employee being demoted. That was not recommended by Cawthorne, and the Government would be advised to keep out of that area. The Opposition will move amendments to clause 18.

Clause 19 seeks to extend fairly dramatically, I believe, the Government's preference for unionists policy. No reference is made to 'all things being equal'. At the moment the Act states that preference should be given to unionists 'all things being equal'. Clause 20 militates against unregistered associations of employees or employers seeking an application to the Commission. I have already canvassed that.

Clause 21 complements clause 8 in relation to compensation for dismissal. It seeks to put the matter before a single commissioner and I have indicated that we are not happy with that proposition. Clause 22 invests some sweeping rights and privileges in the UTLC to enable it to appear before the Commission which the ACTU does not enjoy Federally, I am reliably informed.

The Hon. J.D. Wright: The ACTU goes before the national court—what's wrong with you?

The Hon. E.R. GOLDSWORTHY: I know that the Trades and Labor Council can appear in State wage cases and it can also appear by invitation.

The Hon. J.D. Wright: You said the ACTU has no rights.

The Hon. E.R. GOLDSWORTHY: I did not say that it has no rights. I said it does not have that right. I said that the Trades and Labor Council can appear in wage cases and can appear by invitation, but this clause gives them an unfettered right to appear. We believe the clause referring to the taking away of documents needs a bit of tidying up. We are not happy with clause 42, which provides for the right of entry for unionists. The provisions of clause 45 go completely against Cawthorne's recommendation and we disagree with it. We believe that the provisions of clause 47 are too restrictive and excludes unregistered associates from an agreement. Clause 52 seeks to limit tort actions and I have already mentioned that. Clause 59 deals with dismissal and now includes non-union members. I have already mentioned that.

The judicial and conciliation functions in clause 63 appear to be mixed up in a most peculiar and unprecedented way. I have several pages of amendments that will be moved in due course. This Bill contains some major implications for the South Australian economy in terms of what it will add to costs and what it will do in terms of pushing further the Government's and the union's wish for compulsory unionism in this State; what it does to citizens' rights in relation to tort; what it does to unregistered organisations; what it does to non-unionists; and what it does in relation to dismissal and demotion and a whole range of matters.

The Deputy Premier knows perfectly well that his attempts to mislead the public in relation to this Bill having unprecedented support have been wrongly placed. This Bill does not have universal support, far from it! It has universal condemnation of some of its features and for that reason we intend to oppose this Bill on the second reading and in the Committee stage to move a considerable number of amendments.

Mr BAKER (Mitcham): I support what has been said by the Deputy Leader. I have discussed this Bill with a wide range of people involved in industrial relations and have written to other States of Australia and made inquiries about international legislation (without a great deal of success because this information is difficult to obtain within a short time).

The Hon. J.D. Wright: You have had four months.

Mr BAKER: It takes a lot longer than that.

The Hon. J.D. Wright: We knew about the Cawthorne Report 12 months ago.

Mr BAKER: The Deputy Premier reminds us that we have the Cawthorne Report before us. It appears as if the Minister has used the Cawthorne Report in the preparation of this Bill. The Cawthorne Report, which the Minister so fondly trots out every time he discusses industrial relations, contains a number of recommendations, some of which the Minister purports to have built into this Bill and some of which are in conflict with provisions of the Bill. The Deputy Leader has already pointed to a number of areas on which Cawthorne did not report or recommend. I think it is fairly important that a document that the Minister has held up as the panacea for all our industrial ills since he came into Government is examined in terms of what he is trying to achieve here. The interesting thing about the Cawthorne Report is that at the beginning Mr Cawthorne said:

> To this end, in the main body of the report I have tended to concentrate on conceptual matters rather than detail.

He has indeed. This is a conceptual document but it makes some interesting observations. One of the first chapters is entitled 'Statutory Attempts to Limit Industrial Action'. He states:

> Despite firm opposition from the trade union movement, I am of the view that there is much to be said for the Commission being given a power to order a secret ballot if in its absolute discretion it considers it necessary or desirable to do so.

However, the Bill contains no such reference, even though that is at the heart of what we are talking about today and of the measure before us. That marvellous recommendation in the report is missing from the Bill! Why? Because the union movement did not agree with it. Regarding tort, Mr Cawthorne states:

> Consistent with the approach adopted under Industrial Act sanctions, I also suggest that the balance of argument comes down in favour of some form of immunity in tort for unions and unionists engaged in industrial action.

However, instead of giving some form of immunity, the legislation gives total immunity, something that Mr Cawthorne did not recommend. Mr Cawthorne also refers to economic damage that may result from an industrial dispute but, if that economic damage makes it impossible for a firm to continue its operations, not only have we lost a firm: we have also lost employees. If the intransigence between the parties is so great, we must find a way for the employer to put responsibility back into the negotiations. Mr Cawthorne recommends:

> That no action in tort should be maintainable in respect of a matter within the jurisdiction of the Industrial Commission unless the Full Commission has given a certificate stating that:
> (i) all of the processes of the Conciliation and Arbitration system (except prosecution in the Industrial Court) have been exhausted:
> (ii) the industrial action still continues; and
> (iii) there is no immediate prospect of its cessation.

Although we on this side may not agree with him on this point, Mr Cawthorne says that certain processes should be gone through. He also says:

> . . . if there is any value in sanctions procedures it often lies in the threat of their imposition rather than in their actual application.

So, Mr Cawthorne readily admits that the threat is often worse than the actual imposition. He does not discard the proposition that sanctions may have their place, but he states that sanctions may exacerbate industrial problems. Mr Cawthorne makes the following good observation:

> South Australia's industrial record is good in national terms. It has one of the lowest levels of industrial disputation of all States and enjoys a reputation better than that of other States.

In this regard, I wrote to the Ministers of Industrial Relations in other States, and I refer especially to the reply I received from the New South Wales Minister (Hon. P.D. Hills), as follows:

> Many aspects of this proposed legislation relate specifically to the industrial relations system in operation in your State alone. Other matters covered in the proposed legislation (right of entry for trade union representatives on the premises of employers, the regulation of the conditions of contract workers and other persons who are not regarded as employees in law, the remedy of reinstatement of unfairly dismissed employees and co-ordination of the South Australian industrial relations system with the Federal industrial jurisdiction) reflect provisions of the industrial relations system already in operation in this State.

Mr Hills says that a few of the provisions of the Bill are in operation in New South Wales but I remind members that New South Wales has one of the worst records of industrial disputation in Australia and that in the past five years unemployment has been pushed to an extremely high level, partly because of industrial action in the coal industry and in the construction of a smelting works.

Mr Ferguson: There are crummy companies over there.

Mr BAKER: Some companies went bankrupt as a result of the actions of certain individuals. If the member for Henley Beach wants to do something really worth while, he should remember that we are, in effect, looking at jobs. If we have industrial action which results from legislation that we pass and which reduces the opportunity for people to hold jobs, thus taking away their rights, there must be a way of obtaining justice under the industrial system. Yet the Minister, by sponsoring this legislation, is reducing the justice available. Mr Cawthorne states that South Australia, on a per capita basis, has fewer industrial disputes than has any other State, so why should we change the existing system, which is apparently better than the rest? Why should we adopt some of the provisions existing in States where industrial relations are inferior to those in our own State? The answer must be that the Minister is in the hands of the unions to which we have given certain undertakings. In effect, the Minister is saying to the unions, 'We'll give you a little bread.'

Mr Ferguson: And sugar!

Mr BAKER: We are getting some inane comments from the member for Henley Beach. Sooner or later he may say something intelligent. Mr Cawthorne's report contains some

observations with which I agree, although there are not many of them. The Industrial Magistrate talks about the jurisdiction of the Industrial Commission, in respect of which he states:

Once again, time and resources did not permit an adequate investigation of this delicate area and it is largely for this reason that I am loath to make any recommendations on the submission.

I consider that that is one of the key terms of reference for the report. Further in the report, Mr Cawthorne says that only officers of a particular association should have the right of entry, and he stipulates certain conditions under which the right of entry may be exercised. He makes clear what he thinks should be the right of entry, but this legislation gives *carte blanche* with no protection for the employer. He states:

In my view, one cannot simply rely on the employer concerned to decide who should have entry and on what terms the entry should be, and thus some legislative reform is required in this area. I favour the draft amendment contained in the 1979 Bill (page 109 of the discussion paper) as the best approach to this question. This amendment would allow the Commission a discretion to authorise by award a union official, subject to such terms as the Commission thought fit, to enter the premises of an employer subject to that award, for the additional purpose of interviewing employees in relation to the membership of that association.

He continues, later in his report:

- that only officers of a particular association should have the right of entry;
- that such entry be limited to no more than, say, once weekly and that any interviews do not take place during working time and then only at places where employees are taking their meal or some other mutually agreed place;
- that if an official is offensive in his methods, the employer might refuse entry with an appeal against such refusal to, say, a board of reference.

As I said, there is no protection in this Bill for the employer.

Mr Ferguson: Have you read the Bill?

Mr BAKER: Yes, several times.

Mr Ferguson: It's no different from a lot of Federal awards.

Mr BAKER: We hear much about Federal awards, but I do not know whether the honourable member knows what he is talking about. He does a lot of interjecting in the hope that sooner or later one of his statements will be correct.

Mr Groom: You're not analysing the Bill.

Mr BAKER: Yes, I am. The Cawthorne Report covers the making of industrial agreements and other matters. Mr Cawthorne talks about agreements with parties not belonging to a registered organisation. He states:

I consider that prior to registration the Commission should vet industrial agreements and satisfy itself that such agreements are in all the circumstances fair and reasonable.

What could be fairer than that? Here we have an attempt to take away all industrial agreements where a union organisation has not been involved.

Mr Ferguson: Or an employer.

Mr BAKER: And employers as well. But the point is that Mr Cawthorne envisaged agreements which were amicable and which provided justice. It should be irrelevant whether there is an employee organisation involved at all. Again, there is a departure from that proposition. In his report Mr Cawthorne stated:

The Commission was satisfied that the agreement reflected the wishes of the overwhelming majority of the employees, and that it was in total fair and reasonable, then the agreement should be binding on the employer in respect of all persons referred to in the agreement whether members of the contracting association of employees or not.

He has made quite clear what he believes is a just system of industrial agreements. Again, the Minister has taken one small part of that and has not only diluted it, but he has bastardised it. There are a number of other observations by Mr Cawthorne which also reflect on the Bill. In referring to union membership Mr Cawthorne stated:

First, the grounds upon which exemption may be granted should be widened. It was widely acknowledged that the present provision which restricts conscientious objection to religious grounds only is too narrow. My own view is that the ground should be widened to one of conscience generally. A further step would be to allow an exemption to be granted where a person 'genuinely objects on the grounds of conscience or other deeply held personal conviction to being a member of any trade union whatsoever or of a particular trade union'. Those words are taken from United Kingdom legislation.

Mr Cawthorne maintains that the terms of conscientious objection are too strict as they stand today. We have seen no change in that. The only change that the Minister has provided in the Bill is that all moneys paid to the Adelaide Children's Hospital under the existing Act will now be paid into general revenue. That is an absolute disgrace, and I will refer to that matter again later. In regard to appeals the Minister again has departed from the Cawthorne Report recommendations. Mr Cawthorne stated:

I accept that to the pure lawyer such reasoning may seem shallow and unconvincing. However, I adhere to the view expressed in the discussion paper that, given the special nature of the issues involved, in general terms the court of last resort on industrial law matters should continue to be the Full Industrial Court.

Again, the Minister has departed from that in the Bill. Mr Cawthorne further stated:

The exception to this general principle should be in the case of prosecutions for a breach of the Act or an award. They are of a criminal nature and are launched under the Justices Act which allows in other cases for appeals to the Supreme Court and beyond.

Again, the Minister has departed from that. The Minister of Labour has decided to take one or two provisions from the report and then depart from the rest of the recommendations because they do not suit him. Let us lay to rest the contention that the Cawthorne Report is this marvellous thing taking us into the 1980s and 90s, because in fact the Minister has gone directly against some of the recommendations contained in it.

I refer again to the point I made at the beginning of my remarks, namely, that the most important aspect of industrial relations concerns the preservation of jobs. In certain instances we must provide appropriate means whereby people can get redress, whether employees or employers. That has always been accepted by both sides of this House. However, if certain provisions of the Bill were passed without amendment it would mean that South Australia would have conditions allowing preference to unionism and would be perceived by employers as having provisions that are relatively more harsh than those which apply interstate.

Mr Groom: Tell us which ones.

Mr BAKER: I am about to refer to the points involved. The key thing is that provisions in this legislation will mean that many employers with interstate connections will take a second look at South Australia. Already, they are in a situation where State taxation in South Australia is at one of the highest levels of all the States. Further imposts on employers by these provisions certainly will make them think again. The Minister has already referred to the problem in regard to contract labour. I have had a number of discussions with subcontractors and builders on this topic. It is obvious that people in the industry are opposed to these provisions. They believe that they have enough protection under existing legislation and that they should contract for their labour at a price which is appropriate to them, at an agreed price for their services. Many have said quite candidly that this will disadvantage them if they are efficient and instead of laying 300 bricks in a day they can lay 800 bricks or instead of flashing 10 ceilings in a day they can flash 20 ceilings in a day.

They do not believe that this provision will advantage them in any way and that in fact they will be disadvantaged. What is the point of enacting a set of laws for people who say categorically that they are happy with the existing situation? The answer is straightforward: that members of the building unions have placed pressure on the Minister to change the provisions. It is quite wrong in fundamental principle that this should occur. We have an efficient housebuilding industry, one of the most efficient in Australia. According to the last figures I saw, it provides a house at the cheapest cost per unit of labour. The Minister wants to change that. We have heard some inane suggestions by the member for Henley Beach about building more houses, but I would ask him to cost out those houses. In fact, I think I will put a Question on Notice about the cost of South Australian Housing Trust houses and the escalation factor in the past year, since the new provisions were placed on the Housing Trust in regard to preferential employee references.

A matter that I think by and large is opposed by everyone except the Minister is that concerning the right of entry provisions, which go far further than the Cawthorne Report recommendations. There is no protection at all for an employer in this situation. We would all agree that right of entry is important; if people are being disadvantaged in the work place an employee representative should have a right to assist the employee concerned. However, under these provisions he has the right to unrestricted entry. The only condition is that it be under the terms agreed to by the Commission, but that will not put any restraint on the time when a representative can go to the work place or the amount of disruption he can perpetrate at the work place. Proposed section 29 (9) which covers this matter, provides:

> The powers conferred on an official of a registered association by an award under subsection (1) *(c)* shall not be exercised in such a manner as to hinder an employee in carrying out the duties of his employment.

It says nothing about hindrance to the employer. Proposed section 29a (2) provides:

> Whenever, in the opinion of the Commission, it is necessary, for the prevention or settlement of an industrial dispute, for ensuring that effect will be given to the purposes and objectives of an award, for the maintenance of industrial peace or for the welfare of society to direct that preference shall be given to members of registered associations as provided by subsection (1), the Commission so shall direct.

It says that, in any area where there is not strong unionisation, if there is an industrial dispute then the way to solve it is with unionised labour. That is blackmail, and blackmail in its most blatant form.

Mr Gregory: If they apply for registration—

Mr BAKER: We are talking about the rights of employees to choose whether or not they belong to a union.

Mr Gregory: They are members of an association that is not registered; they have already joined.

Mr BAKER: There is in this Bill the very instrument to ensure that employers and employees have no say—

Mr Gregory: You have no idea of what you are talking about.

Mr BAKER: I certainly have; I have taken the trouble to discuss this.

Mr Gregory: There is a difference between a registered association and an unregistered association and whether people become members of an unregistered association or not.

Mr BAKER: I do not believe that the honourable member knows what he is talking about.

The ACTING SPEAKER (Mr Whitten): Order! I ask the honourable member for Mitcham to address the Chair, and I ask the honourable member for Florey not to make a speech to the member for Mitcham.

Mr BAKER: Again, there is no suggestion of dilution of the appeal provisions. In fact, Cawthorne recommended that they should remain unfettered. In a number of clauses of this Bill the appeal provisions have been deleted. Again, the ability of employers or employees to obtain justice under this legislation has been diluted. One of the interesting aspects of the Bill deals with the limitations of the tort action. The Minister has said that there can be no tort action unless the Commission is satisfied on two grounds. The second ground is that the action would not in the circumstances of the case unduly impair amicable industrial relations: that is not exactly what Cawthorne said. What it says is that, if tort action should now or in the future in any way affect people's getting on together, one cannot go ahead with it. That takes away the right of common law which states that if a person has been injured, whether physically or economically, he has a right to go to a higher court to obtain damages. Effectively, this Bill takes away that right. This provision is iniquitous and should be removed; in fact, the whole clause should be removed.

I referred earlier to the fact that under the existing Act people who have conscientious objections and who belong to a registered association pay an amount equivalent to union fees to the Adelaide Children's Hospital. Now they have to pay it into general revenue. I wonder who thought up that little item! Did the Minister, when he thought about this, say 'We will swell the coffers of the State Treasury. We have all these other forms of taxation heaped on South Australia, we will have another form, we will get the conscientious objector. They will not conscientiously object. It is another form of taxation to go into revenue'? He must feel that people will suddenly conscientiously object to all the things he is doing to them in this Bill and then say, 'We will fix that, we will not make it any different for them, we will not give them a chance of saying that they will do some good for the community and pay into the Adelaide Children's Hospital; if they take on board our amendment it will be to a charitable organisation. We will take away that right. We will have it paid into general revenue.' There were only 15 cases last year, so one cannot expect the Treasury to suddenly receive a windfall gain. Obviously the Minister thinks that this is pretty important because he will now top up the Treasury coffers from the money of the people concerned.

Mr Mathwin: They will have to pay f.i.d., you know.

Mr BAKER: They certainly will have to pay f.i.d. when they get their cheque paid into their bank account.

An honourable member: What's this got to do with the Bill?

Mr Mathwin: It has to do with taxation. It is extra money for the Government.

Mr Groom: Yes, but what is before the House is an industrial matter.

The ACTING SPEAKER: Order! The honourable member for Mitcham has the floor.

Mr BAKER: Finally, I refer to clause 62, which deals with supplying the employee with a copy of the award. It is just a small point but, quite seriously, if the Minister feels that that will somehow provide great relief for employees I am amazed, because there is a provision under the Act for the employer to make a copy available to anyone who wants to peruse it. He has to put one up on the notice board, yet there is the incredible requirement that every employee who goes to the door has to have a copy of the industrial award.

In summary, I find the Act is anti-business, anti-jobs. It contains some good measures which tidy up certain matters in industrial awards and in the Industrial Court's operation. We on this side of the House certainly support those measures but there are certain provisions in the Bill to which we

are totally opposed. We have outlined those, and when other Opposition members speak to the Bill they will deal with them.

Mr GROOM (Hartley): First, I congratulate the Minister on introducing this measure. It is sensible, balanced legislation meeting the needs and dictates of the times. So far, the contribution from honourable members opposite has been very disappointing. I really do not think that they understand the legislation, nor indeed—

Mr Mathwin: Wait till I get up.

Mr GROOM: I am waiting with bated breath. They do not understand the industrial climate in which we are operating. I want to address myself to four main issues: the preference clause, the abolition of torts action, the contract labour question, and the reinstatement or re-employment question. Dealing with the preference clause, there is a need to amend the current preference provisions in the Act which, for the benefit of honourable members opposite, are sections 29 (1) *(c)* and section 69 (1) *(c)*, from which I will read. Those sections are similar but section 69 (1) *(c)* deals with conciliation committees. Section 29 (1) *(c)* reads:

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

Two sections in the Act already deal with the question of preference. I believe that the original intention of Parliament was to give preference in employment to members of registered associations, along the lines of the Commonwealth Act. However, the Commission in South Australia has interpreted that section (and probably quite rightly) as being defective in its terms, the defect being that the section provides preference to a member of a registered association and that, therefore, it does not provide preference to that registered association. The consequence is that there is no point in putting a provision in the award if one cannot name the union involved.

For example, in the shop assistants area it is pointless to give preference in employment to a plumber. So, the Commission in about 1977 pointed out defects in the current preference clauses. As a consequence of the Commission's pointing out that defect, most applications which are still current before the Commission, and in which it has been sought to include preference clauses, simply have been adjourned awaiting passage through this Parliament of amending legislation. The amendment dealing with preference in the Bill is really essentially in line with section 47 of the Commonwealth Conciliation and Arbitration Act, which has worked successfully in the Federal sphere for the far greater part of this century.

Section 47 was endorsed by previous Liberal Governments—by the Menzies Government and the Liberal Governments that followed, including the Fraser Government. Such Governments never sought to amend section 47, but perhaps honourable members opposite, particularly the member for Kavel, who attacked the preference clause, have not had a look at that section for some time. That honourable member said that it was pace-setting legislation. In fact, it is not dissimilar to what is already in existence in relation to other States of Australia. New South Wales has an absolute preference.

I do not think honourable members opposite really understand what preference to unionists is all about. There are two levels of preference. There is a qualified preference where preference is given to unionists, all other things being equal. There is also an absolute preference where one cannot hire a non-unionist as long as there are unionists. Courts have drawn clear distinctions between those two preference categories and the category of compulsory unionism. Courts have interpreted section 47 of the Commonwealth Act as not permitting compulsory unionism. That will no doubt be the case in relation to the clause in this Bill. The courts will not interpret that as allowing compulsory unionism, because it is essentially on all fours with section 47 of the Commonwealth Act which provides for preference to unionists.

In New South Wales there is absolute preference, which is a higher category than the one sought to be passed through this Parliament. In Queensland it has always been customary to insert absolute preference clauses in awards. In Western Australia they actually have the power to insert provisions relating to compulsory unionism. Section 47 of the Commonwealth Conciliation and Arbitration Act provides:

> (1) The Commission may, by an award, or by an order made on the application of an organisation or person bound by an award, direct that preference shall, in relation to such matters, in such manner and subject to such conditions as are specified in the award or order, be given to such organisations or members of organisations as are specified in the award or order.
>
> (2) Whenever, in the opinion of the Commission, it is necessary, for the prevention or settlement of an industrial dispute, for ensuring that effect will be given to the purposes and objectives of an award, for the maintenance of industrial peace or for the welfare of society—

all those words appear in the clause in this Bill—

> to direct that preference shall be given to members of organisations as provided by the last preceding subsection . . .

The member for Kavel attacked similar words in a clause in this Bill. The Commonwealth courts had no difficulty in interpreting those words or, indeed, the preference to unionists section. So, the arguments of honourable members opposite completely fail. It is not pace-setting legislation at all: it is simply remedying a defect that the Industrial Commission found in our industrial Act some seven years ago.

Page 29 of the Cawthorne Report deals with preference to unionists. One can hardly categorise it as a philosophical objection when the Federal counterparts of members opposite have permitted the clause in the Commonwealth Act for the last 50 years—hardly a basis for alleging that a philosophical objection exists. The real motive of the Opposition was that it was aghast that the Minister, through the IRAC committee, had reached agreement with employers and because it saw a lost opportunity to make political capital. The member for Kavel knows that.

Since that time the Opposition has sought to undermine the passage of this legislation and to colour it in a way that it is not. To describe this clause dealing with preference as pace-setting legislation is ridiculous. It is in line with every other State in Australia.

The Hon. E.R. Goldsworthy: Read what I said—you put words into my mouth and then comment on them.

The ACTING SPEAKER: Order!

Mr GROOM: On page 29 of the Cawthorne Report it is stated:

> What must be borne in mind when faced with the outrage of those who bridle at making any concessions whatsoever in favour of unions is that if an award of preference is made by the Commission, it is more likely to favour the moderate union with potential members in numerous widely scattered small work units than it is to the militant and strong unions which will win *de facto* compulsory unionism in the field in any event.

At the bottom of the page it further states:

> Whilst on the issue of preference, it is my view that if a decision is made to allow the Commission a discretion to award preference to unionists, then it should be able to award preference in favour of members of a particular union. This power could be of use in demarking areas of employment.

I have not read out the other passages on page 29, but the whole import of that is clearly endorsing the remedying of defects that were found in the South Australian Act. I know that the member for Mitcham who is not in the Chamber

had something to say about the preference clause and he likewise quite clearly did not understand it.

Secondly, I also want to deal with the question of the abolition of tort actions. Again, there is nothing radical in this proposal, although, if it had been introduced 100 years ago, I have no doubt that it would have been seen then as a radical proposal because throughout the 19th century (until the mid 19th century, but in the greater part of the 19th century) trade unions were essentially illegal organisations. It was not until a Royal Commission in the 1860s that the Trade Union Act, which was passed in 1871, legalised trade unions and provided for their registration.

The whole import was to encourage trade union registration because the poor industrial relations climate at the time. Thereafter, there were moves to water down the effect of this protection in the 1871 Act. There was the Taff Vale Railway case in 1900 which reintroduced tort actions against trade unionists and trade unions. In that instance it was a tort of inducing breach of contract. All it was was a wage increase claim. That set back industrial relations greatly in Britain for the ensuing years, and led to the passage of the 1906 Trades Dispute Act which conferred immunity from tort actions on trade unionists. It was not until 1964 that an action was taken in England in a case which further sought to avoid the 1906 Act and extend torts to what were called torts of intimidation. That 1964 case was a threat by fellow workers not to work with a non-unionist. The action was taken in tort for damages based on the tort of intimidation.

I should say that in 1965 (I think) in England, legislation was immediately passed to abolish this tort of intimidation. The 1964 case was based on a 1793 authority to revive this ancient tort of intimidation. In that case a sea captain had to pay damages for firing a cannon at some native canoes off the coast of West Africa. That is what honourable members opposite want to do. They still want to impose in this century, on the industrial climate that prevails today, some 1793 case involving a sea captain firing at some natives off the West African coast. This is what they want to seek to preserve. These tort actions are really out of keeping with the current climate.

This provision merely brings us into line with Britain, and I do not think that there has been any difficulty in Britain with regard to the abolition of tort actions. There is nothing radical in the legislation. The debate in relation to tort actions has been going on for the greater part of this century. In fact, it is a redundant form of action. Employers do not use it because they know in a practical sense that it is not really available to them.

The clause dealing with torts does not even go so far as to abolish the action of tort. Rather, it requires leave of the Full Commission. So, it can hardly be categorised as pace-setting legislation, when one looks at what has occurred in Britain and other parts of the Western world. An employer in South Australia can maintain under this provision a tort action, provided that there is leave of the Full Commission. The Cawthorne Report, on pages 9 and 10, which deals with tort actions, states:

> I also suggest that the balance of argument comes down in favour of some form of immunity in tort for unions and unionists engaged in industrial action.

On page 10 he said quite clearly (and this is correct):

> The common law courts do not have the mechanisms to really assist in the resolution of industrial dispute situations.

In fact, about 75 per cent of industrial disputes last for only a maximum of two days and most last maybe 24 hours or merely involve a stoppage on that day. Most industrial disputes are resolved; they are resolved through the processes of conciliation and arbitration, not through the processes of common law courts and it is sensible balanced industrial legislation. It does not go as far as the situation in England and it cannot be categorised to that extent as being pace setting or radical legislation.

The member for Kavel dealt with the question of contract labour. I do not think that he really understands the distinction between the prohibition of contract labour and the regulation of it. What is proposed here is not the prohibition of contract labour at all but it would give the power on inquiry to regulate contract labour where clearly that is to the detriment of the employees. What the member for Kavel was saying (and to a lesser extent although in a garbled version the member for Mitcham was saying) was that if contract labour is regulated an employer will still have no discretion. The type of situation I envisage is that the employer would still be able to employ contract labour, provided he did not pay less than award rates as applicable to employees, because otherwise those employees would be undercut. If the member for Kavel is right and suggests that by simply giving the power to inquire into these industries by the Full Commission that will lead to some substantial and significant increase in the cost of building a house, he is saying that the people currently employed in the industry on labour-only subcontract arrangements are in actual fact being exploited and are being paid much less than award rates and conditions, because it can have no other meaning.

Mr Mathwin: Don't be ridiculous.

Mr GROOM: The honourable member knows that that takes place in the building industry because they are not true contracts. A person is told how much he can charge for laying, say, a thousand bricks or painting so many square metres of a wall. It is not a freely negotiated situation, and as a corollary of that no sick leave or holiday pay is received. Further, if it rains the person concerned will not earn anything, because he cannot paint out in the open. The net effect is that we all know that many people, because of varying economic conditions, are forced to work in the building trade at rates of pay substantially less than award rates. I know, because I was involved in litigation in this area. The fact of the matter is that some people who are working a 38-hour week are earning only $150 or $200 a week even though the award rate is $350 a week.

The suggestion that if contract labour is regulated so that employees cannot be undercut is tantamount to an admission that labour-only subcontractors in the building trade are being exploited, because it can only add costs if they are being paid less than employees. That is logical and stands to reason. The member for Glenelg knows that I am right. The fact of the matter is that the Industrial Commission does presently have jurisdiction to regulate contract labour so this provision is not radical, because that was decided in the Supreme Court in 1981 in the Master Builders decision. The Plasterers Union sought to include clauses in the award that did not prohibit subcontract labour but said that if an employer does seek to use subcontract labour he must pay not less than the rates of pay and observe not less than the conditions applicable under the award. The reason for that is that employees are otherwise jeopardised and they are simply less likely to obtain employment in the industry.

The Full Court of the South Australian Supreme Court held that there is jurisdiction under the current Act to regulate subcontract labour on that basis. If this Parliament rejects the inquiry approach which the Cawthorne Report recommended, in a particular industry there might be one section where subcontract labour is regulated and another section where it is not regulated.

However, the Full Court of the Supreme Court made plain that it had general application so, again, in the regulation of contract labour there is nothing radical. It certainly improves the industrial climate, and members opposite should look at section 88F of the New South Wales Industrial

Arbitration Act which is much more Draconian, because it provides:

(1) The Commission may make an order or award declaring void in whole or in part or varying in whole or in part and either *ab initio* or from some other time any contract or arrangement or any condition or collateral agreement relating thereto whereby a person performs work in an industry on the grounds that the contract or arrangement or any condition or collateral arrangement relating thereto—

(a) is unfair, or

(b) is harsh or unconscionable, or

(c) is against the public interest. . .

Thus, in New South Wales contracts may be declared void where subcontract labour is used to the detriment of the employee by undercutting. This type of arrangement can be declared harsh or unconscionable or against the public interest. Indeed, occasionally such a declaration has been made. The Bill does not go as far as the New South Wales legislation but it is an improvement, because it recognises the industrial reality that in certain economic times when there is a high level of unemployment unscrupulous employers take on people not as employees but tell them that they are labour-only subcontractors and pay them less than award rates. Such people will not receive holidays, sick leave or any of the other normal benefits that trade unions have striven to achieve over past centuries. Members opposite want to take those rights away. The provision can add to the cost of a house only if labour-only subcontractors are currently being exploited and under-paid. I stress that the provision in the Bill gives power to regulate and not prohibit subcontract labour.

Regarding the reinstatement clause, I have had extensive experience in the industrial jurisdiction regarding section 15 (1) *(e)* which operates harshly on employees and employers alike, because under the current arrangements there are often lengthy delays after an application for reinstatement is lodged. If a decision is overturned (as I have seen) where employers, after an appeal, have 12 months to make up and $300 or $400 a week is involved, that is an enormous impost on employers. So the provision can work just as harshly against the employer as it can against the employee. Up to the present some decisions have resulted in an employee being harshly, unfairly or unjustly treated, but the court has no power to award compensation. The provision in the Bill remedies that matter, because, in the matter of industrial reality, many employers would rather have a means of monetary compensation than having to take an employee back, for reasons best known to the employer, provided there is a speedy remedy. This jurisdiction in the hands of the Industrial Commission will be part of the conciliation and arbitration process and will produce a much speedier and more effective remedy.

Further, the Industrial Commission currently has jurisdiction to order reinstatments in the consequence of an industrial dispute so, again, members opposite cannot categorise the Bill as radical. There was a unanimous decision of the Full Court of the Supreme Court in 1982, in the case of *R v Industrial Commission*, where a Commissioner, in consequence of the Salisbury council dispute, sought to reinstate two employees who had been dismissed as a result of an industrial dispute.

The employers argued that there was no jurisdiction in the Industrial Commission to order reinstatement and that section 15 (1)*(e)* was an exclusive code. That argument was rejected unanimously by the Full Bench of the Supreme Court of South Australia, which held that where a dismissal forms part of a wider industrial dispute the Industrial Commission has power, as a consequence of solving that industrial dispute, to order the reinstatement of the employee involved.

Again, this legislation simply recognises what is inevitably taking place: that is, that there are many dismissals, such as redundancies. For many years redundancies have been recognised as part of the Commissioner's jurisdiction: that is, if there are retrenchments, the last on first off principle applies. Where that has not been applied by employers the Industrial Commission has seen fit to seek to standardise that type of principle. The Industrial Commission currently has jurisdiction to order reinstatements. The situation at present is that we really have a dual system.

From my own experience in this field (and I am not being critical of the current means of dealing with section 15 (1) *(e)*), I believe that under the provision that the Minister has introduced it will be a speedier and more effective remedy, more in keeping with today's industrial climate, and that it will eliminate delays. I know that the industrial magistrates have done their best in the past to ensure that hearings under the current section 15 (1) *(e)* were dealt with as expeditiously as possible, but often in many dismissals much wider industrial issues are involved.

They are the four main items with which I wanted to deal. Honourable members opposite to date have not really analysed any of the provisions of the Bill. They have made sweeping statements that they oppose the provisions and that they are opposed here and there, but they really did not get down and tell us what their opposition was actually about. Opposition from honourable members opposite was couched in the vaguest of terms. The member for Kavel went on about contract labour and said that it would add to the cost, and that, by its very terms, implies that people are currently being exploited in the building industry. I remind the member for Kavel that the greater cost in relation to houses is the actual cost of interest rates. The wage component to build a house is a much smaller part of the cost of a house. On the basic cost of a $40 000 home, something like 10 per cent is due to the interest burden that the developers must pay.

The member for Hanson should know that, when interest rates move something like 0.5 per cent, people with a 20-year or 30-year mortgage have added to the cost of their house as a consequence of that interest movement a sum which is more than the wage component in the first place to build the house. So, the wage component is only one of the factors that operate in the building trade. Interest rates are the biggest problem. Every time interest rates go up by 0.5 per cent it means that the cost of the house has gone up by more than the original wage component to build the house in the first place. Honourable members opposite should sit down and do their homework on that.

So, the suggestion that contract labour will add to the cost of a house does not hold water unless employees are being exploited (and labour-only subcontractors are really employees: make no mistake about that). Only then will it add to the cost of a house. But the Housing Industry Association maintains that it is an excellent system, that it is a better system and that they are being remunerated to a far greater extent than employees are remunerated under an award. If that is true there will not be any additional cost in relation to a house if this type of provision passes.

It is well to remember that the Industrial Commission has a discretion to consider all the factors at work. One cannot tell me that overnight it will suddenly overturn a system that has been in operation for some considerable time. I think that the direction to take is that taken in the Master Builders' case in relation to the regulation of contract labour, to ensure that employees are not exploited, and that they can compete on equitable and fair terms. I hope that we will see better contributions from honourable members opposite and a better analysis of their objections to the legislation than we have seen with the two previous speakers.

Mr INGERSON (Bragg): One of the concerns with any industrial legislation is that it be fair and reasonable from both points of view. Any legislation which comes in and which shows any imbalance to either side obviously needs to be brought to the notice of the person introducing the legislation. When I first read the legislation I thought, 'That is not too bad; there are not a great many problems with it except for a few obvious areas such as preference to unionists.' I did some homework, as most of us are expected to do, and questioned people in industry. Particularly when one has not been involved in industry in a very broad sense, one ought to ask people on both sides their opinion of the Bill.

In the general summary of the legislation several comments were made that I would like to bring to the attention of the House. One of the comments made by the Minister was:

> The business community has responded positively to the Government's initiatives in this area, and the Bill now before this House reflects the policies of consultation that we have so successfully pursued.

The interesting thing about that is that the IRAC committee to which he was referring in making that judgment has a split representation in terms of representatives of ownership and employees: it is a balanced committee. When I asked the people concerned, some of the rules of that committee opened up the question in relation to this statement. It is interesting that when I talked to the employer representatives they were clearly of the impression that they were there as nominees of the Minister to be representatives of industry in general and not of their industry associations in particular; that any discussions of the committee, as good as the concept of the committee may be, were to remain secret; and that there should be very little consultation (obviously there was some) between the members of that committee and their associations.

As a result of this, this consensus—which is a very famous word at the moment—agreement that was brought down by IRAC does not represent consensus at all; it represents the argued position of the four employer representatives on that committee. All members of this House would know that when one is on a committee and is faced with a series of propositions, many of which one dislikes, all one does is attempt to achieve the best possible answer out of what is perhaps a very unfavourable position. When I discussed this situation with industry it became very clear after the first three interviews that the statement that I quoted earlier was quite incorrect and that there was not widespread support for this from industry itself. There are many associations that I could name—the Chamber, the metals industry and the housing industry; one can go to any of those three industries and none is in support, as this statement suggest that they are. Obviously, they support some areas, as I do.

Mr Mayes: The pharmaceutical industry?

Mr INGERSON: The pharmaceutical industry does not have problems because we are very well organised. The other comment made was that in South Australia we have the best industrial relations in this country. The Minister himself proudly made that statement. Of course that begs the question: if we have such good industrial legislation, why is it that we now have proposed legislation which in itself is confrontationist in many areas, not in totality, but obviously there are areas of confrontation. I now want to refer to matters about which I am particularly concerned. During the Committee stages I will go into further detail when questioning the Minister. The first matter concerns preference to unionists. The member for Hartley's statements about such a clause being in the Commonwealth Act and the length of time it has been in that Act are quite correct. However, he failed to mention that the best arrangements made in the area of industrial relations are done on a voluntary basis.

It seems odd to me that we need to enshrine in legislation something which for practical purposes, when management and employers get together in a voluntary sense, can ensure that industrial relations works very harmoniously. There are many examples of voluntary arrangements entered into where both management and employees have sat down and worked out solutions to problems that they have. The important thing is that the most successful solutions have come from voluntary action and I am concerned that we need to enshrine in legislation a preference to unionists provision, or for that matter a preference clause for anything. I believe very strongly that individuals should have freedom—

Mr Ferguson interjecting:

Mr INGERSON: When the member for Henley Beach speaks I will listen to him without interruption and I hope that he has the courtesy to do the same to me. I believe in freedom of association and the right of the individual to make that sort of choice. I believe that where that choice has been made the rights of the individual have in fact carried forth and developed excellent associations between management and labour.

I am also concerned that there is no protection for people who legitimately wish to not join a union. I believe that however small a number they may be there should be protection of their rights within any Act. In other words, there ought to be positive discrimination available for them if they wish to enter into some sort of arrangement other than joining an association. An area of concern of associations is that involving regulation of contract labour. As the member for Hartley pointed out, there is a considerable number of examples of people who are working for less than award wages. One of the decisions involved with entering the contract labour force is an acceptance of that as part of the market place and part of the market forces. I do not know of any person who does his job well as a tradesman who is being paid less than award conditions. If you produce your work and are able to compete in the market place, it has been put to me that clearly it is generally considered that there are no problems with that.

There is no question that, once the decision is made to go into the contract labour area, one must accept the rules of that system. In relation to contract labour I also point out that, in my opinion, no legislative change is necessary: there is already sufficient scope for the Industrial Commission to deal with this issue, particularly on an industry by industry basis. Consequently, I see no reason to extend the clause. I refer now to retrospectivity of awards. I am concerned that, if a claim by an association goes before the Court or the Commission, obviously it carries a date and the claim will apply from that date. There should not be a system that encourages retrospectivity for any reason, and therefore I strongly oppose the clause.

I now refer to unfair dismissal. At present, as everyone would be aware, unfair dismissal is covered under section 15 (1) *(e)* of the Act, and there is only one choice—re-employment. I strongly support that action. I recognise that there is no question that lengthy delays occur and that there are imposts on both sides, but I do not believe that there should be any other method of treatment for unfair dismissal than re-employment. I am concerned also about compensation, and I do not believe that there should be any choice other than re-employment.

After going through the Act and considering penalties in regard to members of associations, and after noting in the past few days the comments of Sir John Moore in relation to the effectiveness of the arbitration system and his clear comments that, in his experience, he has found that one of

the major problems is that, when he makes a decision, he has great difficulty in carrying it out, I believe that it is a pity that the penalties in this case appear to be geared more towards the employer than the employee. If there is an obvious area of concern on either side, both parties, under any legislation that is fair, should accept the penalties in areas where they are to blame. Obviously, I believe that in some instances reinstatement of penalty clauses should be considered.

Another concern, which will be taken up in the Committee stages, relates to the removal of time/wage records. I cannot see any reason why, in this modern age, that is required when most industries have copying machines available. Such records can be kept and made available to a union or any other association. In summary, I believe that the Act contains some areas of unfairness and that, if it was amended to recognise a more balanced position between management and labour, it would be a much better Act.

Mr LEWIS (Mallee): This is a bastard Bill. One could gain the impression, of course, that an amicable relationship had been established in the marriage of the elements of organised labour and industry to produce this Bill, but of course that has not been the case. Indeed, there has been no marriage whatever—but there is a Bill, and to that extent it is illegitimate. The extent to which consultation occurred is very much like the extent to which I imagine consultation occurs when the irate father of the bride, on seeing that she has fallen from grace and that there is a clear indication of the fact that impending birth confronts him and his family, trots along with a shotgun and demands that the person accused of being the accomplice in producing her condition join forces to give some legitimacy to what will come.

Here we have it coming, and it certainly is not coming in any sense in a way which will enhance industrial relations or the improvement of civilisation in general. It is a pity really that we focus our attention on the existing order of things rather than taking one step backwards and doing some lateral thinking about how it might otherwise be. If we seek prosperity for all members of society, enjoyed by them according to the efforts they make and the skills they have in contributing to that common wealth, then the way in which we can best achieve it is surely not through adversary advocacy, yet our entire present Western civilisation seems to be preoccupied with a system which is as outmoded as the incidents upon which it is based, and which apparently brought it into being.

An honourable member: More industrial democracy; that's what we need.

Mr LEWIS: I will come to that. I wish to talk, because of the relevance of the material contained in the subject, about the Scanlon plan, the way in which Kelso has shown that that can be effective in the United States, and the way in which it is illustrated as being effective here in Australia, in particular examples. However, in the meantime, unless we wake up to the fact that adversary advocacy, which has been lumped on to us by lawyers and their traditions, is indeed the quicksand into which our civilisation is sinking, then we will indeed be swallowed up before we do anything about it. Quite apart from the other things which threaten that civilisation now, this one factor of industrial relations based on adversary advocacy as the system is certain to bring us down. We must understand—surely we are capable of understanding—that it is not appropriate to continue arguing that somewhere between one person's selfishness and another person's selfishness we will find justice. To my mind, to presume that that is the nature of justice is to deny all those things that we believe in in the United Nations conventions. It must be agreed that wherever disputes arise there needs to be a mechanism by which those disputes are settled. I do not deny that, but I want to go further back into the history of the industrial relations adversary advocacy approach to settlements to see whether there is not possibly another way, a better way.

The Hon. J.D. Wright: Are you suggesting revising the Industrial Conciliation and Arbitration Act?

Mr LEWIS: I am suggesting that for so long as industrial advocacy exists, and so long as the Labor Party exists and ensures that it will, then the Arbitration Commission will have to exist. All members of this place should know (and probably do know) that the Labor Party has its roots in the union movement. It was, after all, spawned by the union movement and, indeed, most Labor members are proud of that association, and quite rightly so. That is how they see the world. Today, I am asking the House to consider that there might be an alternative world, a world in which it is possible for people to take a different view rather than the selfish view of, 'Because he has it, I want some of it.' If one considers the sociology of the industrial situation in our civilisation at present, one can see that economically it would be possible to obtain a more effective mechanism, a better structure, within which the kind of decisions that we are trying to make through the Industrial Conciliation and Arbitration Acts, such as they are in Australia, could otherwise be made. Why can we not all see ourselves as belonging to the body corporate Australia, being shareholders in Australia? After all, we are citizens of Australia.

Mr Ferguson: As long as we all get dividends.

Mr LEWIS: There is no reason at all why we should not get dividends, provided that we as individuals are willing to take the risks involved in the investment of capital—

Mr Ferguson: We do. Both sides take risks.

Mr LEWIS: The risk involved in the investment of capital is the risk about which I am talking. There will be no jobs unless someone somewhere decides to invest capital—

Mr Ferguson: And labour.

Mr LEWIS: —and in part put together with that capital the labour necessary to use it. By way of interjection when the member for Hartley was speaking, I said that nothing on God's earth costs anything until man touches it. It begins to cost things because that is the mechanism by which we decide a fair price, not only for the goods produced but for the resources used in producing them. The clay in the soil before it is hewn, machined and fired to make bricks—where it stands in the soil it costs nothing.

Mr Ferguson: Someone pulls levers.

Mr LEWIS: Indeed. Why are firms like Fletcher Jones and Dynavac successful compared to other firms in the same line of business? The textile industry in Australia has been bedevilled by its lack of capacity to compete on world markets, although the quality of the fibres that it has at its disposal as raw material is second to none in the world. We produce equal to the best cotton in the world; we produce the best wool in the world; we have the capacity to produce equal to the best artificial fibres in the world; and we can do that all at cheaper prices than can any other economy in the world, yet we cannot produce a viable textile industry that can compete with the rest of the world.

Nonetheless, firms such as Fletcher Jones, in that apparently unhappy environment, can still survive and make profits, and profits for its shareholders. Its shareholders happen to be the workers, the employees, regardless of their station in the company. Collectively, they have decided that they need to use an organisation within which they relate to each other and which defines the responsibilities that each will have in the total production and marketing processes: the identification of products, the form those products will take, the way in which they will be sold (whether by direct mail or over the shop counter), the way in which

debts will be collected (whether on credit or cash, in exchange for the goods) and the like.

All those decisions have to be made by that organisation. All members, from the person working in the factory manufacturing clothing to the person deciding what kind of clothes are to be made, integrate their efforts so as to provide themselves not only with incomes which presumably they could not better elswhere in the labour market but also a dividend at the end of it according to the risk that they took and have taken in the investment of capital in that enterprise. The same situation applies to the Dynavac organisation, an industrial vacuum cleaner manufacturing business in Victoria, where the firm was left to the employees by a bachelor in his will. In fact, he handed over control of the firm to the employees before he died. Why can these organisations be successful and free of industrial confrontation?

I think it is quite simply because all the workers in those organisations, be they involved in line management, staff management, the production cycle, or as sales people, know that if they were to go on strike they would be striking against their personal interests, because they would be denying the capacity of the organisation of which they are a part and in which they own a stake to earn a profit in the market place in competition with other organisations doing the same sorts of things, engaged in the same line of business. Therefore, I cannot see in any sense why it is valid for us to consider this kind of approach as the means by which we find industrial harmony. By 'this kind of approach', I refer to the Bill before us today, which seeks to disproportionately load the dice—indeed, the power—against the interests of the invested capital in the enterprise in favour of what are presumed to be the interests of employees.

I do not think that the employees interests are best served by this sort of approach. They have been made to feel that they are being exploited in the course of the rhetoric used to explain what is happening. In fact, they are not being exploited at all. Without a job they would not have the capacity to earn an income or to obtain an income. Sure, one can go through the cosmetic rearrangement of wealth by taxing those with jobs more heavily to enable those without jobs to live. However, I put it to the Government that that is a ridiculous and unnecessary mechanism for the redistribution of wealth. All one has to do, without reducing the spending power of anyone in society at all, is reduce wage levels and the tax levels on those wages to a point where the money that is left from the collective reduction of wages is paid to those people who do not now have jobs in the jobs thereby created. Therefore, more people would be working, producing more goods for the same total weekly wage packet in this country and, in the course of so doing, the cost of each item is lowered.

The phenomenon that we now have in Australia, where we do not have equilibrium between the labour market and the cost and supply of labour to the extent that some potential individual contributors to the labour pool are unemployed, is a real wage overhang. That is what it is called. Invariably, it means that, if one is to be in the least bit concerned for one's fellow man, one must redistribute some of what is paid in the form of taxes through the welfare mechanism to those who have no jobs and obtain no pay. They suffer the demoralising consequences of not being usefully engaged. Nonetheless, they are recipients of the benefits produced by the collective efforts of society. That is anathema to me.

I fail to understand how for so long so many people in the great political Party called the Australian Labor Party have been unable to recognise that simple economic fact. It is spelt out by Professor Geoffrey Harcourt in his book *Economic Activity*, if members opposite want to obtain a more detailed dissertation on it. Professor Harcourt was Bill Hayden's economic adviser when Bill was the Federal Shadow Treasurer and then Federal Labor Leader. Professor Harcourt has now returned to a university in the United Kingdom. He was Professor of Economics at Adelaide University.

Mr Ferguson: He was a member of the Labor Party.

Mr LEWIS: He may still be. I do not know whether he is a member of the Australian Labor Party. Nonetheless, in very simple terms he explained what a real wage overhang is and its effect. In this country right now we have structural unemployment, for no other reason than that we have a real wage overhang. Those people with jobs are paid too much. It involves not just the cash in the wage packet each week, fortnight or month. To an economist the term 'wages' means the costs of providing each job. That is in addition to the cash in the packet, the tax that has to be paid on preparation of the packet and on the income which goes into it, as well as the so-called on-cost of providing that job—the premium for workers compensation insurance, provisions for long service leave, annual leave, other holiday pay and sick leave, the so-called hard won benefits.

They are not benefits at all if it means that in the long run the consequence is to deny fellow citizens the right to work. Those of us who have employment need to take a look at our consciences in that respect. It is a scientifically valid fact that we do have this problem of a real wage overhang, and we ought to be able to be big enough to sort it out and not get drowned in the sound of our own rhetoric and lost in the noise of our own argument. That argument is invalid where it presumes that those things to which I have just referred are benefits.

Of course, as long as we have a system of the kind to which I referred it will be necessary for us to retain adversary advocacy where it is assumed that confrontation is an essential part of industrial relations that somebody (namely, a union organiser) says, 'I can get more for my members.' Indeed, sooner or later under the structure of the economy as we have it at the moment more cash is paid to the members of the union who remain in jobs when the shakeouts occur, but the total number of people involved in those jobs is lower than it could otherwise have been.

The competitive edge which might otherwise have remained there has gone and Australia is the poorer. I have already referred to the fact that we do have at least equal to the best fibres for textile manufacture and the technology with which to put them together, yet we seem to be unable to compete. The reason is quite simply because each job in the cost production cycle costs more than a job elsewhere in the world.

It is our fault, nobody else's. We cannot blame the rest of the world for that. What happens, of course, in such industries is that where they are so-called pace setters, the examples of the so-called conditions won, the benefits and improvements that are referred to quite fallaciously as being won by the employees through the mechanism of their trade unions, result in a loss of jobs in the national economy.

Looking at this legislation, in particular, we find that compulsory unionism is made inevitable. Goodness knows how an employee, under the terms of many of the amendments proposed in this legislation who has no union to join, will get on if he or she seeks to obtain justice for some unjust act which may be perpetrated by his or her employer. For instance, what award covers employees in riding schools? This Act effectively removes their right in law to obtain justice for wrongful dismissal because they are not union members and no award is currently in place covering their employment.

The Bill before us, if it passes in its present form, will give the Industrial Commission power to inquire into any

matter whatsoever—not just industrial matters. Cawthorne did not recommend that. The Bill effectively destroys the subcontract system. We have heard already the member for Kavel point out how that will mean that the cost of providing housing will escalate as an example of the adverse consequences of our passing this Bill in its present form. I sincerely believe that the estimate of a 10 per cent increase immediately this measure takes effect is a valid estimate of the kind of escalation that will occur.

Of course I heard an interjection from members opposite when that was first mentioned, and I heard the member for Hartley say that interest costs put up the cost of housing. However, interest charges on capital borrowed would be less if the total cost of the item purchased by using that capital (that is, the house) were lower. So, the higher we put the price of the house the more money has to be borrowed and, naturally, the greater will be the demand for money in the money market, because each housing unit will need more money to make it possible to construct that unit. Naturally there will be an upward pressure on interest rates in the economy and there will be a higher total sum paid for interest - even if interest rates do not rise and we are able to find that additional money somewhere. The total sum borrowed will be greater and the interest charges will therefore be greater. My Deputy Leader, the member for Kavel, has clearly spelt out (and all members here know) that, whilst the Deputy Premier says that this is merely giving breath to the recommendations of the Cawthorne Report—

Mr Groom: It does.

Mr LEWIS: It does not—it goes further than that. All of us know that.

The Hon. J.D. Wright: Certainly doesn't bury it.

Mr LEWIS: Nobody suggested that it ought to be buried. I am surprised at the Minister's raising that point in this debate. By way of interjection the member for Henley Beach stated that the printing industry had compulsory unionism years ago.

Mr Ferguson: I never said 'compulsory unionism', I said 'preference to unionists'.

The DEPUTY SPEAKER: Order!

Mr LEWIS: Indeed, all members of the printing industry have to belong to the union to get a job in a shop which is covered by that award and in which union members are employed. Preference to unionists has simply meant that the printing industry in that instance has priced itself out of reach of the Australian market for over 30 years. The honourable member gave a classic illustration, as the member for Coles points out, of how the selfish pursuit of what appear to be benefits for employees ultimately destroys an industry. It will ultimately destroy our civilisation if they are pursued to their stupid, illogical conclusion along the lines they are presently progressing.

The member for Hartley gave us some historical dissertation on the origin of torts in industrial matters, quite irrelevant to the context in which torts should still remain, wherein strikes which are taken for vindictive reasons against an employer or for political reasons. These reasons are quite extraneous to the industry which has been hit by the strike and can easily mean that the employer goes broke. It does not matter to the agitator who wants to see the system collapse in those circumstances: not one jot does it matter. He or she personally does not suffer. Their members certainly suffer. Ultimately there are fewer of them and fewer jobs in those industries, but in the meantime, honest and honourable citizens who have invested their money in producing employment opportunities for their fellow citizens have been sent to the wall. Therefore, it should be possible that, where the strike or the industrial action of some other form is in breach of an industrial award or the industrial law, the injured party can take a tort action to recover damages. That is only fair.

Turning to another point, if the member for Hartley sincerely believes that subcontractors are being exploited in the building industry at present, as he suggested was the case, then he needs to remember that at present the output per day and per week of those people engaged in the subcontracting industry indeed provides them with a gross income greater than that which they would otherwise obtain if they 'worked to rule' within the union movement for a wage. The unit cost of their labour is lower, but the gross income which they derive is greater. This Bill goes a long way towards destroying that benefit presently enjoyed by families needing houses and employees needing factories and offices for their workers. Do not forget, Mr Deputy Speaker, the consumers are you and I; Australians: all of us. No-one else buys the efforts of the labours of the Australian work men and women.

I think that it is regrettable that clause 18 sets out to do what it indeed attempts, namely, the appointment of a board of reference to which appeal provisions are attached. It destroys the capacity of those people who wish to make such an appeal to be able to do so, where they represent the employer interest. Those provisions go too far, especially when they enable representatives of the so-called employees (the union organisers) to enter premises and inspect books and records for whatever reason they may wish. There is no restriction placed on that whatsoever, and I think that that is quite wrong.

By that means, it would be possible, indeed probable, that the skills of particularly competent managers become public knowledge where they ought not to, where those skills relate to particular techniques in the production of whatever it is that that manager's enterprise is about. The worst part that I can see in the Bill, which smacks altogether of a denial of fundamental human rights, is the amendments in clause 32, which deals with the right of entry, preference to unionists and the retrospectivity of awards. How on earth anyone can draw up a contract and, in the course of doing so, expect that they will be able to conclude that contract without an escalation of costs, when those costs are unfixed and unknown, is beyond me.

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

Mr MATHWIN (Glenelg): First, I would like to say that I support this Bill up to the Committee stage, and I do that to enable it to get into Committee, because I would hope that the Minister would accept a number of proposals and amendments about which I am not allowed to talk and which we are to put before him. I hope that he would accept them as good amendments to this Bill, which certainly needs some dressing up as far as I am concerned. In the Minister's explanation of this Bill he states in part:

> The Government believes that this Bill is a model of what good legislation is all about.

If the Minister will take heed of some of our amendments he could probably achieve the aim of its being a model of good legislation, but it is certainly not at the moment. It certainly needs a lot of alteration to make it acceptable to the people outside this place, let alone to those who are inside. I do not wish to delay the House too long, but I want to point out some of the factors in relation to the Bill that I believe deserve some attention.

Clause 3 says in part, 'to promote goodwill in industry'. When one glances even quickly through the Bill one realises that it will not promote goodwill at all in industry because it will cause a lot of ill will, particularly in subcontracting areas in the housing industry. I can speak with great authority on the subcontracting system, having been through all those

stages. I suggest with due respect that I am probably the only member of this House who has been a subcontractor; so I really know what it is all about, having started as a subcontractor and progressed through until finally coming into the great halls of this place.

Clause 4 deals with some subcontractors. As I said earlier, this will put a great deal of added cost in particular on to the housing industry. The member for Hartley said that if we believe the situation as it is it will cost the industry and put an extra cost on housing if this applies. He reasoned that that means that the subcontractors are underpaid at the moment and are being disadvantaged. For the honourable gentleman's benefit, any tradesman worth his salt who is working as a subcontractor is making money. I know of a number of bricklayers, to mention one trade, who spend a fair amount of time—and that is their business; it is up to them—on the golf course. If one goes to the golf course on Wednesday afternoons one sees not only politicians and doctors but also bricklayers. The bricklayers who are subcontracting are getting it good.

Ms Lenehan interjecting:

Mr MATHWIN: It is all right for the member for Mawson.

Ms Lenehan: I do not go to golf.

Mr MATHWIN: Maybe you do not; maybe you are not good enough with a cue. It is all right for the member for Mawson to challenge me on this, but I know for a fact the amount of money that bricklayers get for subcontracting, and they are laying fewer bricks now than they ever have laid in their lives and are making good money. I am talking of the industry generally. So, the subcontracting system does not add to the cost of housing. The people work hard; that is fair enough. They pay good wages; I always did when I had a number of chaps working for me. They were working hard, but they got over the rate. They were happy and so was I. Between us we did all right out of the building game.

An honourable member: Over what rate?

Mr MATHWIN: Over the union rate. I always paid more than the award rate.

An honourable member interjecting:

Mr MATHWIN: They were not members, no. I did not ask them. If they wanted to belong to a trade union that was their business, not mine. All I was concerned with was that they did their jobs properly and well and that there was no reflection from the person for whom we were working that the job was not good enough. The comments made by the member for Hartley were quite wrong. It might be good in theory, but it does not work out in the way that the member for Hartley suggested. Certainly, I have problems in relation to clause 4 of the Bill.

Another matter to which I draw the attention of honourable members concerns clause 18, which deals with retrospectivity. I cannot support that, and I am sure that the report did not recommend such a provision. Clause 19 deals with an area that is a very delicate issue for the two main Parties of this House, and I refer to the matter of preference to unionists, which members of the Labor Party believe in but which we on this side of the House regard as compulsory unionism. Indeed, I have yet to be convinced that preference to unionists is not compulsory unionism. It means that if one does not join a union one does not get a job; if a person does not have a job he and his family starve. Therefore, it is compulsory unionism. In part, clause 19 provides that:

> The Commission may, by an award, direct that preference shall, in relation to such matters, in such manner and subject to such conditions as are specified in the award, be given to such registered associations or members of registered associations as are specified in the award.

In short, the whole of that clause implies preference to unionists, which is compulsory unionism. The Minister of Labour, when he was the Minister for that portfolio in the previous Labor Government, had some concerns in this area and I believe that at that time a great deal of industrial muscle was used against him. At that time the honourable member sought to introduce such a measure, but it did not occur. However, being a determined and conscientious person the Minister has again sought to amend the Industrial Conciliation and Arbitration Act now that he has the opportunity to do so, and again he has come back to the old line of compulsory unionism. There is no way on earth that I can support this matter. That is where the Minister and I differ.

When interjecting while a member of this side of the House was speaking on the Bill, the member for Henley Beach made it quite clear that the printers' union has compulsory preference to unionists. If one is a printer one must, in order to get work, be a member of the union; that is compulsory unionism. I am still waiting for someone to give me a good, straightforward explanation of the difference between compulsory unionism and preference to unionists. I believe there is no difference at all. I am at variance with the provisions of clause 21, which generally relates to dismissal. In his explanation the Minister referred to the provisions of clause 21 in part. The Minister explained all the subsections of new section 31, but failed to give any explanation of subsection (7).

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

DAVID JONES EMPLOYEES' WELFARE TRUST (S.A. STORES) BILL

Received from the Legislative Council and read a first time.

TRUSTEE ACT AMENDMENT BILL (No. 2)

Received from the Legislative Council and read a first time.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 4)

Second reading debate resumed.

Mr MATHWIN: Before the adjournment I was dealing with clause 21, in relation to which I am at variance with the Minister. It covers the special jurisdiction of the Commission to deal with cases of unfair dismissal. The Minister, in explaining the clause, did not find it necessary to give any explanation at all in relation to subclause (7), which states:

> For the purposes of hearing and determining an application under this section, the Commission shall be constituted of a single Commissioner.

Under the present system, the matter is heard in court. However, under this subclause, one single Commissioner would deal with the matter. I believe that the provision should remain as it is. It is disappointing that the Minister has not seen fit to explain this part of clause 21: I believe that we deserve more than that.

I now refer to clause 45, which deals with the approval of the Commission in relation to industrial agreements. The Minister, in his explanation, stated:

> Clause 45 proposes the insertion of further subsections of section 106 of the Act. The effect of the subsections is to provide that

unregistered associations of employees cannot enter into new agreements after the commencement of the amending Act.

Subclause (2) states:

> Subject to subsection (3), no unregistered association of employees may be a party to an industrial agreement entered into . . .

This is another angle of forced unionism: people will be obliged to become part of a union, and I believe this is quite wrong and unpalatable. People have the right to join an association or a union if they so wish, but if they do not, there is nothing wrong with that. It is entirely up to a person's own belief as to what he or she should do in relation to becoming a member of a union.

I cannot agree with the Minister on this clause. The Opposition has amendments on file, and I hope that the Minister will be willing to accept them. It is against the rights of people to be forced to do such things. It is all very well for Government members and the Minister to say that it is not a matter of compulsory unionism, but it is. Under this measure, if one is not a unionist one will not get a job. People could starve and everyone would be against them—they would suffer by it. In these circumstances a person will be obliged to join a union when he or she has his or her back to the wall. People will be forced to take out union membership, and I cannot agree with that requirement at all. As I said, it forces people to do what they do not wish to.

Mr Hamilton interjecting:

Mr MATHWIN: The honourable member can say what he likes about preselection. I can deal with it now or perhaps in a grievance debate. I am willing to take him on. The other matter about which I wish to talk is the main clause, about which the Minister has been outspoken often since I have been in this House. Indeed, not many years ago he said he would get rid of tort action, but he was not able to do that for many reasons when he was previously in Government. The Minister now has taken the earliest opportunity possible to try to do something about it. I refer, of course, to clause 52.

Mr Ashenden interjecting:

Mr MATHWIN: It appears that unions are above the law. The Bill refers to limitation upon actions in tort in respect of acts done in contemplation or furtherance of industrial disputes, and new section 143a (2) *(b)* refers to:

> an action for the recovery of damages in respect of damage to property (not being economic damage);

With due respect, I would say that that is just worthless; it is not worth bothering about: it does not mean a thing. What one earth does the Minister mean by those words? In his second reading explanation, the Minister stated:

> Clause 52 proposes the insertion of a new section 143a in the principal Act. The proposed section would, in accordance with the recommendation of the Cawthorne report, provide that no action in tort lies in respect of an industrial dispute . . .

From my interpretation of the Bill, the situation is that one will not be allowed to bring in an action of tort unless one gets it through the Commission. If the Commission gives permission, the action cannot be to do with economic damage, which is ridiculous. About what will one talk? What will be the topic? What action can be taken if it cannot be in regard to economic damage? Everything relates to that. That provision is absolutely worthless and a waste of time.

I have gone through the Bill and related to the Minister the areas with which I am in disagreement. The Minister knows of the amendments on file, both his amendments and those of my Party. I hope that he will reassess the situation and his view that this Bill is a model of what good legislation is all about—it is far from that. There are two main factors in the Bill in relation to which the Minister has previously been the subject of considerable industrial muscle, and again he has been forced to bring the matter of tort, in particular, before Parliament to try to do something about it. As I said, I will support the Bill at the second reading stage in the hope that the Minister will see the light and agree with the amendments put forward by the Opposition. If that does not happen, I am afraid that I will have to oppose the Bill.

Mr GREGORY (Florey): I support this Bill, and in so doing I will make a number of comments. On listening to members opposite tonight and this afternoon I was astounded by their apparent lack of knowledge of how the industrial system works in South Australia and in Australia. It was suggested to the House that the Industrial Relations Advisory Committee is made up of people who are not informed and have no knowledge about what is happening in areas that they represent and, indeed, that they do not represent the opinions of the people from whom they are drawn.

This afternoon we heard from the member for Kavel that these people were conned, stood over and made to attend secret meetings. I know from my knowledge of people who attend the Industrial Relations Advisory Committee that they are people who are most representative of the organisations from which they come. Indeed, if that were not so, sooner or later, they would cease to represent those organisations. It is not usual for me to defend employers, because I think that they can defend themselves. However, when we have a political Party that trumpets itself as the Party that looks after business, big and small, I think that some defending is required.

I have had dealings with all of the four people from the employer organisations. While I have had fundamental disagreements with those people from time to time about philosophy and what should happen in the industrial relations area, I have great admiration for their integrity. When they tell you something or say that they are going to do something they carry it out and their word is their bond. These people are experts in their fields. It is obvious that they are also fairly well regarded by their fellow employers. Chris Hill has been a member of the Employers Federation of South Australia for as long as I can remember. He is a person who must have the confidence of those people, otherwise they would not have nominated him. Michael Perry has been involved with the Metal Industries Association of South Australia and, indeed, has been its President. He has also been President of the Chamber of Commerce and Industry. I do not know which body he is representing on the Industrial Relations Advisory Committee, but he is a person of considerable standing within the manufacturing industry in our State. Graham Fricker, of Fricker Bros, is head of the Master Builders Association. He is another person who must have the confidence of building employers. Michael McCutcheon is with the Retail Traders Association. They are the four employer representatives on the Industrial Relations Advisory Committee.

The Bill brought before Parliament by the Minister of Labour has had, and I know this from employee representatives on the committee, unanimous support for the amendments, many of which were agreed between the parties in a bargaining situation. That means that agreement was reached. Agreement was reached in the terms of the arbitration system itself, which brings about orderly agreements through discussion. I find it strange that members opposite should adopt the attitude that they adopted today. Obviously, they will adopt a similar attitude in respect to industrial relations in the years ahead. It is incredible that members opposite, who claim to represent the interests of business, whether it be big or small, should behave in such a manner. It was obvious in listening to the Deputy Leader that he did not know very much about the subject that he was discussing.

It is obvious from listening to other speakers that they did not understand that, out of natural conflict there is between the people who represent the employees and the employers, there is a rational way of settling that conflict. If any of us in this House think that there will be no conflict in employee/employer relationships they have rocks in their heads as well as their heads being empty at the same time, if that is possible. Also, if they decided that they want to tip the scales to such an extent to one side or another that will breed inequality, disruption and disputes. It is obvious, again, that if some of our friends on the other side had their way we would have constant trouble.

I think that IRAC, or the Industrial Relations Advisory Committee as it is now, is fairly representative of the people who meet there. If the Minister is able to come to this House and say that there has been agreement, that is a tremendous step. What needs to be clearly understood is that members of the Industrial Relations Advisory Committee do not have to agree with the Minister and do not have to reach agreement. They can always say, 'Mr Minister, we do not agree. We are opposed and we recommend that you do not do that.' Indeed, the member for Davenport can recall that from time to time when he infrequently held meetings of the earlier Industrial Relations Advisory Committee on occasions they were words of advice that he received. Those are the options available to the people who attend those meetings. The Minister does not have to accept a recommendation, but in this case it was unanimous.

The Bill mentions a number of areas which I think are important, although they are by no means all the matters raised in the Bill. The rest, whilst they are machinery matters, are also important to the good Government of industrial relations in this State. A number of new grounds are contained in the Bill. The Bill provides new provisions for contract labour. They are necessary to overcome the development of the use of contract labour, particularly in the building industry. The member for Glenelg referred to his previous experience in that area. I point out to him that it is nearly 13 years since he performed in that industry. In that time tremendous changes have taken place. Until six to nine months ago working in the building industry was no better than working as a piece-worker in a sweat shop at the turn of the century in this State. People were going on the dole because it was more economic for them to receive unemployment benefits than to be self-employed contractors in the building industry. Things have changed so much that, I suggest to the member for Glenelg, if he were to go back to that industry he would find it so different he would have difficulty in coping. The amendments in this Bill will provide for a fair measure of return for people who are working in the building industry. If one doubts the effect of piece-work on people one only has to read the reports of the committees of inquiry that were held into what was known as outwork in this State at the turn of the century to understand what was happening.

Self-employed subcontractors in the building industry are the new types of outworkers. They are not really contractors in the sense that they are full contractors. They are really contracting labour only. Attempts have been made to introduce that style of working into other areas of employment, but the unions have been able to stop that happening. All the employers who work in that area are keen to co-operate. It is like cancer, once it starts to spread it cannot be stopped and eventually destroys the industry.

Another provision in the Bill is for the appointment of Deputy Presidents who have not been practitioners before the legal bar of this State. It means that persons who are experienced in industrial relations, whether they have gained experience as an employer or employees representative, can be appointed to the next high office in the Industrial Commission as Deputy President. That is important because the Industrial Commission in South Australia and, indeed, all industrial tribunals in Australia, are based on the theory that conciliation and agreement can be reached on a whole range of matters and that, where agreement cannot be reached, the parties will accept arbitration. People experienced in that area need to be used. I, along with a number of other people, do not believe that the total expertise lies in the area of people who have been to university, gained a degree in legal studies and practised before a bar in the courts of the State or the Commonwealth. I believe there is much wisdom amongst other people and, consequently, these amendments provide for that.

In the sense of reinstatement or re-employment, section 15 (1) *(e)* was an innovative provision in the Act used by the unions and employers when people have claimed to be harshly, unjustly or unreasonably dismissed from their employment. It was an innovative section in Australia. It has been accepted by the employers and employees in this State. There is substantial agreement at the moment that it is not always practical to be able to order re-employment because relationships may have deteriorated to such an extent. The concept of monetary considerations being considered by the Commission is one of the most honourable ways out for both parties. It seems that members opposite have some difficulty in accepting that the employer's undeniable right to hire and fire is being attacked and, in some aspects, diminished. Surely an employee who has worked for an employer for years has some rights. He has an investment with the employer concerned and, if he is harshly, unjustly or unreasonably dismissed, that decision should be reviewed. If it is shown that the employer has been capricious in his actions, surely the employer ought to be brought to task. One of the most undemocratic places in which people find themselves is the work place. Members opposite talk a lot about democracy but I have never heard them talk too much about democracy for workers when they are at work.

The amendments in the Bill refer to demotions. The member for Mitcham made some mention of that. A person can be just as easily aggrieved if he is harshly, unjustly or unreasonably demoted because that demotion in some cases can mean considerable monetary loss as well as a loss of prestige. This amendment provides for a remedy. It provides for the aggrieved worker to be able to take these matters to the Commission to be considered by the Commissioners who are trained in industrial matters. They will consider the facts and make a decision. Also, the amendments are providing for this section to be dealt with by the Commissioners. There has been some mention, particularly by the member for Glenelg and previous speakers, about this matter being taken from the courts and referred to the Commissioners as though there was something terrible about that. In reality, the matter of dismissal or demotion is not a legal thing—it is a matter of personalities.

Commissioners are the front line people in industrial disputes. All the industrial disputes go there first, and they are used to dealing with people all the time. It is a matter of negotiation: it is a matter of carrying messages between two groups and reaching common ground. The Commissioners are adept in dealing with that, and if these matters are dealt with by the Commissioners (and it is hoped they will be dealt with very quickly), the matter will be over and done with in a couple of weeks. The experience has been up until now that, when a matter is dealt with by the courts, it can drag on for months and months and months, and in some cases for a year. That is not good. It is better that it be fixed up as soon as possible, and that is why the Commissioners are being used.

The aged, infirm and slow workers will be properly dealt with by this legislation, and the people who seek exemption will have to make application and unions possibly affected will be able to be represented. This covers a whole area of people who work, however small their contribution might be in the work place, and provides for a payment of wages to those people. It is very necessary, because within our community there is a considerable number of people who are retarded or disabled, physically or mentally, and there are aged and infirm workers. This provides for a proper examination to ensure that unscrupulous employers are not employing people for lower wages to do the same amount of work, and it means that an organisation has to put its *bona fides* up front, and I think that that is the correct and proper way to do it.

I have been involved in one examination with an organisation which three years ago had a $7 million turnover and which was very active in the collecting of disused clothing and other household effects. It employed a considerable number of people who were paid the award rate or more for their work. It also employed disabled persons to assist the more able people. I will never forget being introduced to a young lad who was disabled, and who was brought to work in the morning and shown how to use scissors to remove buttons from clothing that was to be shredded. He was given his lunch and then shown again in the afternoon how to remove buttons from the clothing, and sometimes during the afternoon shown again.

When I discussed this with his mother, she explained to me that, for the first time in her life, for a few hours she was able to sit at home and not worry about what he was doing. She was also able to tell me that, for the first time in her life, she was able to not worry about what would happen to him when she and her husband were no longer around to look after him. I think that these provisions regulate what is happening in this area, provide for the proper regulation of employment of these people and ensure that in other areas people are not disadvantaged.

Great play was made of unregistered organisations. The whole basis of conciliation and arbitration legislation is on the registration of the employers, on the one hand, and the employee organisations, on the other. An employer is a body corporate, like an employee organisation. The employers might get themselves into a body, and they are a body corporate. The Act gives them incorporation, but an unincorporated body has never tested its *bona fides* anywhere and has not been to the Commission and sought registration. It has not had to go through the tests of whether or not it is eligible to be registered and has not had to spend any money in that area. Such bodies want all the advantages of a registered organisation. I find it very strange that a Party which believes in free enterprise, on the basis that people pay their way, not on the basis of people free loading, as it alleges that other organisations want, will support organisations which will not go through the tests of whether or not they are eligible to be registered.

Then they want to give these freeloaders all the advantages of a registered organisation and, in the terms of the State Act, better advantages than a registered organisation if it were to seek an award, because an agreement from an unregistered organisation has precedence over the awards of a registered organisation. I find that the attitude opposite is intolerable in this area, and this Bill is designed to avoid freeloaders.

Also, the Bill takes the actions of tort out of the Supreme Court for a while. Great play was made about this, but, really, if we think about industrial relations and what they are about, do we adopt the philosophical approach of just kicking heads where we can see them, abusing the trade union movement and workers, or do we have a serious approach to solving industrial disputes? Action taken in the Supreme Court under common law is really not about solving industrial disputes, but about prolonging them.

I was rather amused at one stage to hear comments, particularly from the member for Bragg, about penalties being greater against the employer than the employee. All this does here is take the matter of tort away from the civil court until such time that the Commission is satisfied that nothing else can be done. It goes through the whole of that process. I venture to say that very few of the matters of tort that have been applied in this State have come to fruition; they have not solved the dispute and they never will.

These proposals in this Act will go a long way towards resolving disputes. All that the members opposite want to do is prolong disputes because they have a naive thought that if we have disputes they will be able to benefit. For the benefit of the member for Bragg - and I hope that he is listening - penalties have been applied. If he cares to look in the *Hansard* report of the House of Representatives debate in 1967 or 1968 he will find that, in a response to a question from Clyde Cameron, the then Minister for Labour and National Service advised the member that the unions had been fined $250 000 odd for breaches of the Commonwealth Conciliation and Arbitration Act and that the employers over the same period had been fined $1 540 odd for twice the number of offences. If the member for Bragg were astute in industrial relations he would have realised that by May 1969 the use of those penal powers against the unions had become redundant. Since then, no employer has sought the use of those penal powers, even though they are still on the books.

Mr Gunn: What about Mr Justice Moore?

Mr GREGORY: Our friend from the backwoods - the best part of South Australia, or the biggest part of South Australia - says 'What about Mr Justice Moore?' If he also were astute in industrial affairs the honourable member would know what Mr Justice Moore was talking about, because he was talking about the Act itself, where successive Liberal and Country Party Governments had added bits on to it to the extent that the current Leader of the Liberal Party in Canberra said when he was for a very short period Minister of Industrial Relations that it was unworkable, incomprehensible and that, as a lawyer, he did not understand it. If he could not understand it, how could Mr Justice Moore or anyone else do so?

If my time could be extended to two or three hours and if the members for Bragg and Eyre were prepared to sit here, I could regale them with fact after fact as to why it is like that. But, unfortunately, time does not allow me to do that. Another matter about which members opposite jumped up and down and about which we had a few hours discussion last year is that concerning preference to unionists. Members opposite seem to have a phobia about it, about supporting the right of non-payers and of bludgers to get equal benefits.

Members interjecting:

MR GREGORY: Members opposite say 'Come on,' but people in their unions pay their contributions; they pay for their organisers, secretaries and paid officials to represent them in direct negotiations with their employers. If members opposite knew anything about the running of a trade union or even about employer organisations, they would understand that those things cost a bundle of money. They also know that people do not like paying money while freeloaders get the benefits as well. That is what the argument is about. Unionists are saying not that people cannot work in the industry but simply that if a person wants to work in an industry but does not want to be in a union that person will not get preference.

The amendments to the Act are not about immediately giving every non-unionist an ultimatum but about giving the Industrial Commission the same powers that the Federal Commission and the Commissions in other States have of awarding preference after there have been discussions between the employers and the employees and after a matter has been argued in the courts before an independent arbitrator. It does not occur willy-nilly out of the air, but is a matter of some discussion and argument. If preference occurs in industry as a result of that, it is because the employers as well as the employee organisations want it and not because only one or two people want it. I suggest to members opposite that before talking about these things they should go out into industry and see for themselves how it works and also have discussions with the people who work there.

Another thing that amazed me was the great song and dance by members opposite about the matter of retrospectivity. Again, that illustrates their lack of knowledge. Currently the State Industrial Commission cannot award increases beyond the date of application. Members opposite do not seem to appreciate that a number of awards of the State Commission are mirror awards of those of the Federal Commission. When those awards were made by the State Commission it was on the basis that they would be interim awards—that they would not be pace-setters but would regularise the payment of wages and employment conditions within industry. When the national awards were moved along there was a need for the same date of commencement for those people involved as for those under the State awards. That is why that provision is there. By shaking their heads members opposite are illustrating their ignorance of the whole matter.

The Hon. D.C. Brown: It is due to nodding off because of this boring speech.

Mr GREGORY: I am very pleased that the honourable member has been listening to it because he must learn something.

Mr Ashenden: We have not yet learnt anything from it.

Mr GREGORY: That just shows the total ignorance and lack of application of members opposite, and it illustrates their approach to industrial relations. It is an indication of why their Party is in the doldrums in Opposition in four of the other States and nationally. I support the Bill.

The Hon. D.C. BROWN (Davenport): We have before us a Bill which proposes to make some very fundamental changes to this State's Industrial Conciliation and Arbitration Act. The Deputy Leader of the Opposition has already commented very effectively on and dealt in some detail with the powers involved. I wish to deal with two measures, one that involves subcontracting and the effect it will have on both the transport industry and the building industry, particularly the heavy construction industry, and the other involving union membership and the rights of the individual. However, I would like to look first at the system. As I said, the Bill proposes some fairly fundamental and comprehensive changes to the whole system of conciliation and arbitration, although all those changes do is further strengthen and reinforce the system currently in operation. This evening I would like to pass on some of my own personal views on how effective I think that system is, having looked at it fairly closely over the past nine years, both as shadow Minister and as Minister for three years.

The whole system of conciliation and arbitration in this State, in other States of Australia and federally, is failing Australia badly: it has failed to respond to the economic needs of the country. The system has the wrong objectives, it is inflexible and it is seriously inadequate due to the division of powers between the States and the Commonwealth. In fact, I believe that the conciliation and arbitration system, as such, is very introverted. I would like to deal with those criticisms in some detail, because I believe that it is time that Australians looked at the system we have, questioned whether it is the most effective system and determined how it can be substantially improved—and it does need substantial and radical change overall. My concern, and my concern as a Minister, was that we were dealing with a system and trying to improve a system when that system had such fundamental flaws that this country's development is now being held back, and held back very significantly.

First, I stress the point that the system is introverted and that, because of the history of the system and its complexity (I am sure that the Deputy Leader highlighted how complex that system is this afternoon), there is the situation of the employer versus the employee and then the environment in which that occurs: the Conciliation and Arbitration Commission and the courts. Because the system is introverted it has largely ignored public interest, and this has had very serious implications for Australians and for the rights of individuals. It needs to be replaced with a system which is much more open and which looks at the common interest of all Australians rather than at the specific interests of the parties before the Commission.

I ask the House: when do we hear before the Industrial Commission the broad perspective being put on behalf of the public interest? It just does not occur, except perhaps before national wage cases when Governments appear and put a broad point of view. In 99.9 per cent of the cases before the Industrial Commission it is simply the parties involved who decide between themselves and sort out some resolution, and that resolution, which might avoid or solve an industrial dispute, may be to the long-term disadvantage of a majority of Australians.

The second problem with the present system in this State, and other States as well, is the incredible division of powers brought about by the Constitution laid down by our forefathers. Our forefathers did a remarkable job in setting up the Australian Constitution and the system of Federation. However, one area no longer relevant to the present modern industrialised society is the division of powers involved in industrial conciliation and arbitration.

As Minister, I remember sitting for three years on a committee set up by Ministers and established initially at the request of the Premiers' Conference. The present Minister sat on that committee in 1979 for one meeting. The committee looked at the failings of the system; it recognised the failings, but it also recognised that the system was so difficult to change that it could not be changed by fundamental fiddling at the fringes: it needed a radical new approach. That division of power between the Commonwealth and the States has meant that there has been a certain amount of leapfrogging. It has also led to a great deal of conflict, and I can recall specific cases of site allowances or perhaps over-award payments being handed down, say, under a Federal award and resulting in direct conflict involving people working under State awards alongside people working under Federal awards.

All members know the sorts of problem that that has caused in the past and the resulting industrial disputation. Of course, the obvious way to resolve that situation is to push up the level of site allowance or over-award payment, whichever is the lower, until it reaches the highest level, and then one starts to get an imbalance in what is paid to one group of people in one trade or industry compared to what is paid to other groups in other industries.

We can have a situation of a decision on site allowances being handed down by a Federal Commissioner who has little knowledge of building sites in the Adelaide metropolitan area. Recently 60c an hour site allowance has been granted

in Adelaide. This is virtually commonplace when, in fact, such a site allowance was designed originally to cope with adverse and abnormal conditions found, say, in the middle of winter in very wet and muddy circumstances. A site allowance of 55c or 60c an hour now seems to be almost normal throughout Adelaide, even for workers working under cover in dry, moderate and reasonable conditions, often even in excellent conditions. Such a penalty is now being imposed.

If 60c an hour is multiplied by 40 hours a week, one can start to see the penalty that this country is paying in the construction industry alone. There has been this enormous division of power, which has encouraged many of the unfortunate decisions that have now become totally ingrained in our industrial awards. Now that they are in our industrial awards there is no way that we can get rid of them as long as we maintain that system.

The third big problem with the system is one for which this country is now paying dearly in regard to wage determinations (that is what the system of conciliation and arbitration is all about: determining wages and resolving conflict, and setting down working conditions and hours). The system that we have is failing miserably in economic terms. At present Australia has an inflation rate twice that of the OECD average. Recently, we have seen an enormous jump in unemployment which I believe will continue to increase, simply because our system of setting wages is not flexible enough to take into account what is occurring in other countries. Let us look at some specific cases: the United States, which has collective bargaining (as does most of the world), responded quickly to the 1982 recession. We saw in many plants, particularly in the American motor industry, instances where wages actually decreased rather than increased, unlike the case in Australia where they increased at a rate of 15 per cent to 18 per cent a year. America responded to the economic circumstances.

In Australia it took the politicians, in late 1982, to step in over the conclilation and arbitration system and say, 'Halt, we can't keep going any longer; we need at least a six-months wages freeze.' Politicians had to use their powers and goodwill (much of it was simply goodwill) to override the system of conciliation and arbitration in order to bring some common sense into the system. If it were not for politicians, this country would now be in a disastrous situation. While the present Prime Minister and Labor Governments gloat over the economic recovery that has occurred, that recovery has occurred largely because of two or three factors. One key factor was the wages freeze in early 1983 lasting for six months. The system is failing miserably.

I point out that the system only looks at wage justice for those who have jobs; it totally ignores those who do not have jobs. We decide that those with jobs should get more and more, while those without jobs (and there is an increasing number of them) fall further behind. That is the sort of social justice that our present conciliation and arbitration system is determining on this country. I believe that we will not solve the unemployment problem until we have a system that is far more flexible and takes into account the economic consequences of its decisions. I know from when my Party was in Government the enormous difficulty we had in getting the State Industrial Commission to take due regard of the economic conditions that applied within this State.

Mr Mayes: You had all the salaries and all the wages while everyone's conditions were going down.

The Hon. D.C. BROWN: That is not so, and the honourable member knows it. The next problem with the system is that it fails to look at the labour market.

Mr Ashenden interjecting:

The ACTING SPEAKER (Mr Whitten): Order! I call the honourable member for Todd to order.

The Hon. D.C. BROWN: It fails to look at the labour market (in other words, those with jobs) and to hand out justice to those people and to respond to the needs of the labour market. Australia has a youth unemployment problem, not because people do not wish to employ youths, but because the junior rates that employers are required to pay to young people are so high in comparison to adult wages that people prefer to employ adults instead. If one looks at the movement that has occurred in the comparison between junior rates and adult rates from, say, 1970 to 1980, one sees that there has been a very significant uplift in junior rates. In fact, the junior rate has jumped from about 50 per cent of the adult rate up to about 80 per cent of the adult rate. As a result, what has happened? The employers take on people with experience and pay them the full wage, rather than taking on totally inexperienced young people who are still relatively immature and having to pay them 80 to 85 per cent of the adult rate, and in some cases, such as builders labourers, having to pay them the full adult rate at the age of 14. I am not sure what builders labourers earn now, but I imagine it would be between $280 and $300 a week. That is an example of the injustice between wage levels that is currently maintained by the present system as we know it.

The next problem is the lack of regard that the system has for work skills; in other words, the wage rates determined by the present system do not take into account the skills of those workers. Again, I draw a comparison between a builders labourer (who has absolutely no skills whatever, is on a higher wage and receives far better benefits and better working hours) and a skilled metal tradesman (who has completed a four-year apprenticeship) or even a toolmaker who has gone on to complete post-trade work and has the sort of skills that this country should be trying to develop. That is the very reason why this country is going through a technological nightmare. Australia does not have skilled workers to put into the work force and we do not give them due regard.

I have noticed that the present Minister has expressed some concern about the further 30 per cent decline in apprenticeship intakes this year. That has occurred because in many cases young people are not encouraged to take on apprenticeships because they are financially better off becoming unskilled labourers, such as builders labourers, compared to skilled tradesmen. It saddens me that our country is not prepared to sit up and make a rational decision that trades skills are the most important careers that people can have. Trade skills as careers are equally important as professions, and they should be given due regard under our wage system. I have discussed this matter with Professor Hancock, who is currently chairing an inquiry into the conciliation and arbitration system. I hope that he tackles this problem. This country must come to grips with that very quickly; until we do we will not overcome the technological backlog that occurs here in Australia. Certainly, we will not be able to overcome the lack of quality control and performance that we find, particularly in our manufacturing industry.

Another serious deficiency of the present system, which I do not believe has really been addressed at all by Governments throughout Australia, is the extent to which the present system of conciliation and arbitration has grossly infringed upon the personal freedom and rights of the individual. It is a system loaded towards large groups and powerful lobbies; it has ignored the individual and the individual's rights. It is time that we looked at a system that places far more importance on people instead of on large, powerful groups, such as employer groups and trade union groups, because that is all that the present system really takes any notice of.

Another problem with the present system is that it has as its hallmark (and this was stressed by the member for

Florey earlier tonight) industrial peace—no matter what the price. I am not too sure that that is the best sort of system for Australia to have, because there is one easy way of having industrial peace and that is continually to give in to what the trade union demands are, and allow the employers to pass it on to the rest of the community. That works against the interests of Australia. Anyone who has looked particularly at the Federal system and the Federal Act would criticise it strongly because it has this one overriding criterion on which it has to operate—that is, industrial peace at any price. That is a criterion which we should reject as the basis for our wage determination and general running of our industrial system.

The next major problem is the inflexibility of the system. I give some examples. Despite an enormous movement within our community toward more flexible working hours, there are still many industrial awards which lay down an absolutely fixed number of hours one must work every week with no chance for permanent part-time work or anything else. It is a system which has failed to keep pace with the modern society in which we live and the expectations of that society, such as flexible working hours. It is a system that imposes enormous penalty rates on anyone who employs someone during the weekend, even though the people who work may want to work during the weekend rather than during the week. It tries to stereotype everyone and says. 'You shall work these hours and, if you work any other hours, penalties shall be imposed.' It is a system that for that reason has done great damage to our tourism industry. I am glad to see that at least some enlightened Federal Labor Ministers are now acknowledging that. It has been acknowledged by the Liberal Party for many years.

The final criticism I throw at the present system is the uselessness of certain parts of it. The member for Florey highlighted the fact that the penalty powers have not largely been used since about 1967. So, we have a systen that lays down legal requirements on people to meet the system but, if people fail to adhere to the agreements reached, there is no penalty imposed on them whatsoever. One cannot have a system where one is negotiating between two parties and where one party can accept an agreement, but the other party can shrug its shoulders after a month and ask for even more. Because of that, one has a system that is working against the interests of Australia's development.

I believe that in looking at any replacement system we need to lay down some clear criteria on which we will judge it. It must be flexible; it must take account of the total economy, including the people who are unemployed. It must take acount of modern industrial trends, such as changes in working hours, lifestyles and everything else, including permanent part-time work. It must take account of our economic performance compared to that of our competitors overseas.

What is the point of having a system that only looks at matters from the point of view of an employer or employee and resolves matters on a national or State basis when many companies are out trying to compete on international markets? Unless we compete successfully against imported products coming into Australia our unemployment will go up and up. I am making a prediction here this evening that, unless we come up with a radical new system for determining wages in Australia which takes account of the economy and such things, unemployment will continue to rise; further, the number of persons employed in manufacturing industry in Australia, because that is the one industry that needs to compete on an international basis, will continue to fall at an alarming rate.

It has already fallen from 26 per cent of the work force to 19 per cent and my guess is that within five years it will be back to between 12 per cent to 13 per cent of the work force. That will have disastrous effects on unemployment in Australia. I know that some of the decrease is due to technological change, but much will be due to the inability of our manufacturing industry to compete with overseas manufacturers. The reason is largely the industrial system with which manufacturers in Australia are bound hand and foot—and when I say 'Australia', I am referring to the States and the Commonwealth. So, it is time that some of these issues were resolved and we took a broad, new-approach look at what sort of system we should adopt for wage determination, solving industrial disputes and setting working conditions in Australia. We should stop trying to fiddle and further entrench a system which exists now but which has failed.

I welcome the fact that Professor Keith Hancock is currently carrying out an inquiry: I hope that he is willing to take a bold new approach and come up with a system. I have a high regard for Professor Hancock, and I hope that he does take that bold new approach which looks at the broader implications as well as the present inefficiencies and deficiences in the current system. There have been numerous inquiries over the years, and my fear is that the Hancock inquiry will end up on exactly the same basis as previous inquiries—that is, where recommendations come forward—

Mr Ferguson: The Cawthorne Report?

The Hon. D.C. BROWN: The honourable member underrates and, unfortunately, diminishes the role that Hancock has before him. He is not looking at how to fiddle with the system but—

Mr Ferguson: Was Cawthorne?

The Hon. D.C. BROWN: Mr Cawthorne was looking at the system but not at other systems. I stress that the matter needs to be taken up on a national basis with co-operation between the Federal and State Governments, and I understand that that is exactly what Professor Hancock is doing.

Finally, I stress that the new system must place more emphasis on the public interest. It must give more power to the States and cut out the division of powers between the States and the Commonwealth. I know that the Commonwealth people would argue that all power should go to them, and the States invariably argue that all power should rest with them. However, I personally believe that it is best to lay the powers with the States and allow them to give certain powers for the sake of uniformity, where necessary, to the Federal level. Ultimately the power should lie with the States. That is a personal view and it may not be shared by other people. Some would argue for collective bargaining, but I believe some merit still exists in a system of conciliation and arbitration, provided that that system is flexible enough and overcomes the deficiencies of the present system.

The new system must give more emphasis to the economic effects of decisions—and when I say 'more', I mean that it must give prime significance to that consideration and, in giving more flexibility, it must allow people, where necessary and with a full knowledge of the consequences, to opt out of the system and take whatever course they need. That is my plea: that we take a broad new approach rather than further entrench a system which has failed.

I conclude by referring specifically to the subcontract area. I am very disturbed at the new powers in the Bill as they affect subcontractors, who can, at present, opt out. I have talked about the need for that provision in the system. The Minister is proposing to throw the net even wider and force more people into the inflexibility and weaknesses of the present system.

The Hon. J.D. Wright: You agreed to it yourself once and you were steamrolled.

The Hon. D.C. BROWN: I did not ever agree to it.

The Hon. J.D. Wright: Yes, you did.

The Hon. D.C. BROWN: I did not ever agree to it. I think that the Minister ought to go away and check his facts, because I have never ever agreed to subcontractors coming under the Industrial Conciliation and Arbitration Act.

The Hon. J.D. Wright: What about the transport drivers?

The Hon. D.C. BROWN: I was the one who stood up and opposed it bitterly. I asked Mr Achatz (who so strongly and bitterly criticised me at the time) and members of the Road Transport Federation to come here and see me about the matter. They argued that it should occur: I argued that it should not, and within 24 hours they changed their minds and agreed with me in regard to the Act.

The Hon. J.D. Wright interjecting:

The Hon. D.C. BROWN: Right from the very outset I argued against bringing them under the Act.

The Hon. J.D. Wright: The member for Todd might like to talk about that tonight.

The Hon. D.C. BROWN: He can, but I have always been consistent on that issue. It concerns me that bringing subcontractors in the building industry (the heavy construction industry) under the control of the Conciliation and Arbitration Act will increase costs significantly. It has been suggested that costs for a house will go up by about 10 per cent.

The Hon. J.D. Wright: There is no evidence of that.

The Hon. D.C. BROWN: I think that there is very strong evidence indeed, and I support that. I think that a similar rise will occur in the subcontracting area, or at least in certain parts of the subcontracting and heavy construction areas. I am concerned also about the effect on the transport industry, and I think that it is most inappropriate to include the transport industry under this Bill whilst the Federal Government is inquiring into that industry, including the subcontracting area. It appears to me that the State Government of South Australia has pre-empted what might occur federally and has decided that it should have the power to lay down through the Industrial Commission (after a proper inquiry—I acknowledge that) what are, in effect, employee conditions for subcontractors. Realising that the power is largely a power in the hands of the Minister, I plead with the Minister, if he gets this measure through (and I hope that he does not), to use that power with a great deal of discretion, because there will be enormous consequences for the building, construction and transport industries in this country if he does not.

I support very strongly what the Deputy Leader of the Opposition has said in opposing those measures. I also support the Deputy Leader in protecting the rights of the individual in relation to union membership. It is time we gave more regard to that matter, and I fully support the proposed amendments that will be moved by the Leader of the Opposition. It is with that very serious reservation that I believe that, whilst dealing with this Bill as we are required to do because it is before Parliament, we should start to turn our attentions to the broader issues in the broader system in this State and throughout Australia.

Mr HAMILTON (Albert Park): I certainly support the Bill, and it is with a great deal of enjoyment and satisfaction that I support the remedying of the defects in this Act. It is not unusual for us on this side of the House to listen to the strong opposition that is forthcoming from the Liberal Party and like bodies every time amendments to industrial legislation are introduced into this Parliament. One would suggest that members opposite would never get preselection if they ever supported the trade union movement or its aims. Tonight we have listened repeatedly to the strong opposition of the conservatives in relation to preference for unionists.

As a union official for many years, I think that I have heard just about every excuse of those who wish to opt out of becoming a member of the trade union movement. Some of the arguments are so spurious that they are laughable. Some people find that they belong to a religious sect. I have no truck with those people who, because of their religious beliefs, do not want to join the trade union movement.

There are many people who just do not want to pay into the trade union movement to assist themselves, and so that they can—and they indeed do—reap the benefits that the trade union movements struggles for in the industrial arena. I have past experience of people who stood up and strongly opposed the trade union movement seeking better conditions, but when these conditions were agreed to were the first to hold out their hands for their pay packets. We see very few such people who do not want a pay increase. They are the hypocrites, and there are many members on the other side of the House who have been in the same situation. The member for Hanson would know that attitude to the trade union movement of many of those people he represented years ago. They would pay if there were something in there for them. I can recall many years ago when Whitlam said that if public servants in Canberra did not want to join the Public Service union that was fine but that they would not get the pay increases that it gained. What happened? They fell over themselves to join the trade union movement. They knew on what side their bread was buttered.

The next matter I raise is one that I have related I do not know how many times in this Parliament, but is one that I enjoy relating about pre-strike ballots and involves the Australian Railways Union in South Australia, which I represented and which because of the diverse nature of the industry, from the north to the south of this country, had members all over the country and metropolitan area. When there was an industrial dispute, and prior to action being taken, our organisers went out into the country areas and sent out information to our members. They were at the call of our membership if they wanted meetings in the country areas to explain what the dispute was all about. Invariably, the reasons for disputes came from the membership itself. Members were frustrated in many ways, not only in terms of not getting their proper wage increases but, more importantly, they were on about conditions.

I listened to the diatribe from the member for Mallee today when he was talking about conditions, but conditions take many and varied directions. Safety is one of the most important of those. One of the reasons we should have an inspection power and a right of entry for union officials into the work place is because of the problems that we have with machinery that has been allowed to run down and become defective. It is not much consolation to the worker, I can assure members, having seen such people in the Royal Adelaide Hospital on a number of occasions when I was a union official, to have both their legs or their fingers or their toes cut off. I have gone out and seen women who have become widows because of a lack of safety practices.

I can recall vividly something that happened many years ago in the railway industry outside ICI at Osborne where for many years I and many of my colleagues tried to get a pathway installed for railway shunters along a fence. It took the loss of a Polish man's life before a footpath was installed so that shunters could walk along without walking with one foot in the gutter and one on the footpath. That illustrates the sort of situation that workers had to put up with in this State and in this country. I commend to the Opposition members, if they have not already read it, a book alluded to today in a question to the Deputy Premier. It was written by Mike Rann, and is titled *Limbs, Lungs and Lives. Occupational Health and Safety Reform.* On page 33 it states, under the heading 'Inspection Powers':

By law, elected safety representatives should also be provided assistance and facilities to carry out regular worksite inspections. However, a safety representative will not be able to undertake an effective safety inspection unless there is a clearly established procedure. The easiest way to make a proper inspection is for the safety representative to have a check list of all possible hazards at the place of work. Obviously, with the varying nature of workplaces, there cannot be one model guide. However, below is a very general checklist which can be substantially modified to suit each work place.

A list of some 51 possible hazards is given, but I will not read that out tonight because of the lack of time. However, there are many dangerous practices allowed to occur in the work place and sometimes workers are lucky and get away with it while at other times they pay the supreme sacrifice with their lives. I recall with horror and indignation an incident which occurred when I was a guard at Mile End where workers were asked to decant LP gas from a leaking tanker in the railway yard to a road tanker. Due to the very nature of LP gas—it is heavier than air and had filtered right across the yard—if someone had struck a match that railway yard could have been blown sky high and hundreds of workers could have been injured.

However, that was avoided due to the common sense of the shunters who approached me and asked me whether they had to decant that gas to which I replied, 'Like hell you do, you get it up to Port Stanvac and they can do it up there.' Yet the management had insisted that the workers decant the gas in the railway yard. It took heated words between management and me to overcome that problem. When the safety officer came down he was equally horrified at the attitude of those in management. On the matter of contract rates, when one gets out there in the work force as a union official one sees what some people try to do, particularly to the young, to those who want a job and how they try to bleed them. It was rather interesting to find when I went with some of my colleagues to a meeting of the tourism committee this week—

The Hon. Jennifer Adamson: Perhaps the honourable member should hear what the tourism industry thinks about this Bill.

Mr HAMILTON: We may well hear that the honourable member's arguments are particularly in terms of penalty rates, to which I will refer at a later stage. In respect to the entertainment industry, the industry to which the previous Minister of Tourism alluded, I was rather interested to hear the comments made by some of the people we spoke to at Regency Park when we were there the other day for a luncheon. Some of the tactics applied by some employers are surprising. I am not casting a reflection on all of them but am referring to some of the employers within that industry.

The Hon. Jennifer Adamson: True!

Mr HAMILTON: I thank the member for Coles for agreeing with me. I feel very strongly that these practices should be stamped out. Pressures should be put on people involved with those practices because they give the industry a bad name and I do not want to see kids or adults exploited. I certainly do not want to see them exploited in this State, particularly because I have children of my own. Luckily, two of them have good jobs and the other one is still at school. Another question concerns the matter of reinstatement. An instance that readily springs to mind is that in relation to Ted Gnatenko. I realise that members on this side of the House know only too well what happened to that man, a man who fought tooth and nail and who stood out as one of those people who was not prepared to concede to the pressure exerted on him, not by a small employer but by one of the biggest employers in this country.

I am proud to say that the trade union movement got behind that man and won that issue (or more importantly Ted Gnatenko and his union won that issue) in that he went back to work and then subsequently resigned to prove the point of what takes place within the industry. I will not steal the thunder of my colleague the member for Peake, because I know that he has many more instances to relate.

Finally, a comment was made about giving in to the trade union movement: no-one has to go back any further than today to see the comment made by the Minister of Transport in relation to a dispute involving some AWU members. I am certainly not reflecting on my colleague sitting here, but the Minister has made his point. I do not believe that people on this side give in to the trade union movement at all. We negotiate, and we are prepared to sit down and talk with the trade union movement and the employers to try to work out some compromise. I do not believe that members on this side or our Ministers give in to the trade union movement itself.

I commend to members opposite, in terms of the need to protect the workers in this country, on page 15 of the *Public Service Review*, an interesting article in relation to injuries and what workers should do. It is becoming increasingly important in this country, not only for employees but certainly for employers, in terms of the cost of their product, to ensure that they have proper safety in the work place. It is more and more important to them not to have machines lying idle, cost them in terms of products, the amount of products they can turn out, and it is in their interest to ensure that those machines are working properly and that injuries are not occasioned through their work. Pages 14 and 15 of the *Public Service Review* certainly make worthwhile reading.

Mr ASHENDEN (Todd): I want to address myself to a number of aspects of this Bill. I was going to cover other areas but previous speakers on this side have already made the points that I intended to make in many areas, so I will not speak on those again.

There are a number of pieces of legislation to come before us in the next seven or eight weeks all of which have one end result, and that is to make it even more difficult for a person presently out of a job to get a job. It is typical of the union movement at the moment that it is interested only in its members and is not at all interested in those persons who are not fortunate enough to be employed and therefore to be eligible to join a union; and they are certainly not interested in Australian industry being able to compete overseas. The legislation before us today is but the first of a series of Bills that the Deputy Premier will be introducing over the next few weeks and their sum total, if passed in their present form, will be to make it more difficult for unemployed persons in South Australia to gain a job.

Mr Becker interjecting:

Mr ASHENDEN: I accept the point that my colleague just made, and that is that the number of jobs already lost because of the demands being placed upon employers by unions is already high. The sooner that unions gain for themselves a sense of responsibility to the entire population, and not just to a select few, the better will be the economic conditions in this State and the more likely we will be to be able to create jobs for the unemployed.

I want to address myself now to a number of points made by the Minister of Labour when he introduced this Bill some months ago. The Minister leant heavily (where it suited him) on the report brought down by the Industrial Magistrate Mr Frank Cawthorne, but he has been extremely selective. He has referred to the report only when it suits his purposes and he has glossed over the fact that some of the measures that he intends to introduce in the Bill are not based at all on the recommendations of Mr Cawthorne. Before going into more detail I would like to address myself

specifically to the points made to the Minister concerning IRAC.

The Minister claimed that this Bill results from his introduction of the legislation which established IRAC. He claims that this Bill is a perfect example of how consultation can work and how we can come up with a Bill agreed to by both employer and employee organisations alike. I do not for one moment believe that the Minister believes that that is true. If any of his colleagues do, then certainly they do not have their ears to the ground. I have been advised from a number of sources that employer representatives on IRAC believe in many ways that the situation in which they find themselves is very difficult indeed. What they have been able to negotiate is the best of a bad deal. For the Minister to claim that employer organisations are happy with this Bill is absolutely ludicrous. All he need do is to talk to employer organisations who are not gagged (as are members of IRAC, who are gagged by the Bill establishing that committee) because then the Government would know that what I am saying is the truth.

Employer representatives on IRAC are unable to come out and say what they really believe about this Bill because, if they do, they will immediately be put off the committee—it is as simple as that. In other words, the Minister knows that he holds the whip hand. He knows that he can say what he likes about the committee because its members are unable to come back and say what they really believe about many aspects of this Bill.

Members interjecting:

Mr ASHENDEN: For the Minister to say that this Bill will silence the critics of IRAC shows how cynical he can be. The Bill is not the outcome of months of consultation, as he claimed in this speech. It is purely and simply the result of the situation that has arisen where the committee had no alternative but to put forward what it did. There is absolutely no consensus, and the member for Florey should know that, as I said earlier, and get his ear to the ground and find out the true situation.

I would like also to take up another point made by the Minister, who has referred to Mr Cawthorne only when it suits him. He said that Mr Cawthorne stated:

> The battery of sanctions available against unions which supposedly 'don't play the game' and which have been included in the various arbitration Acts of Australia over the years have had no substantial impact on subsequent industrial action. In addition, sanctions are now widely seen as an impediment to good relations. It is thought that they will not assist in resolving the issue the subject of the dispute which gave rise to the industrial action, but on the contrary may well exacerbate the problem immediately at hand and leave a legacy of bitterness which long outlives the original dispute.

At another point in his report he states:

> The sooner the community stops deluding itself that changes in law of a penal nature are going to have a major effect on the level of industrial action, the better off the community will be.

I certainly do not accept that statement. To explain why, I would now like to dwell on what I believe is an alternative that should be looked at seriously in Australia if we are genuinely concerned about improving the lot of employees and improving the opportunity for jobs to be given to the unemployed. I wish to look closely at alternative systems to a trade union based system. I believe strongly—

Mr Ferguson interjecting:

Mr ASHENDEN: The member for Henley Beach is laughing because he does not want to hear what I have to say. I believe firmly that trade unions should be replaced with industry unions, and I have strong reasons for my belief. An industry union has much more value to put forward in the arguments that I will be advancing than has a trade union. I come from the area of private enterprise and an industry where the company by which I was previously employed lost far more time from demarcation disputes than any disputes between union and management. Can anyone tell me why an employer should be forced to suffer losses because two unions cannot get on together? At one stage in my previous place of employment a union with seven members stopped the plant from working. At that time the plant employed over 3 000 workers. It was purely and simply because that small union believed that its members should be doing a certain job that another union had its members carrying out for the company. That is an example of the ridiculous situations that occur where a number of trade unions represent employees working for one employer.

Unlike members opposite, I have direct experience of the motor manufacturing industry in both Australia and the United States of America. In the United States of America the workers are represented by an industry union. In that country a company negotiates with one union, not with a group of unions. I firmly believe in collective bargaining. I have seen how well it works in the United States, where the employers sit down with the employees. There may be major disputes at the time of the bargaining but, once agreement has been achieved between the employer and the employees, there is absolutely no industrial disputation for the ensuing three years. Companies in the United States of America can sit down when they are planning their budgets and say straight out, 'We will have no industrial disputes for the next three years,' because an agreement has been signed between the union and the employer for the next three years. If either the employer or the union breaks the agreement, they can be taken to court and damages can be awarded against either the employer or the union, whoever breached the award. Therefore, there is none of the nonsense of political strikes, for instance.

In the United States of America the employers can at least undertake firm planning. There are unions that represent the interests of the employees, and the employers and the unions come to an agreement. Members opposite are so upset by this, because most of them come from the trade union movement. Members opposite know full well that, if we were to move to industry unions, the number of unions in this country would be diminished tremendously. Of course, members opposite must protect their friends who are holding down so many unnecessary jobs as a result of the duplication of unions that exist in this country. The other thing that members opposite do not like is the idea of a legal and binding agreement where the unions are not able to go out on blackleg strikes, where the unions are not able to hold employers to ransom by threatening to go on strike unless they get this, that, or the other.

I would now like to refer to the building industry. There are working in Rundle Mall at the moment building employees who will go on strike unless they receive $500 vouchers so that when the building work is finished they can go back and get $500-worth of goods *gratis* from those people who are leasing the building that they are erecting. That is an example of the stupidity creeping into the system that we have operating at the moment. It is also an example of the blackmail used so well by the building industry. Half way through a concrete pour the union will say, 'Either you shape up, Mr Employer, or we stop the pour.' How many times have unions in the building industry done that to an employer? How many millions of dollars do members opposite think that that is costing this community, which can ill afford it?

I firmly believe that we should have a situation in which employers and unions alike are bound by legal agreements, which can be taken to court, and in which a court of law can rule that one or the other has breached an agreement and as a result damages should be paid. I see no reason

why the unions or employers should be above the law. The rest of the community must abide by the law, and I see no reason at all why we cannot have a situation that results in far more stability to an area where Australian industry can plan.

It cannot do so at the moment. It does not know what it is going to lose because of industrial disputation. I firmly believe that this is the case. How many members opposite have spent months in the United States, as I have, looking at alternatives to the Australian system? I suggest that perhaps some of them should take their overseas study entitlements to look at other systems of employer and employee representation that are utilised throughout the world. The only reason we have a trade union movement in Australia is that our country was settled by the British. They imported their system into Australia, and it has grown historically from that point.

Members opposite obviously have closed minds on this and do not want to see anything that goes against their wishes, particularly with preselection coming up next Saturday. I suppose they have to be a little careful about what they say and whom they upset. Perhaps the Deputy Premier is worried that he may be more 'priceless' then he is now after next Saturday. I believe that there are alternatives to the present system, but it is obvious that members opposite have closed minds. They do not want to see any change. They are far more conservative in their outlook than are members on this side of the House, which strikes me as being rather ironic. The Deputy Premier uses the Cawthorne Report when it suits him.

Mr Hamilton: You are a bit of a radical.

Mr ASHENDEN: I am glad to hear the member opposite describe me as a radical. If people do not have some radical ideas we do not get any change, do we? It is purely and simply because Government members have been born and bred in a particular situation that they feel threatened as soon as anyone dares to have the gall to suggest that there are alternative systems to those presently in use.

I will deal briefly with an area that was covered very well by earlier speakers on this side of the House, namely, that the Deputy Premier wants to bring the unions above the law. He is using all sorts of smoke screening, but there are no two ways about it: if this Bill is passed as it stands, unions will be above the law. No employer will be able to take action in the courts to protect his rights.

Of course, members opposite have looked only at employees' rights. Despite what the member for Hartley said this afternoon about this matter of compulsory unionism, let us not fudge, let us say what it is that members opposite want to bring about—compulsory unionism. In those two areas they say that there will still be protection as far as tort is concerned and that there is not compulsory unionsim. But any fair minded person in the community knows full well that the term the Government should be using in the Bill is 'compulsory unionism'.

Let us remember (and I believe members opposite like to overlook this fact) that the ILO has categorically stated that there should not be, in any circumstances, compulsory unionism because it infringes civil liberties. We have also heard members opposite saying that they support compulsory unionism because they believe that any person who is an employee and who is not a member of a union is a freeloader or a bludger, which were two of the words used. I point out to members opposite some details about a situation in my electorate.

There are a number of furniture manufacturers in the electorate of Todd. Three of those manufacturers are quite large, but none of their employees were members of a union. I have had close dealings with two of those companies—both management and employees. I went to a number of employee meetings and met frequently with management. The employees in these factories were unanimous in pointing out that they did not want to join a union. However, a union representative was very active in that area 18 months or two years ago. He came to a meeting to which I was invited, and got up and told the employees all the benefits of joining the union before asking them to vote. It was not a management-held meeting but rather one called by the union representative. Unanimously, every employee put up his hand against joining a union. That union representative said, 'Righto fellas, if I can't get you here we'll get you elsewhere,' and he walked out.

Soon after that the company was contacted by the union involved, and it was pointed out that the company had a very big construction job elsewhere. It was told that, unless the employees joined the union, a picket would be set up on that job and there would be no way in the world that the company would be able to supply the cabinets, and so on, that were to go into that large development. That is blackmail—there is no other word for it.

Let me make clear that those employees had an agreement with their employers. They were paid well above award wages. They were paid bonuses, and were extremely happy with the working conditions. They thought their bosses were the best for whom they could work. They had friends who worked for other furniture manufacturers that were closed shops and they said that they did not want to be in a situation of 'them against us'. They all said that, with closed shops, invariably there was a fight between the union and the company all the time. In two of those three factories there were extremely good relations between the workers and the employers. The conditions were first class. The employees did not want to join a union. Why should they be forced to do so? Industrial muscle was used to get those people into a union.

Members opposite tell us that that is not compulsory unionism. I would like them to explain why, if one is employed by the Government as a teacher, one cannot get a job without being a member of SAIT and why one cannot get a promotion in the Education Department unless one is a member of SAIT. If any member can explain that that is not compulsory unionism, I look forward to the explanation. The current Government states that teachers must belong to the union. The word 'must' means compulsion, and there is no other way of looking at it.

Let us cut out the fudging, be honest and state that the present Government supports and, in fact, imposes compulsory unionism. This Bill goes one more step toward achieving that aim. We find that the Deputy Premier has addressed himself frequently to rights of employees. Union officials must have the right to enter business premises. What about some rights for the employer? One has only to talk to employers at the moment to find that they point out continually that the imposts of this Government in regard to taxation and controls over them are one of the major reasons for their being unable to compete successfully or take on more employees.

I would like a dollar for the number of employers who have said that they would like to take on more employees but that they cannot afford to do so. This piece of legislation, along with others coming in over the next few weeks, will make the situation worse for the employer. We heard the member for Hartley earlier this afternoon speaking a lot of nonsense about subcontractors. A subcontractor is an independent businessman, as far as I am concerned. If he does not want to be an employee or does not want to join a union, why should he have to do so?

The member for Hartley stated that, in his belief, if the cost of housing increased because subcontractors were to be brought under union control (I use the word deliberately; I

cannot remember the exact words that he used), it would result from the fact that the employer was taking employees for a ride, and that they would not be paid their fair and just remuneration. That is nonsense. Subcontract bricklayers, for example, do not work union hours. In fact, at present a new home is being built opposite mine, and the bricklayers have been at work at 6.45 a.m., are not knocking off until 6 p.m., are working on Saturdays, and they were working Sunday. Why? Because they have the initiative to get out and work and are therefore able to earn more money. They know that the more bricks they lay the more money they will make.

If the honourable member has his way and they join a union, immediately they would work seven hours a day. If they work on Saturdays and Sundays, they will get penalty rates and overtime, and the costs of building will go up because houses will be built much more slowly. Of course, that situation is grossly unfair. At present, subcontractors are independent, and they like their independence. I wonder how many members opposite have spoken to the subcontractors to find out what they want. It is not what they want that interests this Government: it is what the unions want. Members opposite should talk to subcontractors as I certainly have on many occasions over the last few weeks. Subcontractors have telephoned me because they know what is in this Bill and have expressed their horror at having to join a union. They do not want to be employees, and they do not want to join a union: they want to continue as independent businessmen, which is how they regard themselves. They do not want the interference of the Government compelling them to do something they do not want to do.

Can members opposite give me one good reason why these people should be compelled to do something they do not want to do? Can they give me one good reason why the employees of the furniture companies in my electorate were forced to join a union, which they did not want to do? The conditions that the union could bring for them would be worse than the conditions that they already enjoy. Again, the Bill is pure dogma of the Labor Party. As someone said earlier, the A.L.P. grew from the trade union movement and this Bill is one of the pay-offs to the trade union movement. We also heard one member opposite (I cannot remember who) justifying back-dating or making claims retrospective. Once again, it is so painfully obvious that members opposite have never run a business of their own because if they had they would know that, when they are running a business, they have to budget, and in budgeting for that business they have to allocate certain costs for wages.

Mr Groom interjecting:

Mr ASHENDEN: The member for Hartley, though, is one of those fortunate millionaire industrial lawyers who have a tremendous amount to gain by this legislation going through, and would not be too worried if his wages bill went up.

I revert to the point that I was making, that is, that members opposite do not realise the pressures that are on small businesses. When a small business budgets, it budgets a certain amount for wages and salaries. If businesses are forced to go back months and pay additional wages and salaries, that can place a very severe strain indeed on their cash flow. Once again, members opposite are merely interested in the interests of the employee. One has to have a balanced outlook, and surely the interests of the employer are important. It is the employer who offers the employment opportunities to the employees. If he goes broke, then jobs go: it is as simple as that. Members opposite should realise that the employer is not a bottomless pit of funds and the employers today are finding it more and more difficult all the time to survive, yet this Government is bringing in legislation continually which only makes the situation worse.

I believe that the Deputy Premier himself realises how badly this Bill has been drafted because I am holding in my hand something like 10 pages of amendments, brought forward not by any member on this side of the House but by the Deputy Premier to his own Bill. He told us when he brought the Bill down months ago how he had consulted and that IRAC thought that it was such a good thing, etc.

Obviously, the Bill was not so good; otherwise, why has the Deputy Premier brought in so many amendments? In fact, the Deputy Premier should have taken the Bill out, rewritten it and reintroduced it. Hopefully, he may still do that, because the Deputy Leader of the Opposition has brought forward amendments to this legislation which are fair and which, if accepted by this House, will result in a situation that will enable employers to continue to employ and, therefore, it will enable employees to be in a position where, if they choose, they are able to join a union. The Deputy Leader's amendments seek to alter what is basically bad legislation which is designed as a pay-off to the trade union movement only. It does not have the interests of the employee at heart, or of the State or of South Australian industry, because all it is doing is making it far more difficult for South Australian industry to compete in interstate and overseas markets. I cannot accept the Bill as it stands, and I will strongly support the amendments of the Deputy Leader of the Opposition.

The Hon. JENNIFER ADAMSON (Coles): I oppose the Bill on two principal grounds: first, on the philosophical ground that this Bill is obnoxious in many respects—notably in respect of the way it inhibits freedom of association, which I, as a Liberal, believe should be guaranteed by law. I also oppose the Bill on economic grounds because it will impose impossible cost burdens both on the private sector and on the taxpayer. It will be interesting in Committee to find out from the Deputy Premier, who has carriage of the Bill, just what the costs will be to the taxpayer, because in a number of areas they will be significant. I do not believe that the Government has taken them into account and I believe that if this Bill becomes law the next State Budget will have a considerable percentage of cost automatically added to it as a result of the passage of this legislation.

The chief objects of the Bill are: *(a)* to promote goodwill in industry; *(b)* to encourage and provide means for conciliation with a view to preventing or settling industrial disputes by amicable agreement; *(c)* to provide means for preventing and settling industrial disputes not resolved by amicable agreement, and so forth; *(d)* to provide for observance and enforcement of agreements and awards made for the prevention of settlement of industrial disputes; *(e)* to encourage the organisation or representative associations of employers and employees and their registration under this Act; and *(f)* to encourage the democratic control of associations so registered and the full participation by members of such an association in the affairs of the association.

On my reading of the Bill, and when I apply my values as a Liberal to this Bill, I find that it is inimical to every one of those objects. The first—to promote goodwill in industry—how can legislation which will without doubt increase costs and disrupt relations between employers and employees possible create goodwill in industry? As far as I can see, that first aim is completely negated by many of the provisions of this Bill.

The second aim—to encourage and provide means for conciliation with a view to preventing or settling industrial disputes by amicable agreement—again, when one looks at the specific clauses of the Bill, one sees that that aim is most unlikely to be achieved. The enforcement of agreements

and awards, I would have to admit, is likely to be achieved with what I consider to be quite unacceptable methods. 'Enforcement' is the operative word. There will be a sledgehammer attack which denies the freedom that should be guaranteed to individuals under our system of law.

To encourage the organisation of representative associations of employers and employees and their registration under the Act—again, 'encourage' is a somewhat euphemistic term. I think 'force' would be a more accurate way of describing the way in which representative associations of employers and employees will be organised. They will certainly be forced into actions which many of their members would not choose to participate in. The final object is as follows:

> to encourage the democratic control of associations so registered and the full participation by members of such an association in the affairs of the association.

I find those words offensive because I believe they completely mask what is going to happen. To suggest that democratic control of associations is achieved by forcing people to become members at what would literally be the threat of either losing or not gaining their jobs is to use the English language in a way that means it almost ceases to have any kind of meaning.

So, whilst some of the aims will not be achieved by the legislation, other aims will be achieved, but I believe they are aims that would be best rejected by this Parliament and they have been rejected by a substantial proportion of the community. I have great concern about the effect of the pacesetting provisions of this Bill on industry in general, and particularly upon the tourism industry. It is the tourism industry that I propose to refer to most specifically in dealing with this legislation, notably the hospitality section of the tourism industry.

One of the aims of the South Australian tourism development plan which has been endorsed by both the Government and the Opposition is that all legislation coming before the Parliament shall be assessed for its impact on the tourism industry. Already in the Government's term of office several significant pieces of legislation have had an adverse impact on the tourism industry. As far as I can see in not one of those cases has there been any consultation whatsoever with the industry prior to introduction of the Bill. This is another case in point where there has been no consultation with the tourism industry. In regard to the consultation process, which the Minister should be encouraging his colleagues to undertake, I think the Minister has failed the industry miserably. On page 2553 of *Hansard* of 8 December 1983 the Deputy Premier said:

> This Bill is the result of one of the most intensive investigations ever undertaken of our State's industrial relations system.

The investigation might have been intensive but it did not extend to the impact of this legislation on the tourism industry; it certainly did not extend to the economic impact of the legislation on the tourism industry. All I can say about a Government that purports to want the tourism industry to develop and expand and become profitable is that it is going about its goals in a very funny way indeed, and the industry is becoming progressively more alarmed about the imposts with which it is being burdened as a result of legislation of this kind. It seems to me that it is always left to the Liberal Party to consult with the tourism industry, because the Labor Party certainly does not do so.

As a result of my consultation with the industry I have discovered certain impacts of this legislation on the industry. I refer first to clause 4—a key clause which seeks to amend the definition of 'employee' in section 6 of the principal Act. This is aimed at the regulation of contract labour. It will certainly lead to an escalation of costs, which has already been outlined in the building and construction industry. My colleagues have dealt with the impact of this clause on costs in the housing industry. The member for Davenport referred to its impact on the transport industry. In the general construction industry those costs will be felt not only by business but also by the taxpayer. Some major projects are currently being undertaken by the Government which will be more expensive as a result of this legislation.

I refer to one very big tourism project, and that is the marina at Porter Bay, Port Lincoln, which is a $40 million plus project. Much of the work will be undertaken by subcontractors. If this legislation is passed and clause 4 becomes law, those subcontractors will have to be treated as employees with all the subsequent increased costs that their employment will require. The taxpayer, local government, the ratepayer and the developer will feel the burden of those costs. A score of other projects will be similarly affected. The Hyatt Hotel, which was mentioned today, will be a multi-million dollar project. I assume that its costs will be somewhere between $50 million and $100 million, and one could expect the costs to escalate by a minimum of 10 per cent as a result of the insertion of clause 4 in this Bill, which will regulate contract labour and require such labour to receive the same kind of benefits that employees receive. The Liberal Party believes that the contract system encourages initiative and efficiency, and, because it encourages both of those two things, it encourages productivity, which in turn encourages prosperity and greater employment.

The construction industry employs subcontractors on a very large scale. Another industry which employs contract people on a large scale is the hospitality industry, through the employment of musicians. One only has to look at any copy of the *News* on a Thursday night or the *Advertiser* on a Saturday to discover the number of hotels, motels and restaurants which promote dinner dances or special musical entertainment for their guests. On any given weekend—Thursday, Friday and Saturday nights—approximately 50 or 60 hotels in metropolitan Adelaide, not counting those in all the country centres throughout the State, employ musicians at a cost of somewhere between $500 and $600 a night. Let us say conservatively that the cost is $1500 a week for 60 odd hotels (and one would multiply that considerably if one took into account the whole State). Those musicians are employed under contract. If, as a result of the passage of clause 4, those musicians have to receive the benefits that are normally payable to employees, notably workers compensation, the cost to the hospitality industry will be massive.

These individual costs taken one at a time may not appear to members opposite to be of very great consequence, but when they are all added up, when everything that this Government has done is added up, when one adds up the cost of the liquor tax and the increase in electricity charges, and when one adds this clause to it, one finds burdens that simply cannot be sustained by an industry that is working on a very narrow profit margin. It is just not possible for the hospitality industry to continue to offer to guests the kinds of benefits and services that are currently being offered if the cost of those benefits and services rises beyond the ability of the customer to pay, and that is what is likely to happen. Aside from musicians, there are three key areas in which the hospitality industry uses contract labour and when I refer to the hospitality industry I mean hotels, motels and restaurants. Air-conditioning installation and servicing is a very big annual cost for hotels, motels and restaurants.

Virtually all of that work is carried out by subcontractors. If one works on the 10 per cent addition, which is regarded as conservative by the construction industry, one can see that that will impose huge cost burdens on the hospitality industry in terms of increased costs for air-conditioning

installation and servicing. Another substantial cost, particularly in the hotel and motel industries (but less so in regard to restaurants) is the annual renovation cost. The Australian Hotels Association estimates that about $30 million a year is spent in South Australia by the hotel industry on extensions and renovations.

It was interesting that, when the Licensing Act Amendment Bill was introduced to increase the cost of liquor licences, the South Australian Brewing Company announced immediately that it would be obliged to defer $6 million worth of capital development in the current financial year because of the burden on the industry as a result of that liquor tax. Of course, that meant the deferral of work for electricians, carpenters, carpet layers, plasterers, painters and interior designers—who could have employed young people and, to some extent, unskilled labour but will not now be able to employ those people as a result of the liquor tax. The same situation will result from clause 4.

The third heavy requirement for subcontract labour in hotels results from the clause in the lease of most hotels that provides that the hotel shall be painted every three years or so. That cost, for most hotels, comes out at about $5 000 on current figures.The Tower Hotel at Magill in my district, something of an historic hotel, has just been painted and looks all the better for it. In fact, it looks a most distinguished landmark. I have not checked on the price, but my advice is that, for most pubs where all the exterior walls had to be painted, the cost is about $5 000. When we add 10 per cent to that, we can see that the Government is imposing a huge burden on the hotel industry. As I said, the industry is working on very narrow margins of profitability: it simply cannot absorb such an accumulation of cost as is being imposed on it by the Government. So much for clause 4.

Clause 14, another significant clause, gives the Commission sweeping powers to make awards of general application. It also allows an award to be made on the application of the United Trades and Labor Council. At present, the hospitality industry (or at least that section of the industry represented by hotels) has a good relationship with its employee organisation, the Liquor Trades Union and most changes to the award under which that union operates are agreed to by both parties. However, under this clause an award of general application can be made without the hospitality industry having any input whatever or any power to influence it, and that would impose not only costs but also, very likely, a limited flexibility on the hospitality industry which would make it difficult for the industry to operate. That clause could have, and I believe will have, an adverse effect on the tourism industry.

Another clause which is one of the many that I oppose is clause 18, which introduces retrospectivity into awards beyond the date of application. The whole notion of restrospectivity is offensive to the Liberal Party and is certainly regarded as unjust by people in business who have to budget in advance and who simply cannot hope to pick up the costs that are imposed retrospectively upon them. Clause 18 (5) is most important for any service industry, because it gives a board of reference the power to grant relief to an employee who has been demoted. This provision was not recommended by Mr Cawthorne in his report, and it is certainly strongly opposed by employers. The tourism industry and the hospitality industry are fighting all the time to raise standards, and to do that they need a high degree of flexibility. Certainly, in terms of staff training and development, an employer must know that he or she has the power to require minimum standards of employees when it comes to the giving of service, and I refer to minimum standards of dress, personal conduct, grooming, manner, and of service generally. Of all the industries, the tourism industry is one that stands or falls on the quality of its service.

If an employee fails to meet those standards, an employer will be very hard pressed indeed to exercise his or her right to dismiss that employee because he or she is a liability to the business. Clause 18 (5) provides:

> The powers of a board of reference appointed under subsection (1) *(b)* may include power to grant relief to an employee who has been demoted by his employer and whose demotion is, in the opinion of the board, harsh, unjust or unconscionable.

I refer to a specific example of a motel owner who lays down a requirement that all front-of-house staff should wear collars and ties if they are men, should be suitably and attractively dressed if they are women, and should have well polished shoes of a certain substance, because if they are dealing with a dining-room they certainly need protective covering for their feet. It is not unknown for employees to resist the standards of dress required by an employer and to pursue their own ideas as to what is appropriate dress in a dining-room, at a reception desk, or wherever.

If an employer says, 'If you refuse to meet my standards of dress and manner, you will have to work wiping dishes', for example, the employee then has the power to go to the board of reference. This whole paraphernalia is inhibiting to employers who want to exercise the maximum flexibility in upgrading standards. I know for a fact that the industry is alarmed about the powers provided under this clause. I believe that the clause could have an inhibiting effect and be a barrier to the upgrading of standards, which is sought by the industry and which I believe should be sought by the Government. Clause 19 is the clause that I find completely unacceptable, because it prohibits freedom of association. Clause 19 further extends the Government's preference to unionists policy. I will now go beyond the tourism and hospitality industry when talking to this clause.

It is fundamental to our concepts of freedom and democracy that people should be able to enjoy freedom of association and that that freedom should be guaranteed by law. It would be a source of great shame to me as a South Australian if the laws on our Statutes actually prohibited, not only failed to guarantee, freedom of association, as clause 19 does. I have spoken mainly about the private sector. I want to speak now particularly about public servants whom I know find this concept objectionable. Having worked with health professionals during the three years that we were in Government. I found that these people had extremely strong feelings, as I believe anyone in any occupation may have, about this particular clause. There is deep resentment on the part of people who feel that they are being forced to join a union. Anyone who works in the Public Service is, of course, entitled to their own political views, but they willingly serve a Government of any political persuasion because that is their whole vocation, if you like, as public servants.

But there is something that gets under the skin of many public servants, almost to the point of making them feel embittered against the Government that imposes its will upon them to the extent that it forces them to join a union if they are to enjoy any kind of security of tenure in their job, prospect of promotion or, in many cases, the prospect of employment at all. So, clause 19 is, to me, completely unacceptable. It denies the very concepts of freedom that we should all be trying to uphold. It is one clause that I could not countenance in any legislation.

Clause 45 excludes unregistered associations from being a party to an industrial agreement. There was no recommendation along these lines in the Cawthorne Report. It seems to me not only an unnecessary infringement of rights but also positive discrimination against certain sections of the work force. I know, for example, that many tourism

industry employees are not covered at the moment by any registered association. Are they to be excluded and not enjoy the rights that their counterparts enjoy? If that is the case then, to me, that is discriminatory, unjust and should not be tolerated, particularly by a Government that purports to represent the worker.

Clause 47 is similarly restrictive. It excludes unregistered associations from agreement. Clause 52 has already been dealt with at some length by my colleagues, because it seeks to limit tort actions so that they cannot be taken without the sanction of the Arbitration Commission and so that no action can in future be possible against economic damage. That again is, to my mind, an attack on the system of justice that we have all come to accept as our right. I believe that in imposing limits of that kind the Government is, in fact, denying justice to people who should have access to it.

To summarise, the Bill will have an extremely adverse economic effect on industry generally, on the taxpayer generally and, from my point of view, with my special interest in the tourism industry and in its further development in South Australia, it will inhibit the development of that industry because it will adversely affect profitability and flexibility of employers to upgrade standards. On the philosophical side, the Bill is simply unacceptable because of its discriminatory content and because it limits the freedom of the individual.

I believe that the Minister, in introducing this legislation, ostensibly after considerable consultation has, in fact, made a number of mistakes, which he virtually admits by tabling a series of amendments. I hope that, if those mistakes are not able to be remedied entirely to our satisfaction in this place, some remedies might be found in another place to more accurately express the wishes of employers and employees in South Australia in regard to the kind of industrial law under which they want to live in this State.

The Hon. J.D. WRIGHT (Deputy Premier): I move:

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

Motion carried.

Mr PLUNKETT (Peake): I support the amendments tabled by the Minister. It worries me to hear some of the statements that have come from the Opposition side. I refer to the matter of preference to unionists. When the member for Todd was discussing this matter he expressed tremendous fears. In fact, I thought his attitude was very radical. It appeared that he wished to see the arbitration Bill completely done away with and a separate Bill introduced along the lines applying in America. I would hate to see that ever happen in Australia.

I will deal first with the tort law. I do not know whether members opposite have overlooked that in 1906 the tort law was very nearly abolished completely in England, where it originated. Yet, that law remained in Australia. A section of it remained in England and was completely taken out by 1965. In 1983 we still have this law in our arbitration agreements, and it certainly should be dealt with. The Minister has endeavoured to deal with it and I hope that this Bill passes.

I now refer to the Minister in the previous Government. I have heard him speak tonight. I have before me an open letter, dated 17 September 1983, signed by the Hon. Dean Brown and addressed to all South Australians. It was at the time of the Cawthorne Report, which the Minister conveniently endeavoured to hide from the Labor Party, then in Opposition. Part of that open letter reads:

Another proposal will strengthen the rights of people at work, particularly by giving people the choice whether or not to join a union. Any person may fill out a form registering as a conscientious objector, and this will protect the person from being discriminated against for not being a member of a union. This procedure is less formal than the one which has been practised for several years. A conscientious objector will still be required to pay the equivalent of union dues to the Childrens Hospital. I stress, it will not be necessary to either join a union or register as a conscientious objector.

I was a union organiser for just on 10 years prior to coming to the Parliament, and in that job I worked under a Labor Government and a Liberal Government, which meant that the preference clause was in when the Labor Government was in power and was withdrawn when the Liberal Government was in power. There were instances in my job, mainly in relation to Government forests, when the Liberal Government was in power and there was no preference clause, when the most disruption that those places ever had was while that clause was enacted. Afterwards, when the Labor Government was returned (the Don Dunstan Government) and the preference clause came in, everything settled down. All those people became members of a union, whereas previously there were some in and some not.

I found, and I might add that the employers found also that, in actual fact, there was much more harmony when everyone was in a union. All the people who signed up who were non-unionists would not ever revert to the situation where they would not be members of their union. I would like to give an example of what the member for Todd was advocating tonight. He said that, unfortunately, Government members apparently have not been to America and studied there for six months or so and seen the industries over there. I might add that, speaking for myself, I have always been a worker. Unfortunately, I have never had my fare paid by some rich company, as I presume the member for Todd has. I am sure that he would not have paid for his own fare. He would have gone on a paid study tour, but I have not had that offer up to date.

However, I would like to add that I have seen some results about the way they operate in America at Salisbury council. Some members would be able to recall a dispute about 2 1/2 years ago or more when the Manager of the Salisbury council, who was a Canadian and who had a lot of American ideas and had worked around a lot of jobs in America, tried to introduce the American style by immediately pinpointing the representatives of a union (which at that place was the Australian Workers Union). He picked out the two representatives, Tony Baker and Jimmy Hughes, and immediately downgraded them from their jobs and sacked them when they refused to take this job.

I think that everyone in this House would remember this case because it ended up going before Justice King. After 15 or 16 months, quite a lot of work was done by the union organisers and the industrial officers from the Australian Workers Union, and they were able to win this case, and Tony Baker and Jimmy Hughes were reinstated. However, what happened in those 15 or 16 months? It affected one of the members' health, which was run down because of the worry about his job and the concern about educating and feeding his family. It affected that person's health to the extent that he no longer works at the Salisbury council. To my knowledge, Tony Baker still works at the council, but I know that things were never the same. This is the type of thing that the member for Todd was speaking about, and they are the types of laws he would like to have introduced into Australia. He said that we ought to visit America and see what their system is. I do not think that many Australians would like to change to that system. Further, in relation to section 15 (1) *(e)*, which I have before me, there are many instances where people have been sacked from their jobs.

One person, Geoff Roberts, who worked for St John, was sacked and his case dragged on for 12 months. He was eventually reinstated and back paid, but the trauma that that person had to go through over those 12 months was shocking. He was put through that because the previous Minister introduced the Bill. I am very proud to say that the Labor Minister is now adding his amendments. As I say, I hope that they go through.

I would like to refer now to the *Advertiser* of 6 October 1979. It refers to four people who have been sacked. One was Alan William Stacey, who was dismissed from his job as a taxi radio operator. I will read a portion from a write-up of what Mr Williams has to say there:

If he was successful in the second application for reinstatement there was no guarantee the company would not dismiss him again. 'Already I have spent more than $2 600 in legal fees for a fortnight back on the job,' he said. 'I had a job, I was sacked wrongfully and yet even after a court order I can't get my job back. There seems to be something wrong with the legislation.'

This was back in 1979. He goes on:

'It is a case where they got beaten but they are refusing to accept the fact.' Suburban's manager, Mr W. H. Bruce, would not comment.

A further instance—case No. 4—refers to:

David Paul Engst, 16, baking worker of Russell Avenue, Seacombe Gardens. Dismissed instantly on 8 February after a union official queried his wages. Reinstatement order on 11 April. Resigned two months later after getting what he described as a 'hard time' from his employers. Since resigning, has been unable to get another job in a bakery and is on the dole.

This is under that 'very good law' under the Act. It goes on:

Case No. 2: Barry John Turner, 41, projectionist, of Military Road, Taperoo. Dismissed on March 26. Reinstatement order on May 31, but he went to a lower paid job at another company.

They are only a few of the instances. I have plenty more of them there; there is another sheet:

The winners in the South Australian Industrial Court still seem to end up losing again.

This is case No. 5. It then gives some instances of some of the treatment that these people have suffered. I would like to know how much experience some of the people on the opposite side have had concerning what happens on jobs. I covered several jobs as organiser ranging over 22 awards. The majority of those people were unionists. I also had plenty of dealings with all the people who employed them. In a lot of cases, while I was talking to them the employers made it clear that they were very happy that everyone on the job was a fully paid-up unionist.

He also said he was very pleased that he knew all the details of the award, to which he could refer. He knew all the conditions required, whereas at some of these places where there are non-unionists, as mentioned by the member for Todd, they use a portion of an award, generally the lowest award that they can possibly get, knowing that the employees have no protection. They know that employees will not fight the case if they are underpaid and that they will accept what the employer gives them.

The member for Todd referred to a certain boss at a furniture place in his electorate who was particularly good to his employees. That may well be the case and he may be using all the correct awards in regard to paying his employees, and so on, and keeping the union out: in some cases that happens, but not in all cases.

As a trade union official, I was involved on a picket at a Housing Trust site at Munno Para involving contracting and spent about four days on the picket with several other union officials. The subcontracting on that development was such that if anyone was injured he received no compensation; a person was not insured in any way. As a subcontractor, a person had to take out insurance himself. He was paid virtually the bare award but had to pay all compensation himself. The contractor who subcontracted out was not responsible for this.

According to the member for Todd, one would assume that if anyone was injured on a picket it would be a non-unionist who would inflict the injury because it would be the non-unionists whom the officials were there to see. However, in the case of the picket that I was on that was not the case. It was one of the contractors who drove through the picket. I was unable to get out of the way of the car that he was driving and ended up on its bonnet. That is how vicious some of these people are and that is how they would like to protect that type of contracting.

I might add that all those subcontractors involved became unionists and no-one went broke. All the Housing Trust houses that were built at that Munno Para site were brought by people. The argument put up here tonight concerning the extra costs that would be incurred if union rates of pay had to be paid I think may arise just because of a lack of knowledge of these matters. I think the member for Todd, for example, has been involved in only one industry, namely, the car industry, and he is unable to speak about other industries. But I am not speaking in regard to just one industry. I have had 10 years experience involving over 24 awards in one area alone. Then I came to the city and for four years covered all the awards around the city.

The member for Todd implied that it is non-unionists who get the rough end of the stick, although that is not the case. I do not know whether or not the honourable member is aware of it, but when a case is taken on by a union on behalf of a particular industry non-unionists are not excluded; they are included and get the award, too. They get any increases that the union officials are able to obtain on behalf of the union concerned. So, in fact there is no discrepancy between unionists and non-unionists in regard to increases in rates of pay.

I have always found that the non-unionist is the first to grab the increase. There is no way that he will say, 'I was not a member of the union, I never participated, I never paid my dues; I will refuse to take it.' Not even the conscientious objectors on religious grounds would refuse it. I have been successful in signing up a few, and this occurred when I was organising the Highways Department at Mount Gambier. The member for Mount Gambier might recall the case, which goes back many years. It took me six months to sign those two people up (they were father and son) and after 12 months they thanked me. I had to go to Adelaide to see the church before I could get those people in, and I was eventually successful.

I might add that this occurred under a Liberal Government when there was a non-preference clause. I was successful in signing those people up but the main point is that they were always trade unionists from then on. They had never been trade unionists and they had a fear of being so mainly because the church at that time had put a fear in them. I was very pleased that when I returned to the job, on several occasions, the first person to walk up to me and ask about the awards and what was happening as far as the awards were concerned were those two people who, on religous grounds did not want to join the union at first but eventually did so. To my knowledge those persons still work in the Highways Department at Mount Gambier.

I do not wish to delay the House any longer, but I support everything said by my colleagues because I, too, would have referred to the matters with which they dealt. I support the Bill.

Mr MEIER (Goyder): I believe that those amendments to the Industrial Conciliation and Arbitration Act will lead to fewer incentives for employers to employ employees. This disturbs me at a time when, although the economy has

lifted somewhat, the future of the economy is uncertain. Today's *News*, at page 2, states: 'Recovery will not last, warns Howard.' The article goes on to say that claims that the growth rate will be something like 10 per cent could well be sadly misplaced. In fact, the order of 3 per cent may be more realistic, so there is uncertainty at present about economic revival.

Let us remember that the economic revival has only come about principally, I believe, for the following reasons: one, the breaking of the drought giving the rural industry a very big and much needed lift; secondly, the wage pause introduced by the former Fraser Government which obviously had a great impact, as did the tough economic decisions that had to be made by the former Government, both at the Federal and State level. Now we see a move to try to lessen the incentives for employers to engage people in the work force. I hope that the Government and union members will fully appreciate that these amendments to some extent will once again increase the trend towards automation. Whenever disincentives are introduced into industry the employer has to look at alternative ways to make his money, and automation has been one of those ways. I know that in the past many unions have expressed considerable concern at the extent of automation which is occurring.

I, too, believe that we can go overboard in certain areas, especially if it means that jobs disappear. If the Government is determined to introduce amendments leading in this direction, it will have to bear the responsibility. The lack of incentives will affect small business particularly, and I refer to the typical industrial concerns employing a few people, corner shops and the like in local communities and many of our rural producers. I stated earlier that rural producers have had a big fillip in the last season. I know that many producers would be happy to employ one or more workers on their farms if it were not for the conditions that currently apply.

Mr Plunkett: They do not employ anyone now: they have their sons and cousins on farms.

Mr MEIER: The member for Peake says that farmers have their sons and cousins. Many farmers do not have sons. Often sons are young and still going to school and farmers would like to employ people, possible for a long period or for at least some years.

Mr Plunkett: I would like to see a list of names of those farmers.

Mr MEIER: It would be a very easy job to provide those details because many farmers in Goyder have said to me that they would like to employ someone but all the conditions applying do not give an incentive and so they would rather struggle on as best they can with one man running the farm.

Mr Plunkett: They are not members of the union. There are not many farmers' sons in the union in South Australia. I cannot see how they have been affected by the award.

The DEPUTY SPEAKER: Order! It is difficult for me to determine who is speaking in the debate.

Mr MEIER: Comments have been made about the amendments on file from both sides of the House, and I support most of the matters raised from this side. Clause 4 deals with the contract system. Some Government members have said that if these new conditions apply the contract system will still be competitive. To some extent it might be so, and I do not suggest that things will fold overnight. However, I offer an example of a contract system in an engineering firm of which I am aware. The firm specialises in many different products for rural producers, and one such product is a stone roller or crusher, which is a large item. In fact, it takes the equivalent of one man four weeks to make such a product. The business owner told me a short time ago that an unemployed person approached him seeking work. The employer was unable to provide work then but told the worker that he would subcontract in his premises so the person could made a stone roller which took his men the equivalent of four weeks to make, based on one man working on a stone roller. He offered the equivalent of four weeks wages in return for the making of the roller. The man came in, set to work, and produced an identical roller in two weeks and three days. Rather than taking 20 working days to make it, he completed the task in 13 days. No-one here can tell me that that example does not show clearly the efficiency of the contract system. Surely we should look to such avenues at times when we need to increase efficiency.

The same employer said to me that he would like to make many of the products sold in his business on a contract basis if he could get sufficient orders. He believes that he could have a contract system to supply most of the goods that he produces. Unfortunately, in the rural sector seasons come and go and he cannot always be guaranteed of demand for specific items. The competitive position will be affected under clause 4.

Much has been said about clause 19 and preference to unionists. It is disappointing to hear the Government say so often that members on this side do not have any time for unions. I wish to state quite unequivocally that I fully appreciate the benefits that unions have given to workers throughout this country and throughout the world. It would be very difficult to deny that benefits have been achieved. In that respect unions are a necessary and positive influence. However, it is in the respect that unions so often seem to abuse their power that I express grave reservations. It is for this reason that I believe that many people who are forced to become members of unions also express reservations. Typical instances are demarcation disputes, 'go slow' at work, work to rules, and strikes.

In my opinion a strike may be a legitimate strike or it can be a strike that holds this country to ransom and causes inconvenience for the sake of what are sometimes trifling issues. A person should have the right to join or not join a union as he or she sees the union operating. I certainly believe that the vast majority of people would join a union, because they can see the real benefits in it. However, when a union starts to do things that are detrimental to the future of this country and are detrimental to other Australian citizens, I can also understand why people do not wish to join a particular union, and they should have the right to opt out. This is the area that is most disturbing, and it can be taken further.

Over the past year much has been said about union funds perhaps going towards a particular political Party. Again, if that is the case, why should a person have to contribute towards a union if he or she does not support that particular political Party? Certainly, if there are contributions from a particular union, I believe that a condition should be applied to the effect that people who disagree with the particular political persuasion supported by the union do not have to contribute a proportion of what would otherwise be due.

Freedom of choice is something that we have treasured in this country, and it is disappointing that it has disappeared in many areas where compulsory unionism exists. There was debate in this House many months ago about people in schemes that created employment having to join a union. I think it is an example of the inflexibility of unions that in one particular case people commenced the scheme in about November last year and were asked in February this year to subscribe to 12 months union fees, including a joining fee. In fact, I believe that the total amount involved was something like $84. At the time the workers did not object, because they signed a contract which stated that they would become members of the respective union.

What they did object to was being told at the same time that the organiser would be around during March to collect the next 12 months fees. The people working in the scheme said, 'hang on, we will not be working for 12 months. Our total time here will be something in the order of seven to eight months, and you are asking us to pay two years of union fees.' Unfortunately, because of the particular union's rules about when their new year commences, these workers will will have to pay two years of union fees. Honourable members will understand that people are not terribly interested in being forced to join a union under those sorts of conditions.

Clause 21 provides that, in the case of the dismissal of a worker where compensation is involved, the matter will go before a single commissioner. Much has been said by my colleagues in this respect. I think it is very dangerous having one person making a decision on what could be a touchy issue. Various films have been shown on television, some of them based on fact and some completely fictitious, indicating what individuals in high authority can or cannot do with relation to the law. Where more than one person is involved, there are greater safeguards. However, it could well be that a single person presiding over an issue, such as compensation, might take a particular side because of personal or emotive feelings that might have been generated by some outside force.

We have seen too many examples in past history of the one person abusing the powers and privileges that he or she has. We should learn from previous errors. The only thing I can compliment the Government on here in bringing in this piece of legislation is that it would probably save the State some money. That is a positive benefit, but the number of new positions created over the last year or so at the same time makes me question whether that was a motive in instituting clause 21.

Clause 59 discriminates against non-union members in dismissal cases. It seems that we have gone the full circle from compulsory unionism to active discrimination against non-union members. I do not believe that the Government should be writing in this Bill clear areas of discrimination against non-unionists. We have seen much legislation over the years which has tried to prevent discrimination, certainly between the sexes, yet here we have an example of the opposite possibly taking place. If there is democracy there, I fail to see it.

In conclusion, I believe that this Bill is not giving greater opportunity to people in the work force. In fact, it will be another step back from the point of view that employers will see less incentive to employ people. On the contrary, people should be given greater encouragement. An earlier speaker said that people should be able to work, to some extent, as long as they wished, within reason; in other words, rather than an employee simply working for eight hours, he or she may wish to work an extra hour or two to earn more money. A person may feel inclined to do that for that period and the work might be there. Why should not those people have that opportunity at normal rates?

I fully agree that, if an employer wants the people to work longer because she or he needs to increase production, then overtime rates should apply, but there does not seem to be a great incentive given to people who wish to work an extra hour or two at their own leisure and at the normal rate of pay. This type of thing should be given greater encouragement rather than making more and more conditions that give less incentive to employers. I certainly hope that the responsible Minister and the Government will give serious thought to the amendments that are to be moved by the Deputy Leader on this side, because, if the amendments go through as printed, it will not help the development of South Australia.

Mr BECKER (Hanson): I was very disappointed to note, in relation to this complex legislation, that during the course of debate we have received several pages of amendments from the Minister. This can only indicate that the Bill was brought in in haste (and there has been a lot of negotiation during the recess), that it was poorly drafted or that it should simply be considered as a Committee Bill. That is how I look at it. The best way to deal with this legislation would be to get it into the Committee stage and deal with it clause by clause. There are some good points and some bad points in the Bill. Many of the 64 clauses in the Bill are covered by Federal legislation anyway and I do not believe that anyone would find a great deal to object to in that regard. There are some controversial clauses and there are some new measures.

The Minister has stated, and press reports have indicated, that this legislation will pave the way for the other States. There is always a dangerous precedent in wanting to be the founder of certain legislation that is to be followed by other States, particularly in the industrial area of commerce and industry. No wonder the Opposition is very cautious in dealing with these new clauses.

Before I deal with the Bill clause by clause, I want to straighten up one issue, as much has been said about the role of the Industrial Relations Advisory Council. I have a copy of a letter written by the Director of the Metal Industries Association, South Australia, to a constituent of mine. The letter states:

> I write with regard to the proposed amendments to the Industrial Conciliation and Arbitration Act currently being considered by the South Australian Government. The members meeting on Friday 3 February indicated its opposition to the provisons relating to dismissals (compensation), preference for unionists, trade union access to premises, actions of tort and the operative date of Industrial Commission decisions . . .
>
> The MIASA office bearers have very clearly advised the Minister, Mr Wright, and the Premier that 'the Government mischievously has allowed the impression to be obtained by the public that employers support the proposals. MIASA has not, did not indicate approval, nor approve the proposed amendments. Assertions of this kind create opposition and unwarranted polarisation of opinion.' At the same time we sought correction of this impression by the media, but were unsuccessful.
>
> Members should be aware that it was at the Industrial Relations Advisory Council (IRAC) that employer representatives, appointed by the Government, negotiated a compromise as to the amendments sought by the United Trades and Labor Council.

So, the members of IRAC representing employers were put in the situation of having to negotiate and compromise on the amendments sought by the United Trades and Labor Convention. That is the true story: it has never been spelt out and the media has not picked it up, but one does not expect the media to understand this type of situation. The letter further states:

> This compromise, now the planned amendments to the Conciliation and Arbitration Act, are now the subject of debate and submission. MIASA has been and will be centrally involved in this process. The President and myself will again convey your concerns to the Premier (and, we hope, to the Minister of Labour) on Tuesday 21 February. The Association will submit this week details of its objections and reservations to the Government.
>
> Yours sincerely,
>
> L. A. Swinstead,
>
> Director.

No doubt, following that meeting of 21 February, certain additional amendments had to be made to the legislation before the Parliament and, as I said in my opening remarks, that in itself is a disgrace. It puts the Bill in a very poor light when one is asked to comment on it and one finds that, after certain processes of Parliament, what one is commenting on will no longer be valid because the Minister has brought in certain amendments which take away the validity of the argument. It is disappointing that that should occur in this Parliament.

However, I want to make my objections known, particularly in relation to clause 4, because I do not see any need to incorporate the amendments as proposed in this legislation. Clause 4 provides:

Section 6 of the principal Act is amended. . .

(*ab*) any person engaged for remuneration in an industry, being a person of a class declared by regulation, made upon the recommendation of the Commission, to be a class of persons to whom this paragraph applies.

Of course, as we know, that relates to subcontractors, and I believe that that is an area in which the Industrial Commission should not be invovled. Neither should the Parliament dictate to these sorts of people. It makes the free enterprise system extremely restrictive and, after all, that is the area from where employment will come in the future if and when we can get the economy back into a stable situation. Clause 8, which amends section 15, relates to the jurisdicion of the court; it states:

Where the court gives a judgment, or makes an order, for the payment of a pecuniary sum, it may, by the terms of the judgment or order, authorise the payment of that sum by instalments.

In other words, if the employer cannot afford the lump sum as ordered by the court, he can come to an agreement on an instalment system. However, what hope has an employer if this retrospectivity bites into his capital and his financial situation and upsets his whole budget? I can give the information now: if that clause and some of the other clauses are passed, further jobs in this State will be lost. Proposed new section 25b provides:

The Commission has jurisdiction to inquire into, and report and make recommendations to the Minister upon, a question related to any industrial or other matter that is referred to the Commission for inquiry by the Minister.

Under this provision I believe that the Minister could, if he wanted, ask the Commission to undertake anything. For argument sake, in relation to the building industry he could bring down all sorts of regulations to control subcontractors and employees: he could do what he liked. Under this amendment the Minister has extremely wide powers to request the Industrial Commission to look into, research and investigate any matter or do anything that he believes the Commission should do to support his argument. This is an extremely dangerous and far-reaching provision, and I do not think that anybody could really support it in this day and age.

I honestly believe that we will have to be very careful indeed about that provision and it certainly needs a considerable amount of explanation by the Minister, if that can be given. However, we cannot discuss the amendments on file and that alters the whole context of some of these clauses. Clause 18 has been dealt with by some of my colleagues, as have the further powers of the Commission. However, new subsection (5) of section 29 provides:

The powers of a board of reference appointed under subsection (1) (*b*) may include power to grant relief to an employee who has been demoted by his employer and whose demotion is, in the opinion of the board, harsh, unjust or unconscionable.

That is fair enough. There are the odd employers who still exist, regrettably, who treat their employees harshly, but when the Commission has the power to grant relief this could well mean power to reinstate and power to make a cash payment. There could be retrospectivity or all sorts of connotations applied to this clause. In relation to demotions, persons could be put into a different position. The impact of that clause could unsettle many small employers and create difficulties for large employers as well. Further on, subclause (9) of that clause states:

The powers conferred on an official of a registered association by an award under subsection (1) *(c)* shall not be exercised in such a manner as to hinder an employee in carrying out the duties of his employment.

Why do we not say 'harass' and be done with it because that is really what it all means? I do not believe that a union official should be harrassed by any person in carrying out a fair and reasonable request of his fellow employees. Clause 19 involves the power to grant preference to members of registered associations: many organisations today prefer to have a closed shop, and I do not object to that happening in many industries. In the interest of efficiency it would be better in some industries to have what we call the closed shop situation or the preference to unionists. I know that the best way to obtain union membership is through the voluntary process. If a union is doing its job then employees will join that union. However, let us face it, there are today people who object to being forced into doing anything and who object to being forced to join a union. The conduct of some of the unions in this State and country over the years and decades has left a lot to be desired. Employees will not be intimidated by persons who claim to be their protectors: the union officials.

There has been far too much muscle, graft, and corruption within the trade union movement; so their credibility has created the situation where people will use any excuse and opt out wherever they can from union membership. Unfortunately, the average Australian is so complacent that he takes very little interest in anything around him. He does not want to be involved in anything; so, regrettably, the average worker has never taken enough interest in his own union to ensure that his union is doing what he and his colleagues want it to do. The average Australian worker must accept a fair amount of the blame if the public has a poor opinion of trade unions in general.

I have no objection to compulsory unionism or to closed shops because I know that from an employer's point of view, they work. They can work to the benefit of both parties—the employer and the employee—but I say to all trade unions that it is high time that they lifted their images within the community. It is about time that they spent a little bit of their money (instead of socking it away in investments, radio stations and what have you, making hundreds of thousands of dollars) on improving their image and on public relations within the community. If they did that there would not be anywhere near the number of problems existing as exist at present in this area.

Clause 21 gives me some reason for concern as well. It deals with the jurisdiction of the Commission to deal with unfair cases of dismissal. I have always believed that an employer must have the right to hire and fire, within reason. I do not go along with employers who take young people on and then, when it is time for them to get an adult wage, sack them; I will not tolerate that and I do not believe that anyone else in this House would tolerate it either.

I believe that unless employers have some disciplinary measures or some other means of controlling their employees one will contine to see the situation one sees occurring at present. The attitude of workers in some industries today is along the lines of 'You can't touch me; I am here to work and I will do it my way, and if you don't like it then I will take you to the Industrial Commission.' It is London to a brick that today an employer has to have a very good reason to either demote or dismiss a person. So, the situation is becoming intolerable. This occurs not only in heavy industry, commerce or our own State Public Service, but also within voluntary and charitable organisations.

It is very difficult to employ people such as social workers, psychologists and pyschiatrists, for example. They are the prima donnas of the white collar professional area, if ever I have struck them: they want it all their own way; all they are interested in is money they are not very interested in the client. I can refer to cases where the State Government has taken on dozens and dozens of social workers who will

not get out of the office and go and see people; they are undertrained and frightened; all they are concerned about is when their next pay cheque is going to come along and how much they will get. No-one should be exploited, and I would not support exploitation of workers, but at the same time there must be give and take. I do not see where this legislation does that.

We have heard so much about the Salisbury Council dispute. We can recall (and you, Mr Speaker would remember this) the case of Dianne Hosking and the Public Service Association. I fear that, under amended section 30 of the Act, there will be a large number of claims. As most honourable members would know, about 10 per cent of claimants are lucky if they get to court. The bulk of the claims are settled out of court because of the fear of having to go to court and of the whole situation that exists and, of course, intimidation comes into it. It can never be proved, but if it is there people opt for a very quick and cheap cash settlement.

The Minister must look at this situation as far as the Industrial Court is concerned. I believe that it takes anything from six weeks to two months to get a hearing in the Industrial Court on these types of cases. A hearing might last one or two days and then it may be four weeks before a decision is handed down. If a decision goes against the employer he may be up for about four months back pay. Of course, the time involved presents difficulties and trauma for the employee concerned as well. The employee is the person who goes through the mental trauma, for which no consideration is given by the Industrial Commission. For an employer a dispute that goes before the Industrial Court is part and parcel of the business, but for an employee who has had the courage of his conviction to go to the Industrial Court and stand up for his rights (whether or not he is taken along by the union, which in most cases he is) there is mental trauma. No one can tell me that the legal profession can really make a judgment on the trauma to which a client is subjected. Having to wait four months on average to get a decision creates a situation to which the Minister should be giving far more consideration in regard to appointing additional judges in the Industrial Court so that the hearing process in these matters can be sped up.

I would rather see money spent in this area than see $1 million spent on a yacht as a plaything for Alan Bond. Clause 22 deals with the representation of the parties. I understand that there is no great hiccup about that. This right already exists. Under section 34 of the Act the Minister can make application, and it appears that the AWU is being especially accommodated in this clause but I do not think that employers have any great objection to it; I do not. Clause 24, deals with co-operation between industrial authorities. I would like to see it more clearly spelt out in the Committee stages because, as the Minister said, new section 40a (2) states:

(2) Where it appears to the President to be desirable that proceedings in relaton to an industrial matter before an industrial authority of the State should be heard in joint session with an industrial authority of the Commonwealth or of another State or Territory of the Commonwealth he may, with the consent of that authority, authorise the industrial authority of the State to hear the proceedings . . .

There is normally a joint hearing, consisting usually of three persons, one from the Commonwealth and two from the State or *vice versa*, (I am not sure), but who has the overriding authority? Who has the majority at those hearings? What will that do to the industrial process? That is something that worries me when one considers this in conjunction with the Federal Act. The whole jurisdiction needs to be spelt out more clearly. Clause 26 deals with the powers of inspectors. New section 50 (2a) states:

(2a) Any book, paysheet, notice, record, list, indenture of apprenticeship or other document produced under subsection (2) (not being a document that is required for the day-to-day opertions of the employer) may be taken away by the inspector for examination and copying, and the inspector may retain possession of it for a period not exceeding seven days.

This worries employers from an administrative point of view. Time and wage records should be kept on the premises at all times, which is a requirement anyway. The difficulty is this: if the Taxation Dept comes in, where are the records? How does the employer convince the Taxation Dept that certain records are missing from the office that should not be taken away? I do not think enough consideration has been given to this clause. I understand that originally there was 14 days grace anyway. The employer should be allowed to make a copy and the original documents should remain in the employer's office. I do not think that anyone objects to giving up their records but other considerations must be taken into account when asking for documentation as listed in this clause. The other point is that one could get a very zealous inspector who might set up an employer; the records could be lost, anything could happen, and the employer could find himself in a tremendous amount of trouble with the Commonwealth authorities. I do not think that is the intention of the clause, but there has to be some protection or some 'out' for the employers.

Clause 35 amends section 81 of the principal Act in granting of payment for annual leave. I see a conflict, because I do not think that it is needed as presented in this legislation if section 25b is enacted. There is that conflict. It only formalises the old section 81. It is evidence of the very poor drafting of this legislation. Clause 45 amends section 106 and relates to parties to industrial agreements. New section 106 (2) states:

(2) Subject to subsection (3), no unregistered association of employees may be a party to an industrial agreement entered into after the commencement of the Industrial Conciliation and Arbitration Act Amendment Act (No. 4), 1983.

This deals, I believe, with teachers in private schools where quite cunning special agreements have been made on the side and staff associations formed to cover contract teaching appointments in private schools. I would want to know more about this before I made a full decision, but I suspect that that is what it might be. Much has been said about clause 52, which deals with tort. New section 143a (2) *(b)* refers to:

an action for the recovery of damages in respect of damage to property (not being economic damage);

That is not spelt out. What does that mean? This is where we can come back to the Minister in Committee. The Opposition would like to know whether it refers to loss of production, loss of profit, or what else it is. I do not think it refers to that. 'Economic damage' needs to be spelt out. From what I see in the existing Act, I do not know why the unions get uptight about it. The existing legislation is quite satisfactory. Once again the member for Albert Park criticised conscientious objection. Such a provision has always existed and is generally accepted by most unions (certainly Federal unions).

The amendment only improves the clause, because it is not easy to prove that one has a conscientious objection on religious grounds, and I support that provision. In clause 54 I believe that the Minister has been extremely generous in allowing the President six months in which to bring down the annual report. I would give heads of departments no more than three months. The Minister will find that six months will become nine months, which in turn will become 12 months before he will get the report.

If Bruce Guerin's statements in the *Advertiser* are correct, we will have to sharpen up some departments in regard to administration. Clause 58 is headed:

Employee not to be dismissed from, or injured in his employment for taking part in industrial proceedings.

I agree with that provision, although I might be in conflict with many of my colleagues on this side. I believe that everyone must have the right to withdraw his labour and demonstrate his dissatisfaction with the existing situation. Clause 59 needs amendment because a word is missing, and I understand that the Minister has given an undertaking to employers to insert the word 'only' in line 38, as follows:

(1) No employer shall dismiss an employee from his employment or injure him in his employment by reason only of the fact . . .

That is another slip that came through. Although there are some good points, there are some rough points in the Bill that need to be tidied up. Of course, our overall consideration must always be to protect the employee while at the same time giving the employer the opportunity to hire and fire, to make decisions, but to operate his or her business economically for the welfare of the people he employs and the State generally. In passing this Bill we must always be mindful of adding additional costs and burdens on to employers. It should be our ultimate aim to increase employment opportunities and not retard them.

The Hon. J.D. WRIGHT (Minister of Labour): Some criticism has been made by members opposite of my intention to move amendments to the Bill. I want to place on record that I was probably aware that that would occur when I originally introduced the Bill. The choice was simple. Either I had to introduce the Bill and leave it on the table (after having given assurances that I would do so over a long period), or not introduce it then and bring it into the House when it resumed after the Christmas break, which would not have given the opportunity to people to examine the Bill. The principles, fundamentals and concepts will not change as a result of the Government's amendments to be introduced.

The amendments are mostly of a technical nature or, if one likes, drafting rearrangements. There are a few amendments that are mostly in accordance with the recommendations forwarded to the Government by employer groups. I think it is essential to point that out, while at the same time pointing out that the Government has been able to accept the criticisms and suggestions put forward by interested groups. I think that is the correct way to go in the first place, that is, to introduce the Bill knowing full well that it might require technical or other amendments.

The Hon. E.R. Goldsworthy: That doesn't mean that we have to be happy with it.

The Hon. J.D. WRIGHT: I do not think that the Deputy Leader would be happy with anything that we did.

The Hon. E.R. Goldsworthy interjecting:

The Hon. J.D. WRIGHT: Maybe we will deal with that at some future stage.

Mr Becker: A Select Committee would solve the problem.

The Hon. J.D. WRIGHT: I will deal with that, too, at some later stage. The Government wanted to get the Bill on to the Notice Paper for public debate so that everyone in South Australia could look at it. If we had not done that we would have been criticised. We brought the Bill in today for debate this week and next week. The Bill is extensive and involves complete change and new concepts. The Cawthorne Report has been released for a long time and, as I have said, the Bill was based on that document, in any case. That was the Government's choice. I think that the Government made the right choice in bringing in the Bill, irrespective of whether or not it needs technical adjustments.

It is obvious that, the Trades and Labor Council, individuals and employer groups having been given an opportunity to see it, there are not a lot of fundamental changes required to the legislation. During that period numerous propositions and amendments were forwarded to my Department and through to IRAC, which discussed them at great length. I believe that the consensus that I talk about—and the Deputy Leader accuses me of hiding behind the consensus that was achieved on IRAC—is something to be extremely proud of.

The Deputy Leader is on record a couple of weeks ago as saying words to the effect that IRAC was a puppet to the Minister. He also said that it was bound, gagged and muzzled; it had no freedom to discharge what it wanted to do; it did not represent anyone; and its members were just nothing. I think that the Deputy Leader owes IRAC an apology.

The Deputy Leader further exacerbated the situation in the House with his deliberations today by repeating those sorts of things and saying that IRAC is muzzled and that it has no freedom of choice. I will go through the members of that committee for the Deputy Leader. First, there is Graham Fricker, who is one of the most respectable businessmen in this city. He is a reputable building contractor and a member of the MBA. He was the nomination of employer groups to take the place of and represent all employers in the building industry on that committee. I do not think that a man of that calibre or character can be properly criticised as the Deputy Leader and other members have tried to criticise the components, attitudes and activities of that committee.

The Hon. E.R. Goldsworthy: So did the others—Perry, McCutcheon.

The Hon. J.D. WRIGHT: Then we come to Michael Perry. I will name these people in this debate, because I think the Deputy Leader has quite a deal to answer for in his criticism of them. Michael Perry represents the metal industries. I do not suppose that I have to tell people on the other side of the House who he is, but Mr Perry is an ex-president of the Chamber for a start. I think he is still on its executive. He has been in and around the industrial relations field for almost as long as I can remember. He has been recognised by both Governments in relation to his industrial relations activities and expertise. Mr Perry is a man of no mean accomplishment. He is well recognised, well understood and well respected within the community, particularly in the industrial relations field. Then we have Mr Michael McCutcheon, who is considered at the moment to be probably the best employer advocate in South Australia. He knows his way around the industrial relations field better than do most advocates in the State.

The Hon. E.R. Goldsworthy: He is very good.

The Hon. J.D. WRIGHT: Here again is a man who, it has been claimed, has been muzzled and who does not have enough gumption to stand up for himself. Now, by way of interjection, we hear from the Deputy Leader that he is very good. Finally, we have Mr Chris Hill, who is an ex-President of the Employers Federation—again, a man who has been around the industrial relations field for as long as I can remember, certainly as long as the Deputy Leader can remember, I am sure. He is well respected. Similarly to Michael Perry, he has been asked to perform duties for both Governments, Liberal and Labor. So, here are the components of those four people representing a very wide spectrum of industry.

The Hon. E.R. Goldsworthy: Against impossible odds.

The Hon. J.D. WRIGHT: I want to ask the Deputy Leader who told him that those four people were working against impossible odds. Is the Deputy Leader prepared to say outside publicly that they were working against odds that they could not control, because I think that I can get statutory declarations to say quite the opposite? Of course, the Deputy Leader sits back and laughs about this particular

component of people. I do not know what he wants. He supported IRAC when it was brought before this House originally.

The Hon. E.R. Goldsworthy: No, I didn't.

The Hon. J.D. WRIGHT: There was great praise about the establishment of IRAC.

The Hon. E.R. Goldsworthy: You had better look up the debates.

The Hon. J.D. WRIGHT: The honourable member did support it, although he says that he did not do so. I am under a misapprehension. I thought it was supported by all people in this House at that time.

The Hon. E.R. Goldsworthy: Look up the debates.

The Hon. J.D. WRIGHT: Yes, I will check it. But, irrespective of whether he did or did not do so, that legislation was passed by both Houses of Parliament. If the Liberal Party had not supported it in the Upper House, I would be very surprised if it had got through that House. So, I think some Liberals at least must have supported its passage through the House. Whether the Liberal Party supported it *en bloc* or the member personally supported it, it is the first statutory body, the Industrial Relations Advisory Council, to have been established in this State on a statutory basis.

The Hon. E.R. Goldsworthy: It makes all the difference—a statutory difference.

The Hon. J.D. WRIGHT: I think it does; it impregnates that activity.

The Hon. E.R. Goldsworthy: Everything that was said about the Council proved to be correct. You'd better read the report of the debates.

The Hon. J.D. WRIGHT: I will certainly check tomorrow what the honorable member said in the debate. Some other complaints have been made about the activities of IRAC, one in particular made by the Deputy Leader being that members were sworn to secrecy. Nothing could be further from the truth. Nobody on that committee is sworn to secrecy at all. There is a provision that they are not allowed to report what other people say on that committee. They are entitled to go away for consultation or advice; in fact, I went further and told the people concerned that, so far as I was concerned, they could bring along their own industrial advisers to give advice on industrial matters. I do not know how much fairer one can be.

From time to time it has been necessary for employer and employee representatives to send in substitutes because these representatives could not be there, and these people have gone out and commented that they did not realise how free it could be or how easy the discussions on that committee were. I do not know what we have to do to please the Liberal Party regarding industrial relations. We set up a council with four employee and four employer representatives but that does not satisfy members opposite—they still say that they are being muzzled. I am accused of being a stand-over man or hiding behind that organisation. We cannot win with the industrial philosophy that the Liberal Party has espoused for a long time in this State. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

At 11.11 p.m. the House adjourned until Wednesday 21 March at 11.45 a.m.

HOUSE OF ASSEMBLY

Tuesday 20 March 1984

QUESTIONS ON NOTICE

GAS RESERVES

209. **Mr BAKER** (on notice) asked the Minister of Mines and Energy:

1. What were the estimated reserves (petajoules) of gas contained within the South Australian section of the Cooper Basin and available for distribution to New South Wales and South Australia as at 31 December 1982?

2. At that time, what was the estimated demand on the reserves by the Australian Gaslight Company to meet full contractual obligations until 2006?

3. At that time what was the estimated consumption of the gas in South Australia to 1987?

4. What are the latest figures on the available reserves from the South Australian section?

5. How many petajoules have been added to the estimated reserves since 31 December 1982 from:

(a) new discoveries and what are the details;

(b) upgrading of estimates from existing wells; and

(c) improvement in recovery techniques (e.g. cracking),

and what is the estimated increase in cost of recovery of the additional reserves?

6. How many petajoules of gas, methane and ethane, respectively, would be required over the next 20 years if a petro-chemical project were to proceed?

7. At what price per gigajoule is it estimated that such gas would be sold?

The Hon. R.G PAYNE: The replies are as follows:

1. The Cooper Basin Producers estimated reserves of sales gas of 2 177 BCF or 2 297 petajoules available for the South Australian and New South Wales markets as of 31 December 1982.

2. As of 31 December 1982 AGL's estimated demand for gas to the year 2006 was 2 619 petajoules.

3. Consumption of gas in South Australia from 31 December 1982 to the end of 1987 is estimated to be 518 petajoules.

4. The producers' latest estimate of sales gas reserves is 4 056 petajoules, which will represent an increase of 1 759 petajoules or 1 667 BCF over the 31 December 1982 figure, by September 1984, after further proving.

5. Individual field reserve figures are generally submitted to the Government on a commercially confidential basis.

6. A petro-chemical plant would require the ethane equivalent of 253 petajoules (240 BCF) of natural gas as feedstock and 225 petajoules (213.5 BCF) as fuel gas.

7. Feedstock and fuel gas prices are the subject of commercial negotiations between the petro-chemical plant proponents and the Cooper Basin Producers.

ELECTRICITY MAINS

252. **The Hon. D.C. WOTTON** (on notice) asked the Minister of Mines and Energy—

1. Have any detailed studies been carried out in an attempt to determine comparable figures in this distribution of electricity by underground mains and overhead mains and, if so, what conclusions have been reached and, if no such studies have been carried out, is it intended that they be undertaken in the future and, if not, why not?

2. Under what circumstances is the decision made currently to underground electricity mains?

3. What percentage of the Adelaide Hills is currently serviced with electricity supplied by underground mains?

The Hon. R.G. PAYNE: The replies are as follows:

1. Various studies have been carried out from time to time. In addition the Electricity Trust has considerable practical experience in undergrounding through the extensive underground distribution scheme carried out in the City of Elizabeth and the fact that the majority of new subdivisions in South Australia since 1972 have had underground electricity mains. At present the additional cost of undergrounding distribution mains (i.e., the difference in cost between an overhead and an underground system) in a typical new residential subdivision would average of the order of $350 per allotment.

In an existing subdivision where there are already existing overhead mains the cost of removing and replacing these mains with underground wiring could be expected to be of the order of $2 500 per allotment. Neither of these figures includes the cost of undergrounding service wires on the consumer's property which the consumer would have to arrange with his own electrician. Actual costs in some cases could vary widely from the above figures because of individual circumstances, particularly if trenching involves hard digging or excavation in rock.

2. Councils are able, through regulations under the Real Property Act, to require mains in new subdivisions to be placed underground at the developer's expense. The Electricity Trust's general policy is that it will place mains underground if the party seeking to have the work done will meet the additional cost, i.e., the difference in cost between underground and overhead wiring. The Trust also has special arrangements for situations such as park frontages, foreshores, arterial roads, recreation areas, etc., where benefits of undergrounding would be derived by the general community. In such situations if the local council or some other appropriate authority will carry out part of the work, including trenching, the Trust will do the remainder, including supply and installation of cables and equipment, without charge.

3. A percentage figure is not available. However, underground mains have been installed in new subdivisions at Mount Barker, McLaren Vale, Inverbrackie, Nuriootpa, Tanunda, Lyndoch, Williamstown, Hillbank, Salisbury Heights, Belair, Blackwood, Coromandel Valley, Craigmore, Flagstaff Hill, Happy Valley, Aberfoyle Park, Stirling, Stirling East, Ironbank, Heathfield, Uraidla, Aldgate, and Tower hill.

Undergrounding of mains in the main streets of Hahndorf and Stirling has also been carried out under community benefit arrangements.

FLOWERING GUM

253. **The Hon. D.C. WOTTON** (on notice) asked the Minister of Transport:

1. What were the circumstances leading to the decision to remove a flowering gum at Meadows Creek near Poonindie to make way for the new development of the Lincoln Highway?

2. Has the tree been inspected by a suitably qualified person to determine whether or not it is of a rare species and, if so, who was that person and what were the findings?

3. What is the anticipated life of the tree?

4. Have studies been carried out into the history of the tree and, if so, what detail has been obtained?

The Hon. R.K. ABBOTT: The replies are as follows:

1. The subject section of the Lincoln Highway is in need of reconstruction and realignment to bring it up to present day standards. Several alternative alignments were examined

and the alignment adopted, while requiring removal of the tree, is deemed to be the most satisfactory. The adopted alignment meets the environmental requirements of the Department of Environment and Planning and has the concurrence of the local council.

2. The Highways Department's Senior Landscape Architect inspected the tree. The tree is a Eucalyptus Calophylla (Western Australian flowering gum) which, in itself, is not rare.

3. The tree will be removed for roadworks in approximately 12 months time. Tissue culture material has been taken from the tree and new specimens will be raised from this for subsequent planting in the Meadows Creek area.

4. The Port Lincoln branch of the National Trust of South Australia has indicated that the tree was planted by one of the early white settlers in the area. The tree was apparently grown from seed imported from Western Australia.

DESIGN AND CONSTRUCT SCHEME

260. **Mr ASHENDEN** (on notice) asked the Minister of Housing and Construction:

1. Is the South Australian Housing Trust preparing to develop a new estate under its Design and Construct scheme on land presently held by the Urban Land Trust at Redwood Park and, if so—

(a) how many homes will be built;

(b) which company or companies will be involved in the building of these homes; and

(c) will these homes be for sale, rental, rental purchase or low rental (subsidised) accommodation?

2. Does the Trust have any plans for the building of homes, whether through its own resources, its Design and Construct scheme, or any other scheme, within the next two years within the suburbs of Golden Grove (east of Golden Grove Road), Yatala Vale, Fairview Park, Banksia Park, Surrey Downs, Tea Tree Gully, Vista, St Agnes, Ridgehaven, Redwood Park, Highbury, Hope Valley, Modbury, Holden Hill, Dernancourt, Paradise, Newton, Athelstone (north of Gorge Road) and Windsor Gardens and, if so, in which suburbs will such development occur, what type of development will they be and how many homes are involved in each instance?

The Hon. T.H. HEMMINGS: The replies are as follows:

1. The Housing Trust has not programmed or planned any design and construct development at Redwood Park on land presently held by the Urban Land Trust.

2. Projects, including attached and detached houses, have commenced construction or are scheduled to commence in the next two years in a number of the suburbs mentioned, including Surrey Downs, Modbury, Newton, Paradise and Holden Hill. A majority of these projects will be Design and Construct projects.

3. The Trust at present has no plans to erect houses in Yatala Vale, Fairview Park, Banksia Park, Tea Tree Gully, Vista, St. Agnes, Ridgehaven, Redwood Park, Highbury, Dernancourt, Athelstone and Windsor Gardens. However, since these suburbs lie within the central metropolitan area which is the focus of the greatest proportion of demand for public housing, future Design and Construct proposals and land purchases could result in additional Trust houses being erected in at least some of these localities. The location of public housing developments in Golden Grove have yet to be determined.

TEAMSTERS RESERVES

263. **Mr GUNN** (on notice) asked the Minister of Lands: Does the Government propose to transfer either of the teamsters reserves at Oodnadatta, or portions of them, to the local Aboriginals or any other organisation and, if so, why, under what land titles and what are the areas of land involved?

The Hon. D.J. HOPGOOD: Following discussions between interested parties and the Minister of Aboriginal Affairs, the Government does not propose at this stage to alienate the Oodnadatta teamsters and travelling stock reserve in favour of any community group or other individual interest.

ROAD-TRAIN OPERATORS

264. **Mr GUNN** (On notice) asked the Minister of Transport:

1. Why does the Government refuse to allow road-train operators in the Far North of South Australia to operate on the same basis as in Queensland and the Northern Territory?

2. Will the Government take the necessary action to allow South Australian operators to pull the same number and type of trailers in the Far North as is currently allowed in Queensland and the Northern Territory?

The Hon. R.K. Abbott: The replies are as follows:

1. South Australia, the Northern Territory and Queensland, in common with the other States, have adopted the National Association of Australian State Road Authorities draft regulation 'Chaper IV Specifications and Control Conditions for Road Trains' as the basis for the issue of permits for road train operations. The adoption of the draft regulation has resulted in road train permits being made available on a uniform basis.

2. Permits can be made available for road train operators to tow the same number of trailers as operators in the Northern Territory and Queensland provided the route and the vehicles meet the requirements contained in the draft regulation. Operators in Queensland and the Northern Territory are also required to meet these standards to obtain a permit for operations in their State.

AUSTRALIAN GAS LIGHT COMPANY

265. **The Hon. E.R. GOLDSWORTHY** (On notice) asked the Minister of Mines and Energy: has the Australian Gas Light Company acknowledged the sufficiency of reserves of gas announced by the Cooper Basin producers to meet their schedule A contracts?

The Hon. R.G. PAYNE: The Australian Gas Light Company has not yet formerly acknowledged the sufficiency of the reserves of gas announced by the Cooper Basin producers to meet their schedule A contracts. However, at my request, the producers have approached AGL to obtain this acknowledgement. From my conversations both with the producers and the Chairman of AGL, I understand that this matter is being progressed and that, as is prudent, AGL is taking the necessary steps to obtain its own independent assessment of reserves by a firm of private consultants.

BRIGHTON HIGH SCHOOL

267. **Mr MATHWIN** (on notice) asked the Minister of Education:

1. When is it likely that the Government's promised commencement of stage 1 of the redevelopment of Brighton High School will begin?

2. Has the application for stage 1 yet been considered by Cabinet and, if so, what was the decision of Cabinet and, if not, why not?

The Hon. LYNN ARNOLD: The replies are as follows:

1. Brighton High School's application for a loan for the funding of the stage 1 redevelopment went before the School Loans Advisory Committee on 31 January 1984. The Committee requested, before finalising its assessment of the application, that more detailed information be provided by the school. Once SLAC is satisfied, a recommendation will be sent to me for approval. If approved, it will then be referred to Cabinet and Treasury: Cabinet for a referral to Public Works Standing Committee; Treasury for funding approval. It is, therefore, not possible at this stage to give an accurate commencement date for this project, however, it could if subsequent approvals are forthcoming be completed within the 1984-85 financial year.

2. Brighton High School application for stage 1 redevelopment has not yet been considered by Cabinet. The project will be referred to Cabinet seeking a Public Works Standing Commitee hearing when the School Loans Advisory Committee has concluded its investigation. Cabinet would await the Public Works Standing Committee recommendation prior to a decision being made.

YATALA LABOUR PRISON

269. **The Hon. D.C. WOTTON** (on notice) asked the Chief Secretary: Is the shower block constructed approximately two years ago between A Division and the Assembly Hall at the Yatala Prison to be demolished and, if so:

(a) when;
(b) when was it built;
(c) for how long has it been used;
(d) what was the cost of its construction; and
(e) why is it to be demolished?

The Hon. G.F. KENEALLY: The replies are as follows:

(a) 18 November 1983.
(b) Completed 5 April 1983.
(c) It was never officially commissioned or manned by officers.
(d) $48 700.
(e) To enable a 4.8 metre high fence to be erected to secure the main prison prior to the demolition of 'A' Division.

KENMORE PARK SCHOOL

270. **Mr GUNN** (on notice) asked the Minister of Education: When does the Minister intend to have a new classroom constructed at Kenmore Park and what type of building is to be constructed?

The Hon. LYNN ARNOLD: The contract for the provision of a classroom at Kenmore Park was signed on Monday, 28 November 1983. The contractor, Chapman Building Industries, is currently proceeding with the construction of the unit, which is expected to be completed in Adelaide on 3 February 1984. Siting of the building at Kenmore Park is scheduled during the period 9-16 March 1984. The building is a timber frame, asbestos clad transportable unit comprising a double classroom area (with a central bi-fold door), principal's office and reception area.

OPAL FIELDS

271. **Mr GUNN** (on notice) asked the Minister of Mines and Energy: Is the Government still considering increasing the size of claims in the opal fields?

The Hon. R.G. PAYNE: A proposal to increase the size of opal claims was referred to the three opal miners associations. The Coober Pedy and Andamooka associations have advised that their members prefer the present claim size. However, the opal miners at Mintabie have asked that the claims be increased in size to 100 metres by 100 metres. The matter is currently under review.

MARLA

272. **Mr GUNN** (on notice) asked the Minister of Education:

1. What stage has planning reached for the building of the classrooms and teacher accommodation at Marla?

2. Is the Minister aware that the Police Department is planning to shift some of its officers who could have school age children to Marla in the new year?

The Hon. LYNN ARNOLD: At present there is only a motel/trading post and a Department of Mines and Energy residential dwelling located at Marla. Tenders have been called to build a police station which will include an adjoining single man's quarters and a married officer's dwelling. It is anticipated that the construction of this police complex will be completed some time in the middle of 1984. Highways Department has considered the establishment of a depot at Marla but with no permanent staff accommodation (in late 1984 or early 1985). At present, there are three pre-school age children and no school-going age children living in the Marla/Marla Bore area (Marla Bore is approximately 6 km west of Marla). Mintabie opal field, some 45 minutes travelling time away, has one pre-school and two primary school going age children. These children are currently receiving their educational instruction through the School of the Air. The Australian National employees at Chandler (50 km from Marla) have no pre-school and four primary age children. These children are being bussed to Indulkana Aboriginal School for their schooling. Australian National has no short term plan to relocate these families to Marla. Based on the current demographic trend, up to a maximum of 10 children could be expected to enrol at the Marla School if the school were to be opened in 1985.

The Marla primary school is not listed in the current Education Department forward building program. However, the Education Department will continuously monitor the development at Marla, Mintabie and Chandler. As soon as there is some trend to indicate that a school is needed at Marla, the Education Department will proceed in liaising with all relevant Departments and organisations for the planning and development of the school. It would take the Education Department approximately 12 months to fully establish a school at Marla, once such a decision was made. The Police Department has plans to transfer a married officer from Oodnadatta to Marla as soon as the construction of the police complex is completed. This particular married police officer has one child who is of secondary school age and is currently boarding with relations and attending a local school at Port Pirie. According to the Police Department, the staff ceiling for the Marla police station is one married and four single officers.

CONCESSIONAL RENTS

273. **Mr GUNN** (on notice) asked the Premier:

1. Is it the policy of the Government to phase out over a two-year period all existing concessional rents for State Government employees?