HOUSE OF ASSEMBLY

Thursday 22 March 1984

The SPEAKER (Hon. T.M. McRae) took the Chair at 10.30 a.m. and read prayers.

PETITION: FISHING

A petition signed by 1 821 residents of South Australia praying that the House urge the Government to ban the use of nets, except for tuna baiting, from Port Bolingbroke to Port Donnington was presented by Mr Blacker.

Petition received.

PETITION: PORT LINCOLN ABATTOIRS

A petition signed by 2 830 residents of South Australia praying that the House urge the Government to initiate immediate action to guarantee the continual operation of the Samcor abattoirs at Port Lincoln as a service works was presented by Mr Blacker.

Petition received.

QUESTION TIME

The SPEAKER: I indicate that the Minister for Environment and Planning will take questions normally directed to the Minister of Education. Likewise, the Premier will take questions normally directed to the Minister of Tourism.

M.V. *TROUBRIDGE*

Mr OLSEN: My question is directed to the Deputy Premier. Will the Government take action under the Essential Services Act to allow the *Troubridge* to sail if the strike by mooring gangs continues? A serious situation is developing on Kangaroo Island because the *Troubridge* has been tied up since last Saturday. Fuel has run out, food supplies are low, and the island's vital rural economy is under threat because stock cannot be moved and vital superphosphate supplies cannot be delivered. Our tourist industry is also getting a bad name because visitors are stranded on the island and others booked to travel from Adelaide this week have been prevented from doing so. Tourism is another and vital ingredient of the island's economy.

During previous disputes of this nature the *Troubridge* has been given dispensation, but this has been refused in the current strike. The Essential Services Act can be applied if the welfare of a section of the community is seriously prejudiced, and this is now the case on Kangaroo Island. Therefore, I ask the Government to consider declaring the *Troubridge* an essential service under the Act so that immediate action can be taken to free the *Troubridge* to sail as a result of direction to the workers involved. Such action will leave the union responsible for this strike in no doubt that Parliament believes that a section of the South Australian community must not be isolated and seriously prejudiced as this strike action has done.

The SPEAKER: Order! The honourable member is starting to comment beyond the question.

Mr OLSEN: Thank you, Mr Speaker. The Deputy Premier will know that in the first 12 months of the Bannon Government South Australia accounted for 5.3 per cent of total working days lost in industrial disputes in Australia compared with 3.1 per cent in the last year of the Tonkin Government.

The SPEAKER: Order! The honourable member has definitely transgressed.

The Hon. J.D. WRIGHT: I concur in at least one statement made by the Leader, and that is that this Government will not stand idly by and see Kangaroo Island isolated from the mainstream of products that it requires to exist. The Government has made two attempts, one by letter and one by phone to the meeting—

Mr Ashenden: A letter and a phone call!

The Hon. J.D. WRIGHT: Wait until I finish—one by letter to the union meeting held last Monday morning, or whenever it was, stating the position and calling on that union meeting to grant dispensation to the *Troubridge* so that Kangaroo Island could be serviced if that union intended to continue the strike. The Minister of Marine has been in touch personally with the union officials, as have department officers, with representatives of the mooring gang hands who have gone on a strike. Let me go on record as saying that in my view this strike is unwinnable: it is like the Vietnam war, it cannot be won. The Government is determined that there will be no standover tactics used to increase the labour force in any area. If the Government were to capitulate in this matter, it could stand in a situation that in whatever circumstances employees of the Government go on strike, it will be forced into a position of increasing labour when there is no demand for it. I make clear that we have researched and examined this matter since last November and the Government is determined, unlike the Liberal Party which found itself in a similar situation to this dispute during its term of Government, not to capitulate. The former Government capitulated within two days when faced with similar circumstances. This Government will not, under any circumstances, capitulate.

Every attempt is being made at this stage through recognised channels to ensure that bans and limitations on the *Troubridge* are lifted. The Minister of Marine has been in touch with the ACTU whose policy is that, in isolated areas, and in similar disputes of this nature, dispensation is given. I understand that the ACTU will be making its recommendation to the union this morning. I further understand that there will be a meeting tomorrow at which time the whole dispute will be analysed by the people causing it and where, I understand, the matter of dispensation will be discussed. Let me make it very clear to the men on that job, the Opposition and to the public that, in the event of the dispensation not being lifted tomorrow, the Government will take alternative plans to see that Kangaroo Island is serviced. I am not suggesting by that that we will act under the emergency services legislation or that we will be a part of strike breaking: I will not enter into that field.

The Hon. D.C. Brown: We took a hard line against them down there.

The Hon. J.D. WRIGHT: The honourable member backed off in two days; he ran away like a little coward.

The Hon. D.C. Brown: We went to the Industrial Commission.

The Hon. J.D. WRIGHT: The honourable member backed off, he gave in. There is no question about what he did. He took them on and he ran away in two days like a cur. Do not try and tell us what the honourable member did and did not do, I have the records of what he did; he knows very well what he did.

The Hon. D.C. Brown: We won.

The Hon. J.D. WRIGHT: He did not win; he knows what he did.

The SPEAKER: Order! First, the honourable Deputy Premier will refer to honourable members by the name of their districts and, secondly, all other honourable members will try not to inflame what is a very serious community situation, at least for those people on Kangaroo Island.

The Hon. J.D. WRIGHT: The Government has been monitoring this dispute for three months. It has done everything in its power to try to convince the operators, the mooring hands, that they do not have a case. I have been personally in touch with the Federal Secretary of the union. Only last Friday I sent by air mail to the Federal Secretary of the union all details pertaining to this dispute, asking him to intervene. I reiterate (if the dispensations are not lifted by tomorrow, and there is a meeting in the morning): I think that to take any precipitate action today would only inflame the dispute, and the Government has no intention of doing that. However, the Government does have the intention of seeing that the islanders are not isolated.

IRAC

Mr FERGUSON: Can the Minister of Labour inform the House whether he has had an opportunity to communicate with Mr C.J. Hill, the Administration Manager of Elders GM, in Adelaide, and a former President of the Employers Federation of South Australia, as to whether he has been 'muzzled' in his involvement with IRAC? This morning the *Advertiser*—

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! The member for Henley Beach has the floor. The Deputy Leader might recall that he is under warning from yesterday.

Mr FERGUSON: This morning's *Advertiser* states:

> An employer representative last night rejected a Liberal Party claim that members of a committee advising the State Government on industrial legislation were 'muzzled' . . . One of the four individuals nominated by employer groups to be members of the Industrial Relations Advisory Committee, Mr C.J. Hill, said, 'I don't think that we were muzzled at all'.

The Hon. J.D. WRIGHT: I will clear up two things. I agree that the Deputy Leader needs a bath—there is no question about that. To clear up the second point, I did not promote this question. Honourable members opposite can laugh or do what they like, but I did not promote this question. The member for Henley Beach has a lot of initiative, which is why he was able to win the seat of Henley Beach from the Liberal Party at the last election, and there is no doubt about his retaining it at the next election, either—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. WRIGHT: I thought that I would clear up that point: I did not promote the question, but I welcome it. The question puts into the open the untruths (and if I could use the word 'lies' I would) told by the Deputy Leader at a press interview a couple of weeks ago when he alleged that members of IRAC were muzzled. The member for Henley Beach asked me whether I have been in contact with Mr Hill. No, I have not been in contact with him; nor have I been in contact with any other member of IRAC in relation to the statements made by the Deputy Leader, and I do not intend to get in touch with them. I stand by what I said yesterday when I threw out a challenge to the Deputy Leader that, if he could get a member of IRAC to say that he had been muzzled, I would withdraw the legislation.

Mr Olsen interjecting:

The Hon. J.D. WRIGHT: No, it was handed to me by the member for Henley Beach just now. I do not care whether or not the honourable member believes that; it does not worry me very much. The only point about this matter is that it makes an ass of the Deputy Leader of the Opposition. I think it is about time he stopped running around making these allegations which he cannot substantiate. This is another clear example of non-substantiation. Let me read what one of the four individuals nominated by employer groups to be members of the Industrial Relations Advisory Committee, Mr C.J. Hill, said:

> I do not think we were muzzled at all.

This is what he said:

> Mr Hill, the administrative manager of Elders GM in Adelaide and a former Employers Federation of South Australia President, said that the final Bill to amend the Industrial Conciliation and Arbitration Act was the best compromise possible.

That is what I have been saying since IRAC finished its deliberations. That is what I have said consistently in this House, that this Bill was a compromise. It was not the Bill I would have liked to bring into the House. It is certainly not the Bill that the employer members of IRAC would have liked to bring in either. Of course, it was an in-between situation from both sides of the political arena. I have never said anything else. I have never said anything contrary to that. The article continues:

> The four employers talked to and received advice from respective employer groups, of which they were members, during IRAC's discussions on Mr Wright's proposed Bill.

Let us add a little fuel to the fire that is burning under the Deputy Leader. Another member of IRAC, the Executive Director of the Retail Traders Association, Mr M.G. McCutcheon, said that he did not want to get mixed up in this row unless Mr Wright specifically asked him to do so. There is clear evidence from that statement that if I want to ring up or talk to Mr McCutcheon there is no doubt that he will come out and make the same statement—that he was not muzzled. I have said in this House through the whole of the debate that nobody was muzzled.

In fact, I have been complimented in letters from the Employer Federations, from the Chamber of Commerce, and from people on that committee about the liberal attitudes that were adopted on that committee and the processes that were used in order to try to get the compromise situation into this House. I think it is about time that the Leader spoke to the Deputy Leader and told him to be a bit more careful about his statements.

MOORING DISPUTE

The Hon. TED CHAPMAN: I direct my question to the Minister of Transport. In view of the Deputy Premier's answer to the Leader, precisely what action is the Government proposing to take in order to restore supplies of fuel, food, and other essential items, to the Kangaroo Island community? The Deputy Premier outlined to the House in his answer that he would not entertain strike breaking, as was proposed in this instance yesterday. He said his Government would not cave in to the particular offending union. Might I say the Government is admired for that attitude.

He said that he will continue to negotiate with the offending parties beyond that which has been undertaken so far. I take it from his remarks that that represents a letter and a phone call from his office. Without seeking to expand upon that side of it at all, I hasten add that it is with no apology at all that I rise to address myself to this question of the Minister on behalf of the Kangaroo Island community, that it is essentially with concern and not with a political view or attitude that I pursue the subject, as indeed it has been pursued so far.

That community is anxious to have its services restored. It has put up a number of optional alternatives to be pursued by the Government of the day, via a number of members, and indeed direct to the Premier's office and the Minister in person. But, having dispensed with all of the practised options that have been adopted by precedent and by successive Governments over a number of years, having waived

the current proposal to exercise the Essential Services Act (as put forward by the Leader of the Opposition today), the Minister should say precisely how the Government proposes, and indeed when it proposes, to shift the required goods and services to and from that community without the services of the MV *Troubridge*. Matters of fact that have come out of that community in recent days indicate that fuel supplies from the depot dispatch level are totally out.

Some fuel supply exists on individual properties. There is a desperate shortage of food and supply goods through the retail outlets on Kangaroo Island. There is not the capacity in that community to store goods as indeed there is on other parts of the mainland. A number of livestock, in particular, sheep, have been awaiting despatch from that community since last Friday. There are hundreds of tonnes of super-phosphate which ought to be dispatched every week from the mainland and which are currently being stockpiled at Port Adelaide awaiting such dispatch.

These items collectively represent, in the view of the Opposition, a range of essential services that are precisely covered and catered for under the Essential Services Act of 1981—an Act that was introduced into this place for the very purpose of its being of implemented in the event of a community being cut off. I indicate to the House again that the sensitivity with which I raise this subject is one of personal experience and feeling. I know what the geographic isolation of a community like Kangaroo Island is all about, as a resident of that community. I know that that community does not jump up and down like a pork chop and demand services as indeed other areas of the mainland tend to do. It is a relatively quiet community that gets on with its own job. In this instance it is being grossly interfered with in the ordinary welfare and conduct of that area. It is in that climate and against that background that I seek specific details from the Minister as to what alternative plan he has to shift goods to and from that island.

The Hon. R.K. ABBOTT: It is most unfortunate that, in disputes such as this, everybody suffers. I realise that the situation on Kangaroo Island is more acute. We understand the desperate emergency needs of the Kangaroo Island community. This morning I contacted the ACTU because we understand that it has a policy that, where an industrial dispute can affect an island community such as Kangaroo Island, a special dispensation should be given in those circumstances. The ACTU advised me that its policy with the maritime unions is really in relation to Tasmania, where there is no alternative.

The same situation does apply to Kangaroo Island. The *Troubridge* is the only road to Kangaroo Island and it is essential that we get that ban lifted from the *Troubridge* to operate normally and provide much needed supplies to Kangaroo Island. The ACTU has undertaken to contact the union and will be doing so this morning. It has contacted the Federal Secretary in Melbourne. I followed that up by contacting the Secretary of the Australian Government Works Association, Mr George Young, this morning, and asking him to urgently give consideration to our request. I also told him that the ACTU would be contacting him along those lines. He has agreed to put the matter to the negotiating committee, which meets tomorrow. I have asked him to put it to the committee earlier in the hope that the workers will come to their senses and allow dispensation for the *Troubridge*.

The Department is currently speaking with the unions down at Port Adelaide and I am awaiting information on the outcome of those discussions. The honourable member has asked precisely what action the Government is taking. I am unable to state at this stage the considerations now under discussion by the Government. I hope members will appreciate that, if we say publicly what steps we are taking or considering, the possiblity exists that that might jeopardise the outcome of the meeting to be held tomorrow. We do not want to do that.

Hopefully, they will lift the ban today (that is the request that I have made), and if not today, at their meeting tomorrow. However, if we make public the steps to which we are giving consideration, I feel that that will have an effect on the outcome of their meeting. Therefore, I prefer not to reveal that at this stage, and I support the Deputy Premier's remarks that the Government is determined not to cave in on this dispute and is determined to see that the Kangaroo Island community receives the essential commodities during this dispute.

BUSHFIRE PREVENTION

Mr KLUNDER: Can the Minister for Environment and Planning indicate whether it is the Government's intention to support the call by the Leader of the Opposition for a Parliamentary inquiry into the bushfire prevention methods being employed in the State's parks and reserves system?

The Hon. D.J. HOPGOOD: All that the Government has to go on at this stage is the press report of what the Leader has said and the motion as tabled in another place. My information is that the Hon. Mr Cameron, who is representing the Premier in these matters in the Upper House, did not speak to that motion. He merely moved it and it has been adjourned to a later date. We are reasonable people in this matter and we would prefer to hear what the Opposition in another place has to say in support of it before we determine whether in fact we should support the call. However, I would just query whether the Leader of the Opposition in his press statement was altogether fair in the way in which he represented how fires in parks have their effect on surrounding communities or the way in which the surrounding communities have their effect on fires in parks.

Certainly, the way in which the statement was couched would suggest that the problem is with the parks and that what in fact happens in the parks can have a resounding effect on surrounding communities. Of course, I have the full information in front of me, where it is quite clear that in the broad majority of cases fires occur in the surrounding agricultural areas and may burn into the parks. In fact, if honourable members want this information it is readily available. In the past 10 years there have been 13 examples of fires starting in the parks system, escaping into adjoining properties. In the same period 74 fires starting on adjoining properties have burnt into the reserves system. This matter can be highlighted in two ways: first, it can be highlighted in relation to the Hincks fire that occurred before Christmas, when a fire which was lit for burning off purposes on adjacent agricultural property on a day of—

The Hon. D.C. Wotton interjecting:

The Hon. D.J. HOPGOOD: Here is the former Minister for Environment and Planning expressing his support for our parks system, apparently.

The Hon. D.C. Wotton: I have always done that.

The Hon. D.J. HOPGOOD: Then let us have some tangible examples of this support from the Opposition. The Hincks fire was lit on a day when the temperature was 38 degrees Celsius, with a humidity factor of only 10 per cent, and at a time when wind speeds were 45 to 50 km/h. More recently, the Ngarkat fire in the Upper South-East was as a result of burning off of stubble on a property adjacent to Ngarkat on a day when the temperature was higher than 30 degrees Celsius. What I would ask from members opposite and their colleagues in another place, and what I would ask from the Hon. Mr Cameron if he is to proceed with his

motion in another place, is that we have some recognition not only of the responsibility of the community to ensure that provisions in parks are such as to minimise the danger of fires spreading from the parks into the surrounding agricultural area but also that the responsibilities of the surrounding agricultural communities should be such that they should operate in ways which would ensure that they minimise the effect of their activities having an impact on the parks.

Members interjecting:

The SPEAKER: Order! I cannot hear the Minister.

The Hon. D.J. HOPGOOD: Thank you, Sir. What seems to be missing from statements of members of the Liberal Party both inside Parliament and out, in this place and in other places, is a recognition that any investigation should look very closely at whether additional controls should be placed on the activities of those people who live adjacent to conservation areas, not because they are any different in their makeup from anyone else but simply because they live so close to a vast mass of inflammable material, and clearly what they do should be couched in terms of the extra protection that must be given to those areas.

If the Hon. Mr Cameron is prepared in his statements to make clear that the Select Committee will look very closely at these matters and that additional controls should perhaps be placed on these activities, the Government is prepared to examine the thing on its merits. But, if it is just another parks-bashing exercise at the behest of a few people who no doubt got a little emotional because of certain situations in which they found themselves, that is another thing.

I make clear that the National Parks and Wildlife Service is very keen for any discussions that it can have with the agricultural community on these things. I believe that the Leader's call for this matter arose from the meeting held at Wilmington following the Mount Remarkable fire, because my information is that the member for Eyre was at that meeting. The Opposition may or may not be aware that there was another meeting yesterday at which there was to be further discussion on these matters. My officers are happy with the state of the discussions and negotiations between themselves and surrounding agricultural communities. We should be aware that the national parks firefighting unit is the largest CFS unit in the State; it is in very close contact with the CFS, and I believe that it is in a very good position to be able to address these problems as they arise.

INDUSTRIAL LEGISLATION

The Hon. E.R. GOLDSWORTHY: Is the Premier aware that employer groups do not support important aspects of the current industrial legislation, despite the public statements of the Deputy Premier to the contrary? The Deputy Premier has waxed quite eloquent in the media in relation to this matter. He said when the Bill first appeared on 5 December:

> I have had been on cloud nine ever since we achieved agreement between employer and union groups.

I gave a press conference some time ago in which I sought to get across the basic point that employer groups were certainly far from happy with this Bill. I have a copy of a letter from the Metal Industries Association of South Australia which has been sent to members of one of these employers groups; this letter has gone to all of these members and was prompted as a result of the public statements of the Deputy Premier in relation to this matter. I quote—

The SPEAKER: Order! Yesterday I was forced to withdraw leave and to ask the member for Alexandra to resume his seat over precisely the same sort of situation that is now being raised. I take two points: the first is that the explanation beyond the first two or three paragaphs has become more than an explanation; it has become a comment and it has gradually developed into a debate. Secondly, it is anticipating a debate. Then I take a third point—and I think that this is probably unique and quite different from the situation of yesterday.

The Hon. Ted Chapman: Yes, that was unreasonable.

The SPEAKER: Order! I warn the honourable member for Alexandra.

The Hon. Ted Chapman: Why?

The SPEAKER: I warn the honourable member for his behaviour towards the Chair. In regard to the matter now before the Chair, the other matter of concern is that for the past two days we have been in the midst of a debate—

Members interjecting:

The SPEAKER: Order! When the Speaker is on his feet and endeavouring to explain a point, honourable members should listen. They have a perfect right to disagree if they want to, but I am endeavouring to explain my point of view as best I can, because it was suggested yesterday that I acted unfairly, and I am quite prepared to debate it and defend myself. I do not want to take up too much of Question Time, but the third point I make is that for the third day we are dealing with industrial conciliation and arbitration. That has nothing to do with me; if the House wants to sit on Saturday, Sunday and Monday it can do so. All I am saying is that the Standing Orders (not my Standing Orders, but those of all members) stipulate that honourable members must not anticipate debate. On all three grounds, I rule that the Deputy Leader of the Opposition must not continue in this vein. The Deputy Leader.

Mr LEWIS: I rise on a point of order, Mr Speaker.

The SPEAKER: Order! I will take the point of order of the Deputy Leader first. I note that the member for Mallee rose in his place, but I also note that the Deputy Leader of the Opposition also rose in his place. Because of the more intimate concern of the latter, I will take his point of order first and then the member for Mallee's point of order.

The Hon. E.R. GOLDSWORTHY: On a point of order, Sir, are you ruling my question out of order?

The SPEAKER: No. I am saying that in my opinion the explanation has gone too far, and I ask that the honourable member curtail it.

The Hon. E.R. GOLDSWORTHY: I am seeking to indicate to the House that there is clear evidence in relation to this question, which has been put to the Premier. That is what I am seeking to put to the House. I do not believe there could be anything more pertinent in explanation of the question that I asked than doing just that.

The SPEAKER: Order! I rule against the honourable member's point of order. Without prejudicing the Deputy Leader's right, I now call the member for Mallee. If the Deputy Leader wishes to pursue his point, I will still keep that alive. The member for Mallee.

Mr LEWIS: Mr Speaker, in view of the third reason that you gave for your actions in connection with the member for Kavel, I find that difficult to understand in relation to the question asked by the member for Henley Beach earlier this day, as it related to the same subject matter. My point of order is that you explain to me at least, and perhaps to other honourable members who may be in the same perplexed situation as I am, how it is that the member for Henley Beach can ask such a question but the member for Kavel cannot without its being raised as a reason why he should not explain his question?

The SPEAKER: The point of order is no point of order at all, and I so rule. By way of courtesy, I indicate the following. First, there is absolutely no relationship between the question raised by the honourable member for Henley Beach and the question asked by the Deputy Leader of the Opposition.

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! The honourable gentleman must listen: he has had his say. Secondly, in relation to the Deputy Leader, I went through the three points in detail and I dwelt on the third point, because I thought that it was the one that caused the greatest difficulty—the anticipation of debate that was to follow. I saw none of that inherent or even remotely possible in the question or the information referred to by the member for Henley Beach. I have kept the rights of the Deputy Leader alive should he wish to pursue his point further.

The Hon. E.R. GOLDSWORTHY: I take it that you, Mr Speaker, will not allow me to read a portion of this letter in explanation of my question.

The SPEAKER: No, the honourable member takes my ruling incorrectly. If he has a letter that is directly related to his question, and if I rule accordingly, that will be in order. I will listen to what transpires.

The Hon. E.R. GOLDSWORTHY: I will proceed to read the letter from the Metal Industries Association of South Australia. It states:

> 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'.

That refers to the public statement made by the Deputy Premier in relation to this Bill. It continues:

> 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.

I thought that the *Advertiser* report would be rounded off—

The SPEAKER: Order! I have allowed a reasonable—

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! I warn the Deputy Leader of the Opposition to show some respect for the Chair, no matter who is occupying it. I have allowed a reading of the letter, and I am not prepared to debate it any further. The honourable member has been warned adequately. I will have no further recourse but to name him if this goes on. The honourable Deputy Leader.

The Hon. E.R. GOLDSWORTHY: Thank you, Mr Speaker. I seek your guidance in relation to my explanation. If an area transgresses Standing Orders, I am quite happy to modify my explanation accordingly, but I believe that the points I am making—

The SPEAKER: Order!

The Hon. E.R. GOLDSWORTHY: I am quite happy to obey the reasonable rulings of the Chair.

Mr Hamilton: You have been here long enough to know that Standing Orders—

The SPEAKER: Order!

The Hon. E.R. GOLDSWORTHY: The honourable member is getting a bit testy.

Mr Hamilton: Why don't you—

The SPEAKER: Order! The member for Albert Park must contain himself.

The Hon. E.R. GOLDSWORTHY: The letter continues in like vein, and I will not take the time of the House to read the remainder, but it indicates that the position of IRAC members is not as representatives of employer groups as such and that, after IRAC has completed negotiations and after the Bill has come forward, the employer groups will go about the business of deciding their attitude to it. That is quite contrary to the impression that the Deputy Premier has sought to create publicly. In summary, I might say that all the submissions from employer groups (and I believe that the Premier, and certainly his Deputy, are aware of them) indicate strong opposition to important aspects of the Bill.

The SPEAKER: Order! That is in the way of the nature of debate. Leave is withdrawn. The honourable Premier.

The Hon. J.C. BANNON: Some time ago a question was asked and, although I did not clearly get it down, I certainly understand the thrust of the Deputy Leader's question, which is very easily answered. I do not think that at any stage the Deputy Premier has claimed that all employer groups have adopted the Bill that is before the House. That is not the case and it has never been contended that it is the case. Each employer group has different attitudes to different aspects of the Bill. Broadly speaking, a number of provisions would be supported by them, while some others would not be supported.

As the Deputy Premier has already said in this place, the Bill represents compromise. It is obviously not going to satisfy MIASA in all respects; equally, it will not satisfy the United Trades and Labour Council in all respects. What the Minister has done (I think it is something for which he should get supreme commendation) has been to embark upon a very lengthy and painstaking consultative process, using a statutory body, the Industrial Relations Advisory Council, which the Deputy Premier introduced in order to assist this process to come up with a measure that had the broad support of that body, which is a representative body. Let us make that quite clear. Members on it are drawn from employer and employee interests and are of the highest standing in those areas: no-one can dispute that, but it is also not disputed that they are there as individuals to apply their particular perspective and view to reach some sort of consensus, if possible, and to advise the Minister accordingly. That has been done.

Employer groups, whom I meet regularly and consistently on a range of issues to do with State development, have said to me that the range and depth of consultation in this Government is unparalleled in the past 10 or 15 years in this State. I take that as a very good compliment, and I would certainly like to maintain that reputation for both myself and my Government. In the industrial sphere exactly the same applies to the Minister of Labour. The degree, the extent and the importance of his consultation is of a nature that has enabled a Bill to be brought before this House which does, as a compromise, represent broad-ranging support. As a result, I believe that we should be congratulated because in this thorny area the sorts of confrontation and provocation that had gone on under the previous Government has got to cease. Indeed, it has ceased under the Deputy Premier's guidance.

I do not believe that the Deputy Leader in framing his question is in fact accurately reporting what has been said about this Bill. I do not think that the use of a term such as 'mischievously' does MIASA much credit at all, because MIASA, in discussions with me, has neither implied nor suggested an application of total and universal employer group support for this measure. Of course, that cannot be the case. As I say, the Deputy Premier has already said that, and I will not repeat the point.

In using the term 'mischievously', I believe that they are wrong, and I will certainly take it up with Mr Swinstead and his organisation when next I meet them on a regular basis. I do not believe that that is a proper use of that term, and it surprises me. As to continuing consultations, that is an important part of our Government's approach to overall development of this State, it will continue, and the sort of co-operative effort that we have mounted in conjunction with the Chamber of Commerce and Industry, for instance, on the submarine project and a number of other things will continue. I believe it is the only way that the State can go ahead.

I believe that when compromises of this nature can be reached, when legislation of the nature that the Deputy

Premier has introduced in the House in the industrial relations sphere comes before this place, it ought to be recognised for the build-up and consultation that has taken place and supported accordingly.

REYNELLA BY-PASS

Ms LENEHAN: Will the Minister of Transport investigate and report on the accident rate on the Reynella by-pass section of South Road? Specifically, will the Minister provide the following statistics for the period 1980-84 for this section of South Road:

(a) the total number of accidents;

(b) the number of people injured;

(c) the number of deaths?

Also, will the Minister provide statistics on the number of accidents, injuries and deaths which occurred as a result of collisions between vehicles travelling in opposite directions on the Reynella by-pass section of South Road?

Since I have been the member for Mawson I have had several constituents put before me the situation that is perceived of a high number of accidents and indeed deaths on this section of South Road. The previous member for Mawson, Dr Hopgood, also found that this was the situation while he was the member. My constituents have further requested that a much more substantial barrier be erected on that section of South Road to prevent the high number of deaths and accidents which have resulted from head on collisions occurring on the road.

The Hon. R.K. ABBOTT: The honourable member has asked for much detail and I will be happy to obtain that information for her. With regard to barriers, much depends on the design of the road; that matter would have to be investigated thoroughly. There is much detail involved, which I will be happy to obtain for the honourable member.

STATUTORY AUTHORITY FUNDS

The Hon. B.C. EASTICK: Will the Premier say whether the diversion of statutory authority funds to the Consolidated Account for the current financial year, estimated to raise $127.5 million, will be achieved? Reference to the Consolidated Account statement for February reveals that funds diverted from statutory authorities for the eight months total $25 million, which falls well short of the year's Budget estimate of $127.5 million required to provide supplementary finance for the Government's capital works programme.

The Hon. J.C. BANNON: I do not have precise figures before me, but I make the general point that, at this stage, the Budget is on course. By 'on course' I mean that rather than have the inherited effect of one of the largest Budget deficits in the history of this State, which we inherited—

Members interjecting:

The SPEAKER: Order! I would like to hear the reply as well as the question.

The Hon. J.C. BANNON: Mr Speaker, the Opposition does not like to hear it, but it is well documented and was documented as early as December 1982 in this House: a massive Budget blowout because of the irresponsible pre-election Budget that the Tonkin Government introduced. Unlike that Budget, the Budget this year will be on course within the order of the predicted results made in the Budget presentation last August. In fact, there has been some increase in the receipts side of the Budget, but this has been matched in turn by some increases on the expenditure side of the Budget—inevitable changes that could not be properly accounted for at the time that the Budget was framed. However, the overall result we are trying to achieve we believe, at this stage, will be achieved. Obviously, there is a further three or four months to go. When I release the monthly Niemeyer statements, the results of one month cannot be taken as an indication of an overall result or end of the year result. Therefore, nothing can be concluded at this stage on the overall Budget result, but it is on course.

IRON TRIANGLE WATER

Mr MAX BROWN: Will the Minister of Water Resources advise whether it might be anticipated—

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition and the Premier must not arrogate to themselves the rights of the Parliament, and it is my duty to make sure that they do not. I ask the honourable member for Whyalla to start his question again.

Mr MAX BROWN: Can the Minister of Water Resources advise whether it can be anticipated that the quality of water to the Iron Triangle area, and particularly to Whyalla, will reasonably maintain its present level or whether it could be expected to worsen, thus requiring perhaps further reticulation to Whyalla from the Baroota Reservoir? The Minister would be aware that for a short period during the summer months he authorised his Department to provide Whyalla with water from the Baroota Reservoir because of the high turbidity of water from the Murray River. What is the intention if, unfortunately, the quality of water happens to deteriorate during the winter months?

The Hon. J.W. SLATER: It is unfortunate that the water quality not only in northern Adelaide towns but even in parts of metropolitan Adelaide and other parts of the State certainly leaves something to be desired. However, I think the reason for this has already been expressed by the member himself. The fact of the matter is that the colour and turbidity of the water was caused by heavy rains on two occasions, last year and early this year, in north-western New South Wales and in parts of Queensland. The heavy rains caused the high turbidity to flow down the Darling River and into the Murray. Consequently, those consumers on non-filtered supplies have had high turbidity, or rather murky coloured water.

I notice that a petition was presented yesterday, I think by the member for Kavel, from residents of Lyndoch. I have received many letters from other parts of the State where, unfortunately, the supply from the Darling has provided this high coloured water. I point out that even though the water does not look palatable, I can assure consumers and members of the House (particularly the member for Whyalla) that the system is monitored daily to ensure that the bacteriological content of the water is safe.

The honourable member's question is difficult to answer, because we are subject to water flow from the Menindee Lakes into the Darling and, consequently, into the Murray River. Water quality depends on nature. It is anticipated that with the mix of water from the Murray River the quality will improve, but it will be a few months before that has an effect. As I have said, this depends on natural causes and whether there are further rains in the area thus increasing water flow down the Darling thereby influencing water colour. Before turning to another factor about water colour I refer to problems in the metropolitan area. I point out that I noticed a perplexing press statement by the member for Chaffey. I do not know whether the honourable member was misquoted or, alternatively, he is not quite aware of the two problems that we have in this area.

From time to time people in the metropolitan area contact the Department about high colour and murky water, which is sometimes caused by dead-end mains and sediment build

up. I refer to a particular case in the press only a couple of weeks ago involving a consumer at Elizabeth Field who was on a dead-end main. My advice in those circumstances is that consumers contact the Department's Thebarton depot, which will certainly respond by flushing the mains. However, the article to which I referred seems to imply that the Department can flush the Darling River, which is not possible, of course. It is beyond our resources and beyond any comprehension that we might be able to do that. I will read another comment of the member for Chaffey, Mr Arnold:

> Parts of Adelaide would continue to get murky water occasionally until all water was filtered, so it is important for the Government to forge ahead with filtration to eliminate it.

I indicate, for the honourable member's information, that the Government did extend its capital works programme last year from $10 million to $17 million.

The Hon. P.B. Arnold: You are not disagreeing with that comment, are you?

The Hon. J.W. SLATER: No, I am not disagreeing with it, but the point I make is that we did extend our capital programme on water filtration to ensure, as quickly as possible, that both the Morgan plant and the Happy Valley plant would come into operation. I might also mention—

The Hon. P.B. Arnold: What about the Stockwell plant?

The Hon. J.W. SLATER: Yes, I was going to mention that. I was going to say, for the benefit of the House and the member for Whyalla in particular, that work has commenced on the Morgan filtration plant, which is the major step for improving water quality for the northern Adelaide towns, and parts of the Iron Triangle.

The Hon. P.B. Arnold: That was started prior to the last election.

The Hon. J.W. SLATER: The feasibility study might have started prior to the last election, but the matter went to the Public Works Committee following a Cabinet decision only very recently.

The Hon. P.B. Arnold: Keep going.

The Hon. J.W. SLATER: The honourable member had better answer the question.

The SPEAKER: Order! There is so much audible conversation it is like last week at the Old Bull and Bush.

The Hon. J.W. SLATER: The honourable member did not pay much attention to it when he was the Minister. The point I am trying to make is that he is critical of the fact that there is coloured water in the system. The only way it will be really resolved is to filter the system, which is exactly what we will do. For the benefit of the member for Whyalla, the answer to the question is that there is very little we can do in the immediate future. It depends on the circumstances. The Baroota supply was, of course, only a limited supply. We used that to assist the people in Whyalla for a very brief period before Christmas. The capacity is not there, so we are not able to do that again. But, certainly we will filter the system by providing the Morgan filtration plant as quickly as possible.

ADJAKUYANI AND ADJAMUTHNA PEOPLES COUNCIL

Mr BLACKER: I desire to ask a question of the Minister of Aboriginal Affairs. Have he and the Government been advised of the meeting of the Elders in Council of the Anangu Yunkandjaraku Incorporated that was held at Coober Pedy early in February? If so, what consideration has the Government given to the resolutions passed at that meeting and what was the Government's response to the Elders in Council? On 16 February the Chairman of the Adjakuyani Council issued a press release, from which I would like to briefly quote:

> The Adjakuyani (AK) and Adjamuthna (AM) Peoples Council of Elders are concerned about reports circulating in the north of South Australia that suggest they are associated with a fund raising exercise being carried out, in their name, to 'continue the Roxby blockade'. The AK and AM people want the South Australian public to know that:
>
> They do not recognise the Roxby blockade nor do they have any part in it. They support development and job opportunities for their people.
>
> The AK and AM peoples are members of a larger body of Aboriginal people—Anangu Yunkandjaraku Incorporated (AYI), which represents Aboriginal people living in an area, one which is some one-third of the State.
>
> At a meeting of AYI in Coober Pedy last week a number of resolutions concerning land rights matters were passed. A copy of these is attached. AYI is an Aboriginal organisation of Aboriginals speaking directly for Aboriginals. AYI has been recognised by the Federal Government chief advisory body, the National Aboriginal Conference, as a properly representative body. The NAC have urged the State and Federal Governments to recognise AYI. The AK and AM peoples, through AYI, insist that they will not be used by radical activists posing as conservationists and using the Aboriginal peoples as a cover for their anti-mining campaigns.

Part of the resolution that was passed at the meeting, which represented seven tribal groups of Aboriginals, reads:

> Anangu Yunkandjaraku Inc. (AYI) is opposed to the South Australian Government's Maralinga Tjarutja Land Rights Bill (MTLRB) in its present form and demands that the South Australian Government amend the proposed Bill to:
>
> (i) Replace the proposed section 9 (Executive Council) with new words that will describe a Council of Elders.
>
> (ii) Delete reference to elections and replace them with new words that will describe the Council of Elders continuing to govern, in accordance with traditional Aboriginal custom.

The SPEAKER: Order! Members should cut down on audible conversation and negotiating parties should go outside. I cannot hear what the member for Flinders is saying.

Mr BLACKER: It further states:

> (iii) There shall be no permit system. Access to the Lands should be free and unhindered but subject to the usual laws of trespass applying elsewhere in South Australia.
>
> (iv) There shall be a register of Sacred Sites and Tribal Boundaries subject to independent verification. This will be held in a safe place and access to the register limited to the South Australian Government Minister at the time and in company with the tribal elders.

It goes on with a number of other resolutions referring to a number of issues which do not need explanation. The sacred sites issue was defined as being:

> A geographical area of approximately 1 km square within the lands containing the physical feature regarded by the traditional owners, as a mythological creation site or ancestor activity site.

The SPEAKER: A technical problem arises here. It does not go to merit. Therefore, I have to rely on the good intentions of the Minister. In so far as the question might anticipate the results of the Maralinga Tjarutja Land Rights Bill at present before another place, the Minister cannot comment. If the Minister could deal with the substance of the honourable member's question without trespassing into that area, it would comply with Standing Orders and would assist me. The Minister of Aboriginal Affairs.

The Hon. G.J. CRAFTER: The first part of the honourable member's question related to a letter I received from a group of Aboriginals, the letter emanating from the Coober Pedy district. Yes, I have and I believe a number of other Minister's have received such correspondence. No provision exists within the funding provided to the Office of Aboriginal Affairs to assist that organisation or other organisations seeking such financial assistance, as it is normally the responsibility of the Commonwealth Government, which I understand is currently considering the matter.

PERSONAL EXPLANATIONS: HINCKS RESERVE

Mr BLACKER (Flinders): I seek leave to make a personal explanation.

Leave granted.

Mr BLACKER: I refer to an answer given by the Minister for Environment and Planning in his explanation to a question on bushfires in Hincks Reserve. My personal explanation revolves around advice I gave to the Minister following that fire and around press releases that he put out at that time. Those press releases were totally inaccurate and untrue. I endeavoured to privately and confidentially advise the Minister of the inaccuracy of those statements. The Minister has seen fit today to again quote to the House and publicly that certain aspects allegedly relating to the fire on that day were supposed to be the case. That is not the case and I speak with some authority as I was the owner of a property abutting Hincks Reserve for some 10 years. As to the Minister's original allegation that there had never been a fire in that reserve, I can say here, and have previously stated publicly, that in the 10 years that I was a neighbour to that property, there were 13 fires in Hincks Reserve.

The Minister said that on an earlier occasion, not today. In relation to the actual circumstances relating to the ignition of the fire and the owner who allegedly lit the fire on what was said to be such a bad day (and I think that everybody would say that the day on which the fire occurred was a bad day), it was not the day on which the fire was lit. The person had all the appropriate documentation to allow that. I endeavoured to correct the Minister or advise him of that privately and confidentially, and he has seen fit to again go public on issues which are inaccurate.

The SPEAKER: Before calling the Minister, I should indicate why I permitted the honourable member to expand his views at such length. I hope that I correctly understood that the honourable member is an adjoining landowner to this recreational reserve.

Mr BLACKER: I was, Sir, during the time of some of the previous fires in that reserve. I am no longer a landholder.

The SPEAKER: So, substantially it was only on that basis that I allowed the personal explanation to go on as it did, because otherwise it would quite clearly have been debate and comment of the worst kind. However, I assumed from what the honourable member had said that he had been or was now an adjacent landholder and, therefore, as it were an eye witness commentator on the whole situation.

Mr BLACKER: The point I wish to make is that I had taken considerable trouble to advise the Minister that the press release he had made was inaccurate. I did so privately and as such that advice has not been taken into account and I wondered whether I was wasting my time.

The SPEAKER: Before calling on the Minister and so that we have it clear (because a personal explanation, of course, is what the name suggests), I accept what the honourable member says. I cannot make a judgment as between the two honourable gentlemen, but just the mere fact that the honourable member was a landholder in that vicinity and was subject to the predations of the fire. In that sense, it made it a personal explanation and, therefore, made the expansion of the comments much greater than would have been allowed. The honourable Minister for Environment and Planning.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I seek leave to make a personal explanation.

Leave granted.

The Hon. D.J. HOPGOOD: What I want to impart to the House is that, as between the honourable member and me, either he has a bad memory or I have, and as to the advice which has been tendered to the honourable member and me, someone is not telling the truth. First, in relation to the honourable member and me, I am not suggesting in any way that the honourable member is not telling the truth. However, I certainly want to suggest that there has been a lapse of memory, either on his part or mine. It is certainly true that the honourable member came and saw me after I gave a Ministerial statement in this Chamber (it was not just a press release; it was a Ministerial statement) and remonstrated with me. However, in my recollection his remonstration was purely in respect of the matter he has specifically raised this morning, namely, the question of fires in the park. I have no recollection of his suggesting to me that the circumstances of that fire were any different from what was in that press release or indeed what I have said today.

I gather that that is what the honourable member is now confirming. Let me turn (if we have cleared up the matter of what was said between the honourable member and me) to the specific matter of that fire. Since there is a collision of information as between what has been put to the honourable member and what has been put to me, I have to say that someone is clearly not telling the truth because my officers came to me incensed as to the circumstances surrounding this matter. It was put to me that other landowners were incensed as to the alleged way in which the fire had broken out, and part of the information which my officers had was as a result of other people over there as it were dobbing in this person, because they were so incensed with the carelessness that had allegedly been exhibited on that occasion.

I was requested to raise with the Attorney-General the possibility of a coronial inquiry. I raised that with the Attorney-General; he did not reject that possibility, but pointed out that that office was under very heavy pressure in relation to the Ash Wednesday fires. The matter is still technically under consideration. I have never had any suggestion from my officers that the circumstances as I outlined in that Ministerial statement on that day were any different from what I outlined.

PUBLIC WORKS STANDING COMMITTEE

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

That pursuant to section 18 of the Public Works Standing Committee Act, 1927, the members of this House appointed to the Parliamentary Standing Committee on Public Works under the Public Works Standing Committee Act, 1927, have leave to sit on that Committee during the sittings of the House for the remainder of the session.

I understand that this is an agreed situation.

Motion carried.

The SPEAKER: Call on the business of the day.

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL

The Hon. J.W. SLATER (Minister of Water Resources) obtained leave and introduced a Bill for an Act to amend the Renmark Irrigation Trust Act, 1936. Read a first time.

The Hon. J.W. SLATER: I move:

That this Bill be now read a second time.

At the present time the penalty for non-payment of rates declared under the provisions of the Renmark Irrigation Trust Act, 1936, is 10 per cent of the outstanding rates and is payable when the rates are three months overdue. No further penalty is payable no matter how long the rates

remain unpaid. The purpose of this Bill is to provide for a penalty interest rate of 10 per cent on the balance of outstanding rates three months overdue and a further penalty of 1 per cent per month thereafter. The initial moratorium of three months will assist those irrigators whose cash flows are irregular, but the increased level of interest will provide an inducement for early payment from the more tardy ratepayers. The change will ensure that ratepayers do not defer the payment of rates as a cheaper alternative to seeking overdraft funds with which to meet their commitments.

The amendments proposed by this Bill are similar to those made last year to the Irrigation Act, 1930, and a number of other irrigation Acts by the Statutes Amendment (Irrigation) Act, 1983. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 amends section 100 of the principal Act. Paragraphs *(a)* and *(b)* make consequential amendments. Paragraph *(c)* inserts two new subsections. New subsection (2) provides for interest at 10 per cent in respect of rates upaid after three months with an additional 1 per cent of rates and interest at the end of each subsequent month. New subsection (3) is a transitional provision that provides that interest at the rate of 1 per cent calculated at the end of each month will be payable on rates and interest unpaid at the commencement of the amending Act. Clauses 4 to 7 make consequential amendments to sections 104, 105, 111 and 114 of the principal Act.

The Hon. P.B. ARNOLD secured the adjournment of the debate.

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

In Committee.

(Continued from 21 March. Page 2726.)

Clause 20—'Applications to the Commission.'

The Hon. E.R. GOLDSWORTHY: The Opposition opposes this clause. On the first reading it may appear to be fairly innocuous. The clause provides for new subsection (3) of section 30 as follows:

> The Commission shall not entertain an application under subsection (1) *(b)* or *(c)* unless it is satisfied that it is in the public interest to do so.

That is simply putting an additional hurdle in front of people whom this Bill is seeking to circumscribe; unregistered organisations are being thrust right out of the action in relation to this Bill. It is a matter that conflicts diametrically with what Mr Cawthorne had to say in relation to unregistered organisations. It is a further element in this march to get everyone into unions. The insertion of this clause simply provides another hurdle. The condition that it be in the public interest sounds fairly innocuous, but this is just an additional hurdle, an unnecessary hurdle to be overcome by, say, unregistered groups before they can get anywhere in relation to industrial matters. I think also it conflicts with the spirit of clause 3 which delineates the chief objects of the Act.

This sort of clause does not seem to me to sit very comfortably with those objects as delineated in clause 3, which is really supposed to be some sort of a statement to try to democratise the industrial relations system; an attempt has been made to convey that idea in some aspects of these object clauses. There is no logical reason why this additional hurdle should have to be jumped in relation to applications to the Commission, and for that reason I oppose the clause.

The Hon. J.D. WRIGHT: I think that probably this clause needs some explanation, although I know that it will not change the opinion of members opposite. Any unregistered organisation which currently has agreements will be able to continue, but this clause will prevent new organisations starting up and obtaining agreements without registration. The simple fact is that South Australia is the only State left in the Commonwealth where this is allowed to occur. I would encourage all organisations to have registration. Surely there is some control over those organisations if they are registered, because they have to supply balance sheets, records and reports, and so on. In order to accommodate those organisations which are not already registered, we will allow them to continue. So, we are not interfering with the *status quo* but are merely providing that in the future all organisations will be registered, which will bring us into line with the situation that applies in other States. I think it is a quite reasonable proposition and one that I would have thought the Opposition would support.

The Hon. E.R. GOLDSWORTHY: Notwithstanding the Deputy Premier's comments, the Opposition opposes the clause. The Deputy Premier's comments reinforce the attitude that we have adopted to the clause.

The Hon. J.D. Wright: The Deputy Premier wants them outside the ambit of the court, running wild. Is that what you are saying?

The Hon. E.R. GOLDSWORTHY: No. As I understand the Minister's explanation, he is trying to stop the formation of unregistered groups in the future: they will be denied access to the Commission under the provisions of this Bill. This is a further hurdle for unregistered organisations. I do not, and I never will, accept the proposition put last night by the Minister that, because something occurs in another jurisdiction, that makes it right and we should go down that track. Perhaps it is because unions have had more industrial muscle earlier in those States and in the Commonwealth than they have had in this State. It could well be (and I believe it is) that that is the explanation in a number of these areas. However, we are certainly opposed to denying unregistered organisations.

I quoted from the Cawthorne Report, which certainly does not go along with the Minister—it is diametrically opposed. The magistrate said that he is not convinced by the arguments of the UTLC in relation to unregistered organisations, and that is one area where the Minister departs from Mr Cawthorne. In fact, the Minister has introduced clauses that run directly counter to what is recommended in the Cawthorne Report. We continue in our opposition to clause 20.

Mr LEWIS: I support exactly what the Deputy Leader said, but I will not repeat it. However, I want to go further and explain other reasons for my opposition to this clause. In the second reading debate I alluded to the fact that the present system of industrial relations does not serve us well. In fact, it will serve to destroy us unless we come to terms with it and see that it is changed. The basis on which industry is established and financed must change if we are to survive. This clause goes in the opposite direction completely. We will face a situation in which there will be a closed shop, where everyone in an industry must belong to a union that serves that industry so that one will not be able to get a job if a member of a union wants that job. This measure goes further than that: it closes the shop in regard to the number of trade unions that will be able to operate in comparison to the present number, and this provision is based on the inane argument of the Deputy

Premier that, because other States and the Commonwealth have taken this action, so should we.

I ask members whether, because the United States of America and the USSR make nuclear weapons, that is a good reason for us to follow suit. Is that the kind of logic that the Deputy Premier is using? That seems to be the case. I see no reason whatever why we should preclude the possibility of worker co-operatives registering as individual associations with the Industrial Conciliation and Arbitration Commission so that it is possible for them to be exempt from attacks by organised labour (organisations, unions; call them what you will) that want to force membership. I make this point because a working co-operative may decide, since all its members equally or unequally nonetheless own shares in the enterprise, to take each week or each pay a lesser amount for the same job than the amount required to be paid to anyone who is working for an employer and who is a member of a union that covers that industry.

In doing so, workers co-operative members are then able, by using their labour on a weekly, monthly or yearly basis, to capitalise their enterprise and ensure its viability. This clause would make it impossible for them to do that if they were seen to be a threat to the existing union covering that kind of work elsewhere in the economy under the existing order of things in industrial relations.

Therefore, I urge all members, who sincerely believe that there has to be a way of breaking the industrial deadlock into which we are getting ourselves, to oppose this clause in order to enable people who want to work and who can get a grub stake together in a collective fashion to provide themselves with the facilities to do that work, to do so without the risk of harassment or a challenge from existing trade unions, which will thereby affect the goods or services they can manufacture or provide.

Mr INGERSON: Can the Minister explain how unregistered organisations currently operate before the Commission? What concern are they creating in the current system and, in consequence, what will be the future need for unregistered organisations subsequently to become registered? What are the sorts of problems presently being created by unregistered organisations?

The Hon. J.D. WRIGHT: I do not know how many unregistered organisations there are, but I can ascertain that for the honourable member. The member for Mallee asked why should not co-operatives seek registration. I have no objection to that—that is what the clause is all about. We are trying to encourage registration. That is what it is about.

The Hon. Jennifer Adamson: By discriminating against non-registered groups.

The Hon. J.D. WRIGHT: The non-registered organisations can continue. There are 156 unregistered agreements at present. As I said, they will continue.

Mr Ingerson: What is the major problem?

The Hon. J.D. WRIGHT: The major problem is that they do not have to comply with the minimum standards set down by the Industrial Court and the Commission itself. I do not believe that that is a proper way of operating.

The Committee divided on the clause:

Ayes (22)—Mr Abbott, Mrs Appleby, Messrs Bannon, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright (teller).

Noes (20)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Eastick, Evans, Goldsworthy (teller), Gunn, Ingerson, Lewis, Mathwin, Olsen, Oswald, Rodda, Wilson, and Wotton.

Pairs—Ayes—Messrs L.M.F. Arnold and Keneally. Noes—Messrs Chapman and Meier.

Majority of 2 for the Ayes.

Clause thus passed.

Clause 21—'Special jurisdiction of the Commission to deal with cases of unfair dismissal.'

The Hon. J.D. WRIGHT: I move:

Page 10—

Line 11—Leave out the word 'may'.

Lines 12 to 19—Leave out all words in these lines and substitute the following paragraphs:

(a) may—

(i) order that the applicant be re-employed by the employer in his former position without prejudice to his former conditions of employment; or

(ii) where it would be impracticable for the employer to re-employ the applicant in accordance with an order under subparagraph (i), or such re-employment would not, for some other reason, be an appropriate remedy—order that the applicant be re-employed by the employer in a position other than his former position on conditions (if any) determined by the Commission;

or

(b) may, where it would be impracticable for the employer to re-employ the applicant in any position, or re-employment would not, for any other reason, be an appropriate remedy—order the employer to pay to the applicant an amount of compensation determined by the Commission.

Line 24—After 'employment' insert 'in the position from which he was dismissed'.

Lines 34 to 36—Leave out subsection (7).

It has been decided to undertake some recasting of subsection (3) of proposed new section 31 in order to ensure that the Commission has a clear indication of the remedies that will be available under the provision. In particular, the Government is concerned that, if the Commission decides that re-employment in the employee's former position is inappropriate, the Commission will assess whether employment by the employer elsewhere is appropriate before it makes an order for the payment of compensation on the basis that re-employment is not an appropriate remedy.

Secondly, under subsection (7) as presently worded, only lay Commissioners may hear dismissal matters. This would be unduly restrictive upon the administration of the provision and it could lead to delays. It was never intended to cause such results. Therefore, it is proposed to leave out subsection (7) and the Commission could then be constituted in the ordinary manner. This will provide greater flexibility in the allocation of the Commission's work load.

The Hon. E.R. GOLDSWORTHY: I am not entirely clear about what the Minister is proposing. As I understood his explanation, which was *sotto voce,* he said that he was attempting to lay down some ground rules for the Commission in relation to compensation envisaged in terms of the Act. The other amendment will delete subsection (7), which will avoid delays. New subsection (7) provides:

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

Does that mean that the Minister is widening the provision so that either a Commissioner or a judge can operate in this jurisdiction?

The Hon. J.D. Wright: I said that during the debate.

The Hon. E.R. GOLDSWORTHY: The Deputy Premier did not say it during the debate; that information came from Parliamentary Counsel. This provision goes nowhere towards overcoming the Opposition's fundamental objection to this clause, and it certainly goes nowhere down the track in relation to the submission of the Law Society of South Australia. The Law Society of South Australia made matters perfectly clear. I suppose that the amendment is a minor concession in that it appears to be some attempt by the Minister to lay down some ground rules in relation to the question of compensation. As I understand it, a hearing can still be conducted by a single Commissioner and the amend-

ment just provides another option. That option does not overcome the objections that have been raised in many quarters, particularly by the Law Society in its submission, in relation to the proper place in which to conduct the hearings, which is in a court in a judicial situation where the ground rules are clearly laid down in precedent in relation to awards for compensation.

The Minister intends to persist with the fundamental principle that the hearings can be conducted before a single Commissioner in the Arbitration Commission. All commentators in relation to this clause have made it abundantly clear that, first, that is not the place to hear these matters and, secondly, a Commissioner is not the person to hear a dismissal claim, for a number of reasons. I believe that the amendment amounts to tokenism, because it does not address the basic complaint in relation to the hearing of dismissal cases. The amendment again runs counter to what Cawthorne says. The Minister freely cites Cawthorne when he supports his case. The Opposition has no basic argument with the machinery matters addressed in this Bill. However, in relation to the major provisions of the Bill, and this is one of them, the Minister deviates quite markedly from what Cawthorne recommends in his report. Cawthorne states quite clearly that in his view the only role that the Commission should play in these hearings is during the pre-trial conference stage where the skills of the Commission may be brought to bear in an attempt to conciliate and reach an amicable solution.

In no way does he believe that those judicial style judgments should be made in the Commission. The Minister does not accept that point: he does not accept Cawthorne's recommendations and he has not heeded, to any great extent at all, the criticisms of the Bill which have come from a number of quarters, including a submission in relation to this very point that came from the Law Society. I have no brief for the Law Society, but I read its submission. I do not agree with the Minister's summation that all it is interested in is getting its fees. I think that is not only unkind but an unjust judgment of the motives of the Law Society in relation to this matter.

The Hon. J.D. Wright: I said, 'Making a bid for their members,' and they were quite entitled to do that.

The Hon. E.R. GOLDSWORTHY: I will read again what the Minister said last evening, because it may have been one of his colleagues who interjected. However, there was a clear message from the other side of this House that all the lawyers were interested in was their fees. I do not know the precise words—

The Hon. J.D. Wright: It was not I who said that. I said they were making a bid for their members.

The Hon. E.R. GOLDSWORTHY: It came from that side. I do not think the Law Society would be very impressed with somebody attributing those sorts of motives to it. That was the clear message we got from the Government side of the Chamber. But, of course, the Law Society does not address itself to other matters in the Bill, as such, because it is not intimately involved in this matter as a profession. Our opposition to this course I think was made clear earlier in relation to one of the earlier clauses, from memory, and in relation to our attitude to matters canvassed in this clause. I also make quite clear that we intend to oppose clause 21.

Mr MATHWIN: I also oppose the clause and the amendment which, in my estimation, makes very little difference to the outcome. My main opposition, of course, to clause 21 relates to the fact that the whole question of whether a person is to be employed or re-employed will be in the hands of a lay person when, in fact, because of the seriousness of the situation, it should not be. Looking at the Bill, one sees that new section 31 (3) *(a)* provides that it may be ordered that the applicant be re-employed by the employer on conditions determined by the Commission.

The Deputy Premier has moved to amend that so that it may be ordered that the applicant can be re-employed by the employer in his former position without prejudice to his former conditions of employment or, where it would be impractical, for the employer to re-employ the applicant in accordance with an appropriate order under new section 31 (7). That goes on and on. In my opinion, in some cases this would subject a person to something like a trial and for that decision to be made by a lay person is quite wrong. New section 31 (7) states:

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

That is the area that I find most difficult to take. I think it is quite wrong. Presently, such matters are heard in a court and that situation should continue. It is a great responsibility for a single Commissioner to take on a person's future, whether he be employee or employer. I believe that this is not good enough. However, if that single Commissioner were a judge or magistrate perhaps that would be acceptable. Maybe we then have some flexibility. One would be quite wrong to say that Commissioners, and so on, do not have any experience in industrial matters, but they are still inexperienced in comparison to judges, and they are still not legally trained professionals.

The Commissioners in the Court are not that type of person. Some may have had some experience in the matter or as advocates, but they still would not have had the great legal experience and knowledge that is needed to enable them to make a decision as far reaching as they might have to, and this would reflect on the employee's future and the conditions under which he must work. It will most certainly affect the employer. He is in a situation where it might have to be dealt with thoroughly.

With due respect to some of the Commissioners, I suggest that it is quite wrong to leave it to a single Commissioner to make those determinations. The Minister's amendments have made it no better. Therefore, I must oppose the amendments, as I would have opposed the clause. It is dangerous and very wrong and could cause a great deal of hardship for employees as well as employers. I oppose both the clause and the amendments.

The Hon. J.D. WRIGHT: That is about the greatest load of cods wallop that I have heard in my life. It indicates the member's lack of experience in industrial matters. I said in debate last night or some two days ago (the debate has been going on for so long that I forget which day it was) that dismissals were an industrial matter. There can be no question about that. Commissioners are dealing with that sort of industrial climate and situation every day. They are very experienced men indeed. If they can settle disputes of the magnitude that they do settle, the Commissioners can give justice to employees about wages and conditions. If they can arbitrate and conciliate on a conciliation committee with diverse ideas being thrown at them, I can see no reason why those Commissioners cannot reach decisions in dismissal cases. A dismissal is an industrial matter affecting the lives of working-class people. If I were in the position of the member for Glenelg, on the basis of his argument I would certainly be supporting the amendment. However, he has declared that he will support neither.

The honourable member put forward an argument that a judge should have the opportunity to determine in these areas. The amendment gives the Commission the right to appoint a judge in that situation. Either the member for Glenelg is in one of those moods where he wants to oppose everything, or he simply does not understand the amendment. Having supported the amendment, the honourable

member would not be denied picking up the fundamental principle and voting against the proposition which would then become the clause. This amendment is a genuine attempt to give more flexibility within the Commission itself. This has been introduced at the request of the President, who put the matter to me asking for more flexibility, not knowing the work patterns and work loads involved where these cases may arise.

Surely that ought to be supported. The other opportunity is that it gives the President power where it could be a matter of legal argument. Obviously, the Commissioner will refer such a matter on to the President, who will look at this question and say, 'It is of a legal nature. I will now distribute this work to a particular judge.' Therefore, it has at least two functions by which the President will be able to run his court much better than under the original proposition.

Mr INGERSON: I am concerned that one of the major points on which Mr Cawthorne commented was the need to have some limit on the level of compensation. If we relate to another area of great concern in relation to payments, that is, the workers compensation area, we see that perhaps there is some sort of a link between the two and that perhaps there ought to be some sort of limit to compensation; Mr Cawthorne suggested several alternatives. It is interesting to note that the Government has chosen, in going away from the Cawthorne Report, to have no limit at all on compensation. That is an area which perhaps the Government should reconsider, as the Cawthorne report has obviously become a bible.

The other area of note is obviously section 15 (1) *(e)* of the Act, which is causing concern. This comment has been put forward very strongly not only by the employees but also by employers. There is no question at all that these changes have been included in order to recognise those problems in section 15 (1) *(e)* and to attempt to come up with some reasoned changes. There is no doubt that this clause has been introduced as a result of some fairly heavy negotiations within IRAC. This provision obviously has a bit of give and take in it.

The other area of concern is that which has been mentioned by previous speakers, that is, transferring it from a court to a Commissioner. Personally, I do not have a great deal of concern about a Commissioner looking after it, provided that there is, as mentioned by the Minister, an opportunity in the case of law or legal interpretation for referral to a judge.

However, on reading the amendments and the Bill, I do not see any statement that any matter of law shall be reported to a judge of the court. That is an area that I would again ask the Minister to clarify because I do not see that in this portion of the Bill. If what the Minister says is correct, perhaps clarification could be written into the Bill because I think that, once that is done, one of the major objections from this side may be overcome.

Mr BAKER: I rise on the same point. It is a very important point and when we debated this point earlier the Minister failed to understand the difference between a legal determination and determination by a Commissioner. It has two different aspects. One is the fact that we have someone who is not legally qualified to make a legal decision. The other is that under the existing legislation the person who has been unfairly dismissed has a right at common law to further compensation. Therefore, by making a decision within the confines of the Commission, the person can then take that Commission to the Supreme Court or some other jurisdiction and ask for compensation. Therefore, it aids the double dipping process without establishing in law that that has been an unfair or unjust dismissal.

That is simply the law as it stands today. We are setting principles. If the Minister really wanted these cases to be dealt with expeditiously and if he believed that the Commissioner is a means of satisfying these conditions in a way which is far more humane than exists today, then he could have some 'get out' clauses in the Bill which would mean that it is just for both parties. He has not embraced Cawthorne when he says, as Cawthorne recommended, that conciliation would be a very important part of this process where people could go to the Commissioner and say, 'These are two parties. We are diametrically opposed on this. Can we get together and sort it out before we go any further?' He has not undertaken that.

The second thing that he has not undertaken is to allow people that further right to say, 'We are not satisfied that the Commission is the right place to deal with this problem.' He has said, 'The Commissioner shall decide whether it goes to the President.' That is fundamentally wrong. He is making a legal decision and it is a decision that can be taken further into other courts for compensation for double dipping.

The Hon. J.D. Wright interjecting:

Mr BAKER: That is another inane comment by the Minister. If he cannot understand what he is doing he should not do it. He sets himself up as an industrial relations expert in South Australia. I am speaking from a Liberal point of view.

Members interjecting:

The CHAIRMAN: Order! Interjections are out of order, and the honourable member should not debate the interjections, either.

Mr BAKER: This is fundamentally wrong. It is against the rights of people concerned. It may well be that an employee does not want a Commissioner to hear the case. It may well be that he wants the full process of law. This provision does not allow that. I will admit that—

An honourable member interjecting:

Mr BAKER: Yes, he has admitted it; it is not in there. He says the Commissioner can make up his mind; that is simply not good enough. If one gets the right decision, the Commissioner is all right; if one gets the wrong decision, he is not right. That is how the system works. Someone is not going to be right in every case. It is not possible to reach consensus, to use this famous word, on these things. We are saying that Mr Cawthorne made a very valid observation. When I read that report I said, 'That is sensible.' In one part of the report Mr Cawthorne has come to grips with what I see as a problem: that is, unfair dismissals. The Minister says, 'Cawthorne has made a very good observation, but we are not going to follow him'.

Members interjecting:

The CHAIRMAN: Order!

Mr BAKER: We can only ask the Minister to re-read the observations that Cawthorne has made and say, 'I have made a mistake in this case; people do have rights.' If we are to set up a body to make a determination and it will have some legal implications, it should be a legal body. If it does not have legal implications, then let us leave it with the Commission. We can only ask the Minister, as a reasonable man—which he is occasionally, but not very often—to review this provision, to support the amendments put forward on this side, and to come back with a draft that incorporates the Cawthorne recommendations, which I find have infinite wisdom. I ask the Minister to take that on board and not pursue this line.

He has obviously had to take one step back from the provisions because he has not inserted paragraph (ii), in which he talks about the impracticality of being able to employ the employee in the position that he was in previously because of the difficulties and the personality conflicts that

may exist. That is a healthier step along the road because it means that the employee has another option as far as unfair dismissal is concerned. We ask the Minister to think about what he is doing and to come back with a set of amendments that will take into account the concerns not only of people on this side but of employers and employees about the way in which this Act will operate.

The Hon. E.R. GOLDSWORTHY: The Minister will not concede that the matter of compensation basically is a legal question; he is suggesting that the question of dismissals is a matter for conciliation. Mr Cawthorne went part-way down that track when saying:

> If it can be settled in the first instance by conciliation, then that ought to happen.

The Minister has rejected that. He is suggesting that the processes involved in this are not legal. I submit that they are entirely legal once the conciliation process, if applied, has not worked. The Minister is going to cut out that idea of a conference to try to settle an argument in relation to dismissal, re-employment and compensation, and thereafter the matters are entirely legal. I now have a second copy of a letter from the Law Society. The first copy was handed to me by a member of Parliament who said that the society had no objection to public use of its submission. About half an hour ago a copy of the letter addressed to me turned up in the Chamber. It is dated 22 March and reads as follows:

> Dear Mr Goldsworthy,
>
> Re Industrial Conciliation and Arbitration Act Amendment Bill. I am enclosing for your information a copy of a letter dated 2 March 1984 addressed to the Minister of Labour in relation to the Industrial Conciliation and Arbitration Act Amendment Bill which is currently before Parliament. If you need any further explanation of the points made in the letter I would be happy to try to arrange for representatives of the society to call and discuss the matter with you further.

Unfortunately, time precludes my having discussions with the Law Society in relation to further details, but I agree with what it has said. The matters being discussed are largely judicial and legal in nature, particularly in relation to compensation. Last evening the Minister said:

> Obviously, the Law Society will make representations to the Government and the Opposition to try to protect work for its members; it would not be doing its job if it did not do that. I have no criticism of that. That is its right if it wishes. However, the activity of the Law Society is simply a bid to keep the work under the control of lawyers.

The Hon. J.D. Wright: That is the motive of any organisation representative.

The Hon. E.R. GOLDSWORTHY: That may be the credo of the Minister, but I believe that many people are energised by rather more suitable motives than those which the Minister is obviously ascribing to everyone.

The Hon. J.D. Wright: I am saying that it is their right to do so.

The Hon. E.R. GOLDSWORTHY: You said that that was what everyone does. I simply quoted the Minister's words where he said that the Law Society is interested simply in keeping work for its members. I do not believe that. I believe that the letter is a responsible letter and well reasoned, making what I consider to be valid points. I will not reiterate the points that I have already raised in the letter from the Law Society. It is signed by Mr D.F. Wicks, who is the President of the Law Society. I do not think that David Wicks is simply trying to drum up or preserve work for his members.

Mr Lewis: Of course he is not.

The Hon. E.R. GOLDSWORTHY: That is what the Minister said. From my meetings with Mr Wicks when we were in Government, I know that he was very helpful in regard to questions of law that arise from time to time. I have never found that he was out to preserve work for his members. I always got honest answers and, in fact, we hired him once to give us a legal opinion that we required urgently, and it was of the highest professional competence. I will say no more in relation to this clause. The Minister has gone no way in relation to the Cawthorne recommendations or the belief of all commentators regarding a fundamental flaw in this Bill.

Mr INGERSON: I asked the Deputy Premier a question in relation to a comment he made, but I received no reply. The Deputy Premier said that, if there was any legal recourse or decision to be made, it could be done automatically by the Commissioner, but where is that protection provided in this measure? Otherwise, we are left with the straight suggestion, as we have been arguing, that legal matters could be and may be decided by non-legal people.

The Hon. J.D. WRIGHT: I do not really think that that question needs a reply: it is only a matter of applying common sense for one to know that, if a legal question arose in a reinstatement case, the Commissioner would seek the opinion of the President. That is the way in which the system operates at present on legal matters. The President would rule as to whether or not it was a legal matter and, if it was, he would transfer the work (and I am quite positive of that) to one of the judges.

The Hon. E.R. GOLDSWORTHY: The only point I want to make in this regard is that all members who have commented in relation to this clause know perfectly well how the system operates. The Minister sought to denigrate Opposition members by suggesting that we have no experience in this jurisdiction.

The Hon. J.D. Wright interjecting:

The Hon. E.R. GOLDSWORTHY: The Minister does not know that. He also sought to suggest that Opposition members could not talk about dismissal clauses because they had never been sacked. What sort of comment is that from a Minister of the Crown? The point I make is that all the responsible commentary that has been made in relation to this clause unanimously indicates that there should be no change in relation to the jurisdiction of the court in hearing dismissal cases. Is the Minister suggesting that these people do not know what happens in the court? Does he suggest that these people do not know what they are talking about and that they have had no experience in the system? The Minister knows perfectly well that they have experience, and to try to denigrate the Opposition by saying that members on this side have never got the sack or been to court and so cannot have an opinion is quite absurd. The Minister knows the opinions, and he knows they are correct. He also knows that these opinions do not line up with the desires of the Trades and Labor Council in this matter, so he goes down this track.

The CHAIRMAN: The question is that the amendments be agreed to. Those in favour say 'Aye', those against say 'No'.

Mr BECKER: Can the Deputy Premier say—

The Hon. J.D. Wright: It's too late; the vote is through.

Mr BECKER: Come on, I was on my feet five minutes ago.

The CHAIRMAN: Order! Does the member for Hanson want to speak to the amendment? The Chair will allow him to do so. I point out that it is easy to get the notice of the Chair without waiting for so long.

Mr BECKER: The information that I seek from the Minister concerns his discussions with IRAC. Is the Minister aware of concern that this clause and this amendment could lead to a large number of claims initially being processed by the Commission that could lead to settlement out of court, or does it mean that amendments that he is now proposing apart from the original legislation that we have had presented to us will assist in speeding up claims? I understand that the majority of cases in the past have

tended that be settled out of court and that in many instances the employee has come off second best. I am trying to assess from the original Bill, now that amendments have been introduced, whether there have been discussions to try to stop out of court settlements, because I believe that employees come off second best in some cases as a result.

The Hon. J.D. WRIGHT: I thank the honourable member for his question. First, I do not subscribe to the view that there will be more out of court settlements. In fact, I think there will be a lot fewer because of the flexibility of the court with more Commissioners and judges available to hear cases. I am anxious to get the cases heard as quickly as possible instead of waiting. The honourable member's question is valid. I do not think that it will mean that more cases will be settled outside the court. I suggest that it will involve fewer cases if a wider spectrum of people is available to hear them. In fact, there are four more people available with the Commissioners now coming into the field. I think the honourable member may have raised a further question about cases that may be of a frivolous nature, because I was going to say that subsection (5) covers that.

Mr BECKER: Allegations have been made to me that at present it takes about four months for a hearing to be determined and a decision given, and in many cases the employer will find that he is up for the payment of four months money. A person might have to be reinstated and his wages or salary paid, but I am concerned about the stress caused to the employee in having to go through the process and then wait so long without knowing for about four months what the decision or determination will be. Undue stress is placed on employees.

The other point I made concerned the current situation where there has been a tendency to settle out of court. Is the Commission aware of out of court settlements and of whether employees, by settling out of court, are getting less than if they had the opportunity to proceed in the court? Perhaps some employees are not getting a fair go. I hope that under the Minister's proposal it will improve the situation, but will we still get many out of court settlements?

The Hon. J.D. WRIGHT: I thank the honourable member for his question, because he has raised a valid point. It is suggested (I must be careful how I word this) that, where lawyers settle outside the court in workers compensation cases, those claims may not necessarily be as good as if they had waited for the court decision.

The Hon. E.R. Goldsworthy: Then there would be more money—

The Hon. J.D. WRIGHT: The difficulty about that, I suppose, from a lawyer's point of view, is that one could have long waits (it is down to four months at present). We have reduced dramatically in the past 12 or 18 months the time period for applications in workers compensation cases, and it is now to about four months. I can understand an employee in a dismissal case—

The Hon. E.R. Goldsworthy: But are you saying—

The Hon. J.D. WRIGHT: Let me finish my train of thought. If a person has to wait for four months or even longer, one can imagine what sort of turmoil he gets into, worrying about getting his job back and wondering whether to get another job, if he can get one, and about what he will do. The whole impetus behind this is to bring on cases much more quickly.

I feel quite confident that we will be able to achieve that. As to whether or not employees are virtually forced into a situation of accepting an out of court settlement rather than waiting for a court case, that could be so, but I do not have any definite proof of that occurring. Once again, the employee is resigned to the situation of taking advice from either his lawyer or his union as to what it thought the result will be in court. Lawyers have to make those judgments on workers compensation claims as well. I can sympathise with any employee, in regard to either workers compensation or reinstatement claims, when it is said 'Let's get a settlement and get this off my plate. Let us get it fixed up.' I believe that to a large extent these matters will be overcome.

Amendments carried.

The Committee divided on the clause as amended:

Ayes (22)—Mr Abbott, Mrs Appleby, Messrs Bannon, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright (teller).

Noes (20)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Eastick, Evans, Goldsworthy (teller), Gunn, Ingerson, Lewis, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Pairs—Ayes—Messrs L.M.F. Arnold and Keneally. Noes—Messrs Chapman and Mathwin.

Majority of 2 for the Ayes.

Clause as amended thus passed.

Clause 22—'Representation of parties, etc.'

The Hon. J.D. WRIGHT: I move:

Page 10, lines 43 and 44—Leave out 'in support of the registered association or its members'.

The submission received from the Chamber of Commerce and Industry suggested this amendment. It was submitted that without the amendment intervention would be conditional upon the UTLC taking a particular stance in proceedings. The submission proposes a worthwhile modification to the relevant position, if so adopted in the proposed amendment. I am grateful for the matter being brought to my attention.

The Hon. E.R. GOLDSWORTHY: As I understand it, the amendment will broaden the ambit of the UTLC's ability to intervene rather more widely than is the case in the clause as it stands at the moment, which we oppose, anyway. The Minister suggests that the clause qualifies the ability of the UTLC to appear before the Commission and that the amendment removes that qualification. We are certainly not in favour of the amendment or the clause.

The UTLC is not a registered association. I am authoritatvely informed that the ACTU, which I suppose is the Federal counterpart of the UTLC in this State, does not enjoy this type of privilege. At the present time the UTLC can intervene in wages cases and it can intervene by invitation. To give the UTLC this additional clout to appear before the Commission without qualification, if the amendment is accepted, we do not believe is appropriate, and nor do a number of submissions that have been presented to us in relation to this matter.

The Hon. J.D. WRIGHT: I do not expect to obtain support from the Opposition, but I will place a further explanation on the record. This proposition was proffered to the Government by the Chamber of Manufactures.

Mr Lewis: I don't believe it.

The CHAIRMAN: Order!

The Hon. J.D. WRIGHT: The bright one! He does not believe it. He is now on record as saying he does not believe it. I will post the honourable member a letter, if he likes.

Mr Lewis: It is the Chamber of Commerce.

The Hon. J.D. WRIGHT: I think I said that. It used to be the Chamber of Manufactures; its correct title is now the Chamber of Commerce and Industry. The member for Mallee may now believe that I have the correct title—I certainly hope that that is the case. As the provision stands, any union could make application and that could have a deleterious effect across the board, affecting other organisations, other unions, and so on. In that situation the UTLC had no right to intervene. The amendment provides that, if there is a deleterious effect caused by any organisation

making an application, the rights of the UTLC are broadened to allow it to intervene and protect the rights of the other affiliates.

The Hon. E.R. GOLDSWORTHY: I do not believe that any example has been brought to my notice or that of any other member on this side where one association, registered or otherwise, has been adversely affected by a decision of the Commission. However, it has been put to me that, if there is an application before the Commission, it is a matter for the parties. I would have thought that the Commission in its wisdom would be cognisant of any effects that this may have on other organisations, registered or otherwise.

[Sitting suspended from 1 to 2 p.m.]

The Hon. E.R. GOLDSWORTHY: In relation to clause 22, I put a point of view which has been echoed in other places, and we intend to oppose this clause. The Minister's amendment does not improve it in any way: in fact, it broadens the ability of the UTLC to intervene.

Amendment carried; clause as amended passed.

Clause 23 passed.

Clause 24—'Co-operation between industrial authorities.'

The Hon. J.D. WRIGHT: I move:

Page 11—

Line 16—Leave out 'section is' and insert 'sections are'.

After line 41—Insert new sections as follows:

40b. (1) In respect of any industrial matter the President may, on his own motion, request the President of the Commonwealth Commission to nominate a member of that Commission to deal with the whole or any part of the industrial matter.

(2) Where, in accordance with a request under subsection (1), the President of the Commonwealth Commission nominates a member of that Commission, the President of the Commission may refer the whole or part of the industrial matter in respect of which the request was made to the member to be dealt with by him in accordance with the provisions of this Act.

(3) For the purposes of dealing with a matter referred to him under subsection (2), the member of the Commonwealth Commission may exercise all the powers of the Commission under this Act and shall, in the exercise of those powers, be deemed to be the Commission.

(4) Without limiting subsection (3), an award made by a member of the Commonwealth Commission in relation to an industrial matter referred to him under subsection (2) shall, for the purposes of this Act, be deemed to be an award made under this Act.

(5) The reference of an industrial matter to a member of the Commonwealth Commission under subsection (2) is revokable by the President at will and does not derogate from the power of the Commission to act itself in relation to the matter.

(6) In this section—

'Commonwealth Commission' means the Australian Conciliation and Arbitration Commission.

40c. (1) Subject to this Act, the Commission may exercise such powers as may be conferred upon it by or under the Conciliation and Arbitration Act, 1904, of the Commonwealth or any other prescribed Act.

(2) An award, decision or determination made by the Commission in the exercise of a power as provided by subsection (1) shall, for the purposes of this Act, be deemed not to have been made by the Commission under this Act.

It is proposed to insert into the Act two new sections. New section 40b will bring the State legislation into line with some other States by allowing the State Commission to refer the whole or any part of any industrial dispute over which it has jurisdiction to the Federal Commission for its determination. Greater flexibility will therefore be available. The amendment will complement provisions in the Federal Act. It conforms with the proposal contained in the Cawthorne Report. Proposed new section 40c will allow the State Commission to exercise any jurisdiction conferred by the Federal Acts or by any other prescribed Act. This proposal enhances further the concept of reciprocity.

The Hon. E.R. GOLDSWORTHY: I would like some further explanation from the Minister about this matter. If I understand the amendment correctly, it will mean that we will be handing over to the Federal jurisdiction the ability to make awards which would apply in South Australia. That would mean that the Commonwealth could make awards which would be binding in this State. If that is the case, we will not support the amendment.

Mr BECKER: As the Deputy Leader says, we would be virtually handing over our court to the Commonwealth. We might then as well be in the Commonwealth court and be done with it. I believe that the large majority of people in South Australia are already employed under Federal awards. I am not satisfied with the explanation given by the Minister. This points out the problem that we have with this legislation. We studied it for six months, but when we returned to Parliament we were confronted with nine pages of amendments, which takes the whole matter out of context. What worries me is who will compose the majority on a joint bench. Will it be the State or the Federal Commissioners? I can see some jurisdictional problems here. Unless the Minister can give us some further information as to what he really means, I will not support the amendment. Normally, if three Commissioners comprise the bench, two would be from the State and one from the Commonwealth, or *vice versa*.

The Hon. J.D. WRIGHT: This is simply a movement to try to expedite settlement of disputes. There is nothing sinister about it. There is no ulterior motive about it. It is simply an attempt to interchange State and Commonwealth Commissions. For instance, there could be a dispute at Holdens and there is no-one in the State Commission who has had much to do with the motor vehicle industry, but there is someone in the Federal Commission who has specialised in that field and who can be used in relation to that dispute, and vice versa. This provision merely allows the interchange of commission personnel between the two jurisdictions and does not affect the powers to be exercised.

The Hon. E.R. GOLDSWORTHY: Under this legislation the Commonwealth Commissioners would be empowered to make decisions that would be legally binding in South Australia.

The Hon. J.D. WRIGHT: The Commonwealth Court already has power to do that and it can get the State Commission to look into a dispute in that area. If it works one way, the practice should work the other way. It is a great step forward. After all, it has been recommended by Industrial Commissioners all over the country and is not a matter of Labor policy. There is nothing sinister in the provision.

The Hon. E.R. GOLDSWORTHY: I do not believe that what happens in the Commonwealth jurisdiction is necessarily right for South Australia. The South Australian cost structure for many years after the Second World War was lower than that in other States and this accounted for much of the prosperity enjoyed by this State during that period. Interstate comparisons are used when fixing rates of pay and other advantages for employees, but much of the differential between the rates in South Australia and those of the Eastern States was eroded in the 1970s. I have reservations about a Commonwealth Commissioner using his powers to make an award that has the force of law in this State, because I cannot believe that our Industrial Commission does not contain members with the industrial experience across the board in this State to tackle disputes and make awards.

Mr BECKER: New section 40a (2) provides:

Where it appears to the President to be desirable that proceedings in relation 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 in joint session with that authority and to confer with that authority in relation to the proceedings and the order, award, decision or determination to be made or given in those proceedings.

What is meant by 'joint session' and how many persons will hear the determination in the joint session—is it one, two or three? If it is three, who makes up the majority?

The Hon. J.D. WRIGHT: 'Joint session' means one State and one Federal Commissioner. But, then it would be up to the President of the Industrial Court here to determine who would chair the session. That authority is vested in the President where he considers it desirable. A joint session involves one Commissioner with expertise and knowledge in an industry, who could be a Federal Commissioner, and one Commissioner from a State jurisdiction who may be responsible for the particular award. The President would determine who would take the Chair.

Mr Becker: Would the person chairing the Commission be an additional person?

The Hon. J.D. WRIGHT: Yes. He or she could be one of the Deputy Vice-Presidents, or it could be the President himself. Obviously, if it is a State Commission matter it is clearly desirable for the President to have the chairmanship under his control.

Mr BAKER: My question is technical. I will cite a particular case to the Minister and perhaps he will explain what would happen in such a case. If there were a dispute about wages and there was some relationship between the State and Federal Acts in the area involved (whether it be a metal workers award or something else) and if the matter was referred to the Federal Commission, would that body be required to apply the Federal principles of the award to that determination?

The Hon. J.D. WRIGHT: The Federal Commissioner could be brought in to determine a dispute under such conditions. That person may have special expertise in the area under dispute.

Mr EVANS: I wish to take the Deputy Leader's argument a little further. I have had some sort of assurance from the Deputy Premier that we are not passing provisions and that this power is likely to be used to try to bring about an equality and totality of awards in the Federal sphere as against the State sphere. I know that we live in a State of fewer than 1.5 million people and that the two more populous States, Victoria and New South Wales, house roughly 10 million of our country's population. If our cost structure gets too high, or becomes exactly the same as that in the Eastern States, then anybody who wants to start a business or enterprise that is consumer oriented is unlikely to establish that business in this State. We have already experienced this. People will establish their businesses on the Eastern seaboard. If one includes Queensland, in excess of 12 million of Australia's population live on the eastern side of the country. It is critically important to our State that we do not get into that category. We have tended to go that way in the past 15 years. Before that we had a distinct 6 to 8 per cent cost advantage. I want an assurance from the Minister that, at least in his mind, it is not part of the intention to bring back an equality of wage structure, if one likes, between the Commonwealth, other States and this State.

The Hon. J.D. WRIGHT: The member may or may not have been in the House when I gave my first explanation about this matter, which simply was that there is nothing sinister behind this move. It was simply to try to get some reciprocity into the matter. The member for Fisher should have been in the previous Liberal Government, but that is another matter, I suppose. This is simply an attempt to settle disputes much more quickly than they are settled at the moment, and to maximise the use of both Federal and State machinery and expertise. From time to time, people from the Federal jurisdiction have had an opportunity to use instrumentalities available here when determining disputes. It is only quite recently that the Federal Government has seen fit to place a full-time Commissioner in Adelaide, the first such appointment since Commissioner Portus retired. I agitated for that for quite a long time when I was previously a Minister.

Now there is a Commissioner here, and that makes it much easier for contact. However, when there was no Federal Commissioner it was very difficult to get disputes settled. This is really a dispute settling matter. There is nothing sinister about it. It is an attempt to create a better industrial relations atmosphere so that disputes can be considered much more quickly.

Amendments carried; clause as amended passed.

Clause 25 passed.

Clause 26—'Powers of inspectors, etc.'

The Hon. E.R. GOLDSWORTHY: I move:

Page 12, lines 6 to 14—Leave out all words in these lines and insert new paragraphs as follows:

(b) by inserting in subsection (2) after the passage 'indenture of apprenticeship, or' the word 'other';

and

(c) by inserting after subsection (2) the following subsections:

(2a) Subject to subsection (2b), any document produced under subsection (2) 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.

(2b) Subsection (2a) is subject to the following qualifications:

(a) the inspector may not take away a document if the employer supplies a copy of it to the inspector for his own use;

(b) the inspector may not take away the original of any document that is required for the day-to-day operations of the employer.

These amendments seek to tidy up the question of inspection of books. It is not a fundamental argument with what is provided for in the clause. On reading the Minister's amendments, I think that he is seeking to tidy up the matter of the ability to take books away. The first amendment may appear obscure, but it is really a technical amendment which puts it in line with other sections in the principal Act. The second amendment really is a recast and tightening up of the provisions of the Bill. New subsections (2a) and (2b) make it quite clear. That is not clear in the Bill. I think that the amendment is self-explanatory and I believe that it is an improvement on the existing provisions.

The Hon. J.D. WRIGHT: The Government is prepared to accept this amendment. It makes some sense and I had considered something on a similar line.

Mr BECKER: Proposed new section 50 (2a) provides that the inspector may retain possession of any books or records for a period not exceeding seven days. What was that time under the previous legislation? I cannot find it in the principal Act and I wonder why the period of seven days has been put there. As I said during the second reading debate, this amendment gives me a bit of concern because—

The Hon. E.R. Goldsworthy: It's my amendment.

Mr BECKER: I am referring to the proposal in the Bill as presented. I am worried about time and wages records, wage sheets, and also there is the situation as far as tax inspectors are concerned. I do not want to cause conflict with the taxation authorities, but I wonder why the period is seven days when I could not see any time limit in the original Act.

The Hon. J.D. WRIGHT: There is nothing there. One could not take them away at all.

Mr BECKER: What would happen and what protection can be given to an employer if certain records are taken away, in good faith and given up, in good faith, and a taxation officer comes along the next day and says, 'I want particular records,' and they have been handed over to the inspector of the Minister's Department? What indemnity can he give the employer in relation to any possible offences under taxation legislation?

The Hon. J.D. WRIGHT: A great deal of common sense would have to prevail in those circumstances. If it were necessary to take the documents away, I am sure the inspectors in my Department would take them away, photocopy them, and get them back as quickly as possible. If there were any difficulty or delay, I am sure that if the employer rang up and said that he needed them back for taxation purposes, or whatever, they would be returned as quickly as possible.

Mr BECKER: There is no complaint against the inspectors at all; I have never received any complanits about that. Those to whom I have spoken have said that there have always been amicable arrangements. As many industries have their own photocopying equipment, I am wondering whether documents could be photocopied on the premises of the employer and a certified photocopy provided to the Minister rather than providing the original books. I wonder whether that has been given any consideration.

Amendments carried; clause as amended passed.

Clauses 27 to 31 passed.

Clause 32—'Jurisdiction of Committees.'

The Hon. J.D. WRIGHT: I move:

Page 13—

Line 34—After 'award' insert ', or any other premises where employees of the employer may be working,'.

Line 36—After 'employer' insert 'at those premises'.

These amendments are consistent with earlier proposals relating to the ability of officials of registered associations to enter premises other than those of an employer in order to act in relation to any employee who may be at those premises.

Amendments carried.

The Hon. E.R. GOLDSWORTHY: I move:

Page 13—

After line 36—Insert 'and'.

Lines 40 to 44—Leave out all words in these lines.

These amendments relate to the ability to interview employees in relation to membership and business of an association, which, of course, means the union in the work place. I do not intend to canvass again matters in relation to this clause because they have already been covered at some length. They are important matters, but we do not believe that there is any call for people to go into the work place, interrupt people during working time, and interview employees in relation to their membership of an association. For that reason, I move these amendments which will have the effect of striking that provision out of the Bill.

The Hon. J.D. WRIGHT: The Government opposes the amendments. Like the Deputy Leader, I will not again canvass the arguments. My views are on record and I stand by them.

The Committee divided on the amendments:

Ayes (19)—Mrs Adamson, Messrs Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Goldsworthy (teller), Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Noes (21)—Mr Abbott, Mrs Appleby, Messrs Bannon, Crafter, Duncan, Gregory, Groom, Hamilton, Hemmings, Hopgood and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright (teller).

Pairs—Ayes—Messrs Allison, P.B. Arnold, and Gunn.

Noes—Messrs L.M.F. Arnold, Ferguson, and Keneally.

Majority of 2 for the Noes.

Amendments thus negatived.

The Hon. E.R. GOLDSWORTHY: I move:

Page 14, after line 4—Insert new subsection as follows:

(1a) An award, or part of an award, made in pursuance of subsection (1) *(c)* before the commencement of the Industrial Conciliation and Arbitration Act Amendment Act (No. 4), 1983, shall, upon the commencement of that amending Act, cease to operate.

This is a consequential provision in relation to the attempt of the Opposition to abolish preference to unionists in employment. Again, I do not intend to canvass the whole of this argument. It has been made perfectly clear that in no way will the Opposition agree to the Government's intended extension of preference to unionists, as this Bill seeks to implement. This is a further amendment simply to see that preference to unionists, in the light of experience in South Australia, is removed from the Conciliation and Arbitration Act.

The Hon. J.D. WRIGHT: This amendment seeks to invalidate the existing preference laws in the Conciliation Committee awards once the amending Act comes into operation. This is totally contrary to the Cawthorne Report and Government policy, and as such it is opposed by the Government.

Amendment negatived.

The Hon. J.D. WRIGHT: I move:

Page 14, line 7—After 'hinder' insert 'or obstruct'.

This is consistent with an earlier proposal concerning a provision that an official shall not hinder or obstruct an employee in carrying out his duties.

The Hon. E.R. GOLDSWORTHY: As this amendment is identical to one I intended to move, obviously we support it.

Amendment carried.

The Hon. J.D. WRIGHT: I move:

Page 14—Lines 9 to 20—Leave out subsections (3) and (4) and insert new subsections as follows:

(3) A Committee may, by an award—

(a) direct that preference shall, in relation to engaging a person, be given to such members of registered associations or persons who are willing to become members of registered associations as are specified in the award;

(b) direct that preference shall, in relation to any other matter specified in an award, be given, in such manner as may be specified, to such registered associations or members of registered associations as are specified in the award.

(4) An award that makes a direction as provided by subsection (3) may direct that preference be given subject to such conditions as are specified in the award.

(4a) Where a Committee has, by an award, made a direction under subsection (3), an employer bound by the award is not required, by reason of the award, to give preference to persons who are, or who are willing to become, members of a registered association of employees over a person in respect of whom there is in force a certificate issued under section 144.

These proposals are consistent with earlier amendments relating to preference to persons who are members of a registered association or who are willing to become members of a registered association at the time of engaging persons. The suggested alteration will provide consistency in relation to awards of committees.

The Hon. E.R. GOLDSWORTHY: The Minister is moving to insert provisions in relation to preference to unionists, to which the Opposition is diametrically opposed, so the Opposition strongly opposes the amendment.

Amendment carried.

The Hon. J.D. WRIGHT: I move:

Page 14, line 31—Leave out 'Commission' and insert 'Committee'.

This amendment simply rectifies an incorrect reference.

Amendment carried.

The Hon. E.R. GOLDSWORTHY: I move:

Page 14, lines 32 to 47—
Page 15, lines 1 and 2—
Leave out all words in these lines.

This amendment strikes out those provisions giving effect to retrospectivity in respect of awards beyond the date of application to the Commission. Again, these matters were fully canvassed in an earlier clause. I repeat, briefly, that we do not believe there is any real case that can be argued for retrospectivity of awards before the date on which an application was made to the Commission. It will certainly have an adverse effect on the economy of the State. It will allow parties to applications to the Commission to be tardy, if they desire, in getting their applications before the Commission. There are a number of qualifications. However, they certainly do not alter my belief that this clause is not in the interests of the State.

The CHAIRMAN: Again, the Chair finds itself in a position similar to that occurring a couple of times last evening. Two amendments are to be moved by the Minister, and so that they can be safeguarded I intend to put the honourable Deputy Leader's amendment as follows:

Page 14, lines 32 to 36—
Leave out all words in these lines.

Amendment negatived.

The Hon. J.D. WRIGHT: I move:

Lines 37 and 38—Leave out subparagraph (iii) and substitute new subparagraph as follows:
(iii) an award or agreement under the Conciliation and Arbitration Act, 1904, of the Commonwealth.

There is an alteration here which is consistent with earlier proposals. This will provide consistency in relation to awards of committees. The Government opposes the amendment moved by the Deputy Leader. It is against Government policy, and as this matter has been well canvassed in earlier parts of this debate I do not intend to delay the Committee by reiterating the arguments.

Amendment carried; clause as amended passed.

Clauses 33 to 41 passed.

Clause 42—'Right of appeal.'

The Hon. E.R. GOLDSWORTHY: I simply indicate that we oppose this clause. Again, it is consequential on the series of provisions which relate to hearing dismissal provisions.

The Hon. J.D. WRIGHT: I will not oppose the clause, but I should explain that it has been put to me that a decision in an appeal of the Commission in a wrongful dismissal case should be heard by the Full Commission as usually constituted on appeal. This submission has some merit and if adopted would provide consistency with other appeal provisions.

Furthermore, problems might arise in an appeal to a single member because of the possibility of conflicting and different approaches adopted by individuals. It is therefore proposed to delete section 42 and thus allow normal principles to operate in relation to the constitution of the full Commission upon an appeal.

Clause negatived.

Clause 43—'Reference of matters to Full Commission.'

The Hon. J.D. WRIGHT: I move:

Page 17, line 32—Leave out 'interested' and insert 'all the'.

This amendment conforms with the submissions from the Chamber of Commerce and Industry and the Employers Federation in relation to a small technical point concerning wording. It is thought that the word 'interested' may be too wide. Accordingly, a simple amendment is proposed on the basis of those submissions.

Amendment carried; clause as amended passed.

Clause 44—'Cases stated.'

The Hon. J.D. WRIGHT: I move:

Page 18, lines 1 and 2—Leave out subsection (2).

This amendment will delete subsection (2) in section 105a, which was to require the court, on the statement of a question of law for the opinion of the court to be constituted by a single judge. It may be the case that some matters by their very nature will be of such difficulty and importance that they warrant a full bench at first instance. By deleting subsection (2), the composition of the court would accordingly be decided by the President and more flexibility would be provided.

Amendment carried; clause as amended passed.

Clause 45—'Parties to industrial agreements.'

The CHAIRMAN: I understand that the honourable Deputy Leader will merely oppose this clause. Is that the position?

The Hon. E.R. GOLDSWORTHY: Yes.

The Hon. J.D. WRIGHT: I move:

Page 18—
Line 10—Leave out 'subsection (3)' and insert 'subsections (3) and (4)'.
After line 16—Insert new subsection as follows:
(4) An association of employees registered under the Conciliation and Arbitration Act, 1904 of the Commonwealth but not under this Act may be a party to an industrial agreement.

My reasons for moving this amendment are that during the consultation period it was pointed out that in some cases an industrial agreement may be entered into by an association of employees registered under the Commonwealth Act but not under the State Act. It is not intended that federally registered associations be within the operation of the new provisions in clause 45. It is therefore proposed that a new subsection be inserted in order to provide that associations of employees registered under the Commonwealth Act but not under the State Act may be parties to the industrial agreement.

Amendment carried.

The Hon. E.R. GOLDSWORTHY: I have some remarks to address to this clause, amended or otherwise. Clause 45 is an important clause, which gives effect to the Government's intention to bar unregistered associations from the Commission. Again, I will not canvass the whole scope of the argument which we developed in relation to this matter earlier and I will not repeat again the full context of what Commissioner Cawthorne had to say about this matter, which I think is a fundamental matter of human rights. Commissioner Cawthorne said the following:

. . . 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 . . .

This is clear evidence of where the will of the UTLC prevailed over that of Cawthorne and common sense and over what I believe ought to be the freedom of associations, registered or not, to have access to this process. This is an important clause; it is circumscribing people's rights. No argument has been advanced by anyone to justify the exclusion of these people. The Opposition opposes the clause.

Mr BAKER: I join with the Deputy Leader and all members on this side of the House in opposing this clause. It is totally opposed to the ideals of freedom and good industrial relations. Whilst an unregistered association may be able to be party to a further change in the agreement, that is fine, but the provision clearly stipulates that no new industrial agreements can be made with unregistered associations. That is totally wrong. Mr Cawthorne referred to it. I am sure that we would all agree that if a group of employers and employees can agree on a sensible set of rules and remuneration requirements without duress and with all the proper forces of equity, then such agreements should be able to be

registered under the law. Under this provision the Minister is taking away that right. The provision provides for the continuance of existing agreements, but it should provide for the right of two, three or however many people are involved to make an agreement which is not disadvantaging people but which in fact is cementing a relationship. It is not a master/servant relationship, which we on this side of the House are always accused of talking about, but is in regard to people who are quite happy and willing to live by a set of rules which both parties devise and with which they are both happy. I believe that clause 45 should be struck from the Bill. I wholeheartedly disagree with it. The Minister can talk about ideologies, but people have a fundamental right to determine their own future. This takes away their rights. I believe that everyone on this side of the House will reject this clause.

The Hon. JENNIFER ADAMSON: I oppose the clause for the reasons outlined by my colleagues. I see it very much as a parallel clause to that which enforces compulsory unionism. By effectively barring unregistered associations from access to the Commission for new agreements this provision is really an effective enforcer of registration of associations. The Government is virtually saying to associations, just as it is saying to unions, 'If we don't get you one way we will get you another.' As the member for Mitcham said, that is a complete denial of the freedom of associations, one of the essential freedoms that should be safeguarded in any society that wishes to call itself democratic. I think that the Government has done itself no credit, and it has done employees and employers no justice in insisting upon this clause. I think it is an odious inclusion in the Bill and will be seen as such by, presumably, hundreds, possibly thousands, of members of the 150 unregistered associations to which the Deputy Premier referred when information was sought about the number of people who will be involved in and caught up under the provisions of this clause. Those people will certainly be justified in feeling deep resentment against a Government that forces their representatives into actions that are unacceptable to them.

Mr LEWIS: I do not have to go over the same ground that other honourable members on this side of the Chamber have canvassed: suffice to say in that context that 'if the gators don't get you then the mosquitoes will'. This is exactly what this Bill does: one will be stung whichever way it happens—one cannot escape. I referred to the consequences of the measures contained within this Bill when debating an earlier clause during the Committee stage. Again, it is relevant for me to highlight that particular instance. Mr Chairman, how would you like to have to sack yourself? The way in which this measure will operate is that, where it relates to workers co-operatives, if they choose, as members of the work force of the firm which they own, to take less than the award rate for the particular jobs that they are doing in their own firm, and if a union objects to that, then they can be required to fire themselves and hire union labour. That clearly demonstrates the stupidity of the Government's bigoted, pre-occupied, narrowminded and deep-seated reliance on its association with the trade union movement and that movement's paranoia about employer/employee relationships. It is tragic that it has come to that.

Where it suits the Minister he has quoted the Cawthorne Report to support this Bill. He has done that in such general terms as would mislead any unsuspecting, innocent, ill-informed member of the public or this place into thinking that the Cawthorne Report is the gospel upon which this entire Bill is based, and that is not true. The Minister knows that he has deliberately used the Cawthorne Report as the vehicle for giving some standing to the measure that he is introducing. He knows that, and he has done it deliberately, although, indeed, in not every instance is he following Cawthorne's recommendations (as in this case, where he is ignoring them, and in other cases where he is going against them). Why is it necessary to introduce such clauses as this into legislation? Can the priceless Deputy Premier give me an honest reason as to why it is necessary? There has been no satisfactory explanation to date about this matter. What offence does it cause? How does it adversely affect industrial relations just now? If the Minister took the time to listen to what I have to say instead of conducting a personal conversation—

The CHAIRMAN: Order!

Mr LEWIS: I would be grateful for any answers he could give me to those straight questions.

The Hon. J.D. WRIGHT: I have some sympathy with the co-operatives. They could develop (although they have not at this stage) into a very worthwhile organ for the employment of people. To that extent I agree with what the honourable member for Mallee is saying. However, there is nothing to prevent a co-operative from seeking and obtaining registration. There is no attempt to keep co-operatives isolated. All that this amendment does is restrict organisations from, in future, not being registered and therefore conforming with the ordinary sets of conditions that exist for every other registered organisation so far as the State determinations are concerned. Personally, I cannot see anything wrong with that.

Mr Lewis: We can.

The Hon. J.D. WRIGHT: Of course you can, because you do not like organised labour. That is the fundamental base from which the honourable member starts. The Liberal Party would like to see all workers disorganised, all unions banished from the face of the earth, no Industrial Court, the law of the jungle—that is the sort of thing it wants. However, the Labor Party wants a regulated system and protection for people such as the member for Mallee is talking about to ensure that the person who belongs to an association or union, or any other type of organisation, is given the protection of the minimum standards applying in this State. I am simply saying, and it is a fact of life, that if we do not have compliance with the standards, the rules, and the democracy that rules can bring to those associations because of their registration, they can be tyrannical, they can be anything at all, because there is no-one to protect them. That is what I call protecting the employee. The opposite philosophy is to let the employees be exploited by someone in charge of them who has no responsibility to answer to anyone. I am suggesting that this provision makes such associations comply with the standards, the minimum conditions that apply throughout the State.

Mr BECKER: Can the Minister name any unregistered associations that should not be allowed to continue?

The Hon J.D. WRIGHT: I am not going to name associations. I do not think that it would be reasonable on my part to do so. However, no association will be stopped from continuing. That is the point I made. I have stated at least four times that any organisation that exists can continue to exist. This amendment will restrict the opportunity for new associations to start up.

Mr BECKER: That is fair enough, but I want to know why the Minister is making such a definite amendment to section 106 of the principal Act. This proposed legislation is completely opposed to that. I do not want an explanation that says that it will stop the formation of unregistered associations. I would expect the Minister to give some examples. I want to know the real reason for this clause.

The Hon. J.D. Wright interjecting:

Mr BECKER: Yes it will, because it will give the Committee some indication. I believe it was brought in to stop private schools allowing contract teaching staff to form associations and reaching agreements with the private

schools. That is how it was explained to me, and I do not know whether or not that is right.

The CHAIRMAN: The question before the Chair is that the amendment to clause 45, as moved by the Deputy Premier, be agreed to.

Mr BECKER: The Minister is not prepared to answer that question. I want to know what industrial areas are concerning the Minister; is it the education area, the Public Service, the metal industries or some other associated industry? If the present organisations will continue, how many industries are left to which this amendment could apply?

Mr Lewis: The fishing industry.

Mr BECKER: Is it unlikely that there will be any new unregistered associations? Perhaps it will be in the fishing industry, as suggested by the member for Mallee.

Mr MATHWIN: I was not going to prolong this debate, but I am forced to do so, because the Minister has seen fit to ignore my colleague, the member for Hanson, who asked reasonable questions. The Minister fobbed him off. The Minister gave the member for Mallee a bit of soft soap but then he fobbed off the member for Hanson. We have not had an answer. I think the question asked by the member for Hanson is fair. Surely the Deputy Premier, with the capabilities he has, which I admire, is well able to answer such a question. I think it reflects on him if he does not.

I spoke to this clause at some length when we originally debated the Bill. I am opposed to this provision because it is a method of forcing individuals to do something against their will. That is quite wrong. It is quite wrong for the Minister to take it this far but it is more wrong of him to ignore my colleague. I hope the Minister will answer my colleague. The letter in the paper in which he is interested reflects on him and his preselection. It is four to one against him in the college according to that report.

Members interjecting:

The Hon. J.D. WRIGHT: Following that very earnest and serious request from the member for Glenelg, I will answer the member for Hanson. I made up my mind many years ago that, if I wanted to retain the friendship of people, I would never tell them anything they already knew.

Clause as amended passed.

Clause 46—'Approval of Commission in relation to industrial agreements.'

The Hon. E.R. GOLDSWORTHY: I move:

Page 18, lines 35 to 39—Leave out subsection (4).

I believe this is a matter for the people who are before the Commission, and not a matter that should be within the consideration of other parties.

The Hon. J.D. WRIGHT: The Government opposes this amendment, which seeks to delete section 108a (4) of the principal Act which was originally included in the Bill in response to the Cawthorne recommendation to inform relevant trade unions of any application for registration of an industrial agreement. The only changes in the recommendation are that the duty to notify is placed on the Registrar and not on the Commission as such and that both relevant employee/employer registered associations are to be so informed. In those circumstances, I oppose the amendment.

Amendment negatived; clause passed.

Clause 47—'Adding parties to agreements.'

The Hon. E.R. GOLDSWORTHY: The Opposition strongly opposes this clause, which is consequential on earlier clauses relating to the restriction on the ability of unregistered associations to appear before the Commission. The arguments of the Opposition accord with Mr Cawthorne's thinking and with the thinking of other industrial authorities. It seems that the only people advocating this clause are those in the UTLC.

The Hon. J.D. WRIGHT: The Government asks the Committee to support the clause for the reasons given earlier in this debate.

Clause passed.

Clause 48—'Effect of industrial agreement.'

The Hon. J.D. WRIGHT: I move:

Page 19, line 5—Leave out 'any award' and insert 'the provisions of any award that are inconsistent with the provisions of the agreement.'

This clause is concerned with the effect of an industrial agreement on any relevant award. This issue has been the subject of considerable argument and debate in the various jurisdictions of the Court and the Commission. One aspect of the matter described by Mr Cawthorne was that, as the law stands at present, if the parties to an agreement are in dispute and the dispute becomes the subject of a compulsory conference an award cannot be made even though it may not be a matter dealt with in the agreement. This is unsatisfactory. As stated by Mr Cawthorne, it would seem that an award should be able to be made in situations such as a compulsory conference. However, there is still debate as to whether the provision in clause 48 settles that issue once and for all. After further consideration of the clause, it is proposed to make a slight revision to make reference to an agreement operating to the exclusion of any inconsistent provision of an award. This amendment underscores the fact that the provision is concerned with the relationship between an agreement and an award that attempts to operate in the same field. It is not intended that the provision be used as the basis for an argument, but once an agreement has been entered into the Commission may not make any order (for example, a compulsory conference) that may apply to the parties to that agreement.

Amendment carried; clause as amended passed.

Clauses 49 and 50 passed.

Clause 51—'Change to rules of association.'

The Hon. J.D. WRIGHT: I move:

Page 20, after line 23—Insert new subsection as follows:

(3a) The Registrar may at any time before determining an application under this section, with the approval of the registered association that has made the application, adjourn the application for the purpose of enabling the applicant to amend the addition to, or the revocation or variation of, the rules to which the application relates (and upon the amendment being made the Registrar may determine the application taking into account that amendment).

Lines 39 and 40—Leave out 'is a branch of or forms part of an organisation registered under the Conciliation and Arbitration Act, 1904, of the Commonwealth' and insert 'is an organisation registered under the Conciliation and Arbitration Act, 1904, of the Commonwealth or is a branch of or forms part of an organisation registered under the Act'.

Line 43—After 'organisation' insert 'as registered under that Act'.

During the period of consultation, it has been pointed out that under section 121 of the Act the Registrar can adjourn an application for the registration of an addition to or alteration or rescission of the rules. This might in some cases be a useful procedure, so it is proposed to insert a further subsection in proposed new section 121 to give the Registrar express power to grant an adjournment. The amendment enhances the administration of the relevant section.

Concerning the second amendment, a submission received from the Master Builders Association proposes that an alteration be made to subsection (5) of new section 121 so as to make provision for an association which is registered under both the Commonwealth Act and the State Act but which is not a branch or part of an organisation so registered. This submission has some merit and an appropriate amendment is therefore moved. The third amendment is consequential.

The Hon. E.R. GOLDSWORTHY: The Opposition supports the amendments, which improve the clause.

Amendments carried; clause as amended passed.

Clause 52—'Limitation upon actions in tort in respect of acts done in contemplation or furtherance of industrial disputes.'

The Hon. J.D. WRIGHT: I move:

Page 21, lines 14 to 19—Leave out all words in these lines and substitute the following paragraphs:

(a) all means provided under this Act for settling an industrial dispute by concilation or arbitration have failed; and *(b)* that there is no immediate prospect of the resolution of the industrial dispute.

Clause 52 relates to the issue of actions in tort in industrial disputes. Several submissions have commented on the test employed in the proposed new subsection (3). It was suggested that there should be strict adherence to the wording proposed by the Cawthorne Report in relation to this matter. After consideration of those submissions, it has been agreed to transpose the approach advocated by Mr Cawthorne. Accordingly, the Full Commission will be specifically directed to ascertain whether all means provided by the Act for settling a dispute by conciliation and arbitration have failed and whether there is any immediate prospect of its resolution.

Mr MATHWIN: I oppose the clause as drafted and I also oppose the amendment. Subsection (2) *(b)* refers to an action for the recovery of damages in respect of damage to property (not being economic damage). However, what damage is not economic damage? The Minister is doing what he promised to do many years ago. He is removing trade unions from the possibility of being sued for damages. This represents the protection of one section of the community against the rest of the community, and that is unfair. If everyone else must submit to such a provision, the trade unions should not be exempt from its operation. The member for Florey had far more power—

The CHAIRMAN: Order! The question of the member for Florey's power is not involved in this clause. The honourable member must come back to the clause.

Mr MATHWIN: Thank you, Mr Chairman, for your direction. The Minister would know very well that he was under extreme pressure when he was Minister in a previous Government. He said at one stage that he tried to do something about it. Obviously, great industrial muscle was used against the Minister at that time, but it would appear that, now that he has returned as Labour Minister, he has been subjected to even more industrial muscle. It is economically damaging to put one section of the community at great advantage over another in relation to suing for damages, and the like, involving the inclusion of a little proviso which proves beyond doubt the pressure under which the Minister of Industrial Affairs is at the moment. I oppose the clause and the amendment.

The Hon. E.R. GOLDSWORTHY: I, too, want to reiterate what the member for Glenelg has said. It was a question of whether I said it in speaking to this amendment or made my comments on the whole clause, but the fact is that the amendments do not improve the situation at all in relation to someone who has suffered economically as a result of industrial action. I think everyone knows that this harks back to the Woolley/Dunford dispute many years ago which ever since then has been a thorn in the side of the union movement. The late Jim Dunford was the union official involved. The union was taken to court by Woollie, who won his case and was awarded damages. The Government, in its lack of guts and courage, paid the fine for damages. That was in the interests of industrial peace. Then, for his efforts, Jim Dunford was elected to the Upper House.

That is the history of what lies behind this clause. The union movement was taken to court and defeated, and the ignominy of that defeat is still with it. The union movement wishes to remedy that situation. What do these amendments do? We go through all the thrashing out of these processes of conciliation. If the unions really want to screw somebody in a situation such as this, there is no reason why this cannot drag on for days, even weeks. There can be no access to civil remedy over this period. Nothing can happen until one has thrashed it all out at the Commission.

This is a new matter that we have not canvassed, and it makes fairly meaningless any possibility of tort action if one is precluded from going to court to redress economic damage. The only damage which does lasting harm is likely to be economic damage. After all the hoo-hah about compromise and reaching agreement on this matter, the fundamental objection is still there in this clause. If someone suffers economic damage as a result of wrongful action and it has to be proved in court by a group in this society, that group—the union movement—is to be given special singular protection from court action of that nature until it has gone through all the thrashing-out processes and delays associated with this procedure. I need say no more, as these matters have been canvassed in this place and publicly on a number of occasions. We are fundamentally opposed to what is the basic proposition behind this so-called compromise. If one has suffered economic damage at the hands of a union, too bad, one can do nothing about it.

Mr LEWIS: New section 143a (1) provides:

Subject to this section, no action in tort lies in respect of an act or omission done or made in contemplation or furtherance of an industrial dispute.

That is not economic damage. I would like the Minister to define the term. To continue:

(2) This section does not prevent—

(a) an action for the recovery of damages in respect of death or personal injury;

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

(c) an action for conversion or detinue;

or

(d) an action for defamation.

(3) If the Full Commission is satisfied, on the application of any person, that—

(a) there are special reasons why an action should be permitted to proceed notwithstanding the provisions of subsection (1);

and

(b) that the action would not, in the circumstances of the case, unduly impair amicable industrial relations,

the Commission may authorise the applicant to bring an action in tort notwithstanding the provisions of subsection (1).

So, one cannot get into the court even if one is suffering damages. Presently, it would be possible to take an action in tort to try to resolve the matter. Even if after the so-called industrial processes are exhausted, the unfortunate individual who has been drilled by this clause, or the organisation that has been taken on by the union, will find that the union will decide that the matter is not really settled and will extend the process for as long as there is any threat of a tort. They will say this is part of an ongoing dispute. There is no way in the world one would ever get it into a court for an action in tort. I want to know the Minister's definition of 'economic', and I would like him to explain new subsection (2) *(c)*. I would also like him to explain why on earth it is necessary in all circumstances, unless it is part of the paranoia to which I referred earlier, to include new subsection 3 *(b)* 'that the action would not, in the circumstances of the case, unduly impair amicable industrial relations'. That is a blanket provision.

So, if it is believed that it could stir up another dispute, extend the dispute or cause people to feel uncomfortable in the industrial arena, it is unlawful for a tort action to be taken. It simply means that the rest of the clause is a jolly nonsense, because that threat can always be used and that

reason can always be given—no tort! I ask the Minister to answer the assertion I have made, to define 'economic' and also explain new subsection (2) *(c)*.

The Hon. J.D. WRIGHT: I want to place on record my congratulations to the negotiating committee of IRAC which came up with this proposition, because this is one area of dispute that has been around now, I suppose, since time immemorial: there have been laws dividing the workman from the employer. Attempting to relate industrial disputes to a court action, or Supreme Court action particularly, has never been successful.

There is an abundance of evidence in that regard. Obviously, there were proposals before me to abolish the tort penalties scheme situation from industrial activities, and I think that way myself. I do not think that they settle disputes, but obviously the employer representatives on IRAC had those responsibilities, which I believe they carried out extremely well throughout, but more particularly in this regard, in finding a solution which is satisfactory to both sides. I would not have thought that that was feasible or possible.

Mr Mathwin: I think it is.

The Hon. J.D. WRIGHT: Well, it is.

Mr Mathwin: You haven't settled it.

The Hon. J.D. WRIGHT: Here is an agreement that has been reached. As I have said previously, everything in this Bill has been finalised and agreed to by IRAC: there is nothing in here that has not been.

Members interjecting:

The CHAIRMAN: Order! The voices of the honourable members for Mallee and Glenelg have been heard and should not have been.

The Hon. J.D. WRIGHT: Whether or not it is a small business, we cannot have a committee big enough or a building large enough to hold them, for a start, and to accommodate all interests.

The Hon. E.R. Goldsworthy interjecting:

The Hon. J.D. WRIGHT: The Deputy Leader is getting a bit of a caning over this, so he had better be careful. Do not worry: I know something that he does not know.

The Hon. E.R. Goldsworthy: You just had a friendly reporter yesterday: that's all.

The Hon. J.D. WRIGHT: The Deputy Leader should wait until he sees the next one. Be that as it may, I sincerely believe (and this is not just political argument or talk) that this will be a remedy in settling these types of disputes. Nevertheless, if one cannot get the heat out of the dispute or cool it down and get people to show some sense in it in the industrial field, I do not know where else one will do it. One will not do it in the Supreme Court. Alternatively, if the dispute is not settled there, the employer has the right to take a tort action. This is not depriving the employer of the right to take that tort action. It is a method of trying to settle an industrial dispute in the industrial atmosphere with the apparatus that is there to do it.

Amendment carried.

The Committee divided on the clause as amended:

Ayes (21)—Mr Abbott, Mrs Appleby, Messrs Bannon, Crafter, Duncan, Gregory, Groom, Hamilton, Hemmings, Hopgood, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright (teller).

Noes (19)—Mrs Adamson, Messrs Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Goldsworthy (teller), Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Pairs—Ayes—Messrs L.M.F. Arnold, Ferguson and Keneally. Noes—Messrs. Allison, P.B. Arnold, and Gunn.

Majority of 2 for the Ayes.

Clause as amended thus passed.

Progress reported; Committee to sit again.

PARLIAMENTARY SALARIES AND ALLOWANCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 March. Page 2665.)

Mr OLSEN (Leader of the Opposition): The Opposition will not oppose this Bill. The form of this legislation is further confirmation, I believe, of the effectiveness of the Opposition. It was the Opposition which first proposed, on 12 January, that the determination of the Parliamentary Salaries Tribunal should be phased in. It was the Opposition which first proposed, on 18 February, that this legislation should ensure that members of Parliament will not receive indexation increases for 1984 which will flow on to other wage and salary earners.

I am pleased that the Government has followed the lead given by the Opposition on these two matters—as indeed the Government has followed the lead given by the Opposition on other important issues, including the need to exempt charities and churches from the FID legislation; the need for changes to the Maralinga land rights legislation; the need to review increases in liquor licence fees; the need to change the law relating to squatters; and the need to increase penalties for offences which cause bushfires. These examples demonstrate that the Opposition is using the Parliamentary process effectively, responsibly and positively and that it is responsive to community concerns about important issues such as how much members of Parliament should be paid.

The Opposition's attitude to this question, following the determination of the Parliamentary Salaries Tribunal made on 5 January, has been based on our view that members of Parliament have a responsibility to give a lead to the rest of the community in exercising wage restraint. The Liberals adopted the same view when we were in Government and took decisive action to reflect it. In August 1981 the Liberal Party initiated legislation which would have required our major industrial tribunals, including the Parliamentary Salaries Tribunal, to have regard to the public interest and the state of the economy when making their decisions.

The ALP and the Democrats voted together to defeat that Bill, although the former Government was successful, in 1982, in writing those provisions into the Parliamentary Salaries and Allowances Act subsequently. When debating that particular legislation, the present Premier had some observations to make about his predecessor. On 14 September 1982 he said:

> Of course, a degree of grandstanding and cynicism is involved in the Premier's attitude to this issue, and lofty sentiments have been expressed about examples of wage restraint being shown to the community, and so on.

But it is interesting to note that, since then, the present Premier has had cause to be thankful for this legislation introduced by his predecessor. He used it in his defence at the latest determination. I quote as follows from his letter to the Prime Minister on 12 January of this year:

> This Tribunal is required to operate under an Act of Parliament which requires that in arriving at a determination the Tribunal shall, if prevailing economic circumstances are such that an example of restraint in levels of salary should be set by Members of Parliament to the general community, ensure that the levels of salary to be fixed by the determination reflect such restraint to an appropriate degree. Thus, the need for restraint by community leaders which you mention is in fact one of the existing principles which the Tribunal is required to take into account.

In this letter the Premier also cited the other important provision inserted in the legislation by the former Govern-

ment requiring the Tribunal to have regard to the state of the economy of the State and any likely economic effects, whether direct or indirect as they relate to the determination. So much for grandstanding and cynicism. The very legislation for which he criticised his predecessor less than two years ago, is now quoted by the Premier to defend himself against criticism of the Tribunal's 18.9 per cent determination.

The Hon. J.C. Bannon interjecting:

Mr OLSEN: Indeed it is a factual Commission, but it highlights the duplicity of stand.

The Hon. J.C. Bannon: Why?

Mr OLSEN: Because, quite simply, in the first instance you criticised the former Premier for his grandstanding and cynicism of the move, and yet now you have it as a basic position to shore up your own position in a reply to the Prime Minister.

The SPEAKER: Order! Will the honourable member please refer to other honourable members by either their district or their title?

Mr OLSEN: Thank you, Mr Speaker. I will desist from responding to interjections from the Premier. The community reaction to that decision is clear in that despite the wage restraint exercised by members of Parliament for the past two years, the public expected us to accept less than the Tribunal awarded. I believe that the changes proposed by the Opposition, now endorsed by the Government and included in the legislation, do amount to another significant exercise of wage restraint by members. To demonstrate that, I seek the approval of the House to have inserted in *Hansard* without my reading it a table showing wage movements in various categories of the work force between 1981 and 1984. It is of a purely statistical nature.

Leave granted.

Classification	As at 1.1.81	Current	As at 1.1.85 Assuming 6% Increase During 1984	% Rise 1981-84
S.A. Public Service	$ p.a.	$	$	%
Admin. Officer Class 4	23 749	33 913	35 948	51.4
Technical Officer Class 7	22 350	33 053	35 036	56.8
Exec. Officer Class 1	30 176	41 720	44 223	46.6
Exec. Officer Class 6	46 185	64 562	68 436	48.2
School Principals	25 729	35 669	37 809	47
Waterside Worker	11 924	16 430	17 416	46
Bank Manager (9-11 staff)	18 455	25 314	26 833	45.4
Member of Federal Parliament	30 026	40 156	42 565	41.8
Member of State Parliament	27 780	31 530	37 500*	34.9

* To be achieved in four stages during 1984 through phase-in of determination by Parliamentary Salaries Tribunal.

I have not prepared these figures as an exercise in self justification. Rather, they confirm that the movement in the salaries of State MPs between 1981 and the beginning of next year will lag well behind the rest of the work force. In the present economic circumstances, this is a sacrifice I believe members must continue to accept. The provisions of this Bill will ensure that they do.

Mr LEWIS (Mallee): I support the remarks made by the Leader. I place on record my simple, succinct views of the situation as we find it. Although it is not contained in this legislation, in my judgment I believe that in the future members of Parliament should give consideration to the matter of stating other sources of public income that they derive from any institution or instrumentality set up by the Parliament, but outside the operations of the Parliament. I refer to bodies known as QUANGOS, such as the SGIC, and so on.

I believe that because of the way that members of Parliament in this State and in other places in the Commonwealth from time to time find it unacceptable to be required in law to accept the salary determined for them by whatever mechanism it is that determines it in each case (in our case it is a publicly appointed and independent tribunal, and not the Parliament itself), members should have the responsibility to either opt to take the rise or not, or any part of it, and thereby be precluded from crying crocodile tears about the law compelling them to take it—even if they do not wish to do so.

That was done by Sir Henry Bolte in Victoria many years ago, and not so much as a whimper has been heard from any MP in that State in regard to this matter since that time. Nor has any member refused to take the rise!

Despite what was said in the press about this salary rise when it was first announced (it was, indeed, determined by an independent tribunal) the ill-informed remarks made by members of the Federal Parliament, particularly the more prominent leaders of the major political Parties, clearly indicated their ignorance of the real facts. They were not interested in facts, but only in headlines.

I conclude by saying that it is my opinion, and the opinion of every responsible person to whom I have spoken about this topic, that if you pay peanuts you will get monkeys—that applies to members of Parliament as much as it does to any other institution in our society.

Mr BLACKER (Flinders): Over the past few months we have seen the dilemma that members of this Parliament have been in concerning the determination of salaries. Members of Parliament forwent two previous Tribunal determinations for which they did not get a 'thank you' from the general public. The latest determination probably could not have occurred at a worse time.

Mr Lewis: When is a good time?

Mr BLACKER: What I am trying to say is that the determination of salaries needs to be taken out of the hands of members of Parliament and put at a level commensurate with the job and the responsibility of members of Parliament. For example, if we are considered to be fourth or fifth class public servants, then the salary should be put at that level. If it is considered that we should get $500 or $1 000 less than a Federal member of Parliament, then the salary should be set at that level. But that is the dilemma we are in. When this matter blew up I happened to meet a Victorian member of Parliament who was holidaying in my electorate: he just laughed and said, 'Good on you, go for it.' When I asked him what he meant, he said, 'You have to take the flak, but we have solved that by pegging our salary at $500 below that determined by the Federal Salaries Tribunal, so we can laugh while we watch everyone else going through these dilemmas.' That is the real problem. The timing which occurred on this occasion was politically most unwise for

everyone concerned. I say that it is for the community to assess the values of the members of Parliament and to put their salaries according to that which is the standard of the day.

The Hon. J.C. BANNON (Premier and Treasurer): The members who have spoken have indicated the sensitivity and delicacy of this problem and in my own case, as something of a lightning conductor for the public controversy that erupted around this issue, I can only support some of their comments with great feeling. When is the appropriate time for politicians to receive pay rises? I guess that the answer in general terms is 'never'. Should Parliamentarians be paid then, one asks? I would have thought that that debate had been conducted in the 1890s or earlier and resolved in terms of the proper operation of democracy then. However, we have the dilemma still with us.

One of the problems a Bill such as this presents is that it does represent a direct Parliamentary interference with the Tribunal's determination, and that policy of the independent fixation body (such as the rest of the work force has) at arms length from the Parliament is a very important principle to maintain. That is one reason why there is a difference in the initial proposition between the Opposition and the Government on the phasing in question. It is true that we both agreed that the full 18.9 per cent, because of community attitudes and feelings about it, could not come into operation in the way in which the Tribunal had provided. The Opposition suggestion was that we revert to the 4.3 per cent increase that the whole of the work force, including other Parliamentarians, received in October last year, and then apply some staging processes following on from that.

As a Government we felt it important to maintain the Tribunal's determination and if one likes its integrity, and thus put this Bill on a four stage basis using the Tribunal's determination as we have it before us today. As the Leader of the Opposition pointed out, there is provision in the Bill that members of Parliament will not receive any of the national wage increases during this year, which will represent a wage sacrifice on the part of members of Parliament and which I am fairly confident there will be little acknowledgement and certainly no credit for.

Be that as it may, that is the situation, and that is the measure that we have before us. The important thing is that post 1985 we will be moving in step, behind but in step, with movements that are deemed to be fair and just for the total wage force in this country. If, at some time in the future, the national central wage fixing system is superseded or goes out, then the Tribunal and its integrity still remains for the purposes of this Bill. We may, at that stage, of course, or in the intervening period, look at some other method of fixation but at least we have time to do that in the interim. In the meantime, the Tribunal and its basic responsibilities remain, governed, of course, by the provisions of this Act.

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

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

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

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

Adjourned debate in Committee (resumed on motion).

(Continued from page 2792.)

Clause 53—'Conscientious objection.'

The Hon. E.R. GOLDSWORTHY: I move:

Page 21—
Line 24—Leave out 'section' and insert 'sections'
after line 29—
Insert new subsection as follows:
(3a) No person shall harass or intimidate another person on the ground that he is the holder of a certificate under this section.
Penalty: Five hundred dollars.
Line 33—Leave out 'Amounts' and insert 'Any amount'.
Lines 34 and 35—Leave out 'into the General Revenue of the State' and insert 'to a charitable organisation nominated by the person from whom the amount is received'.
After line 35—Insert new subsection as follows:
(b) In this section—
'charitable organisation' means a body established on a non-profit basis for charitable, religious, educational or benevolent purposes.

I have moved two separate amendments. Clause 53 provides:

An employer who discriminates against an employee or an applicant for employment, on the ground that he is the holder of a certificate under this section shall be guilty of an offence.

That clause states that an employer shall be guilty of an offence, but it is not only employers who can harass an individual who may or may not be a member of an organisation. If we are to try and curb the sort of behaviour that this clause is aimed at, we should be looking a bit wider than simply employers. There are all sorts of cases where one could imagine that a situation could and would arise in relation to a person being harassed or intimidated in relation to his membership or non-membership of a union. We do not disagree with the import of the clause, but we believe that to have real meaning and grip it should be widened to include any person who may seek to harass or intimidate any other person, whether they are a union member or not.

The second amendment is self-evident. We do not believe that a conscientious objector should have the equivalent of his union fees paid into general revenue. It is more appropriate that they should be paid to a reputable charity of one's own choosing. The definition provided in relation to a charitable organisation covers the field quite adequately. I cannot for the life of me see why the Government would object to either of these amendments. It would need very good reason to do so. We are not interfering with the substance of the clause to any marked degree, except that we think that if it is good enough to circumscribe an employer in terms of this clause, it ought to be good enough to circumscribe the behaviour of any person in relation to harassment.

We are not disagreeing with the idea of paying the equivalent of the union membership fee somewhere, but we do not believe it should flow into the general revenue of the State. We believe that the person concerned should have some choice in relation to where that money should go and that that should be to a recognised charity. I think my amendments are self-evident and I commend them to the Committee.

Mr BAKER: I referred during the second reading debate to the payment of moneys into general revenue. At that time the Minister said that this was done interstate so why should it not be done here. Throughout the debate on this Bill the Minister has relied on interstate or Commonwealth precedent for justifying what he is doing. He has been a slippery customer, because he has always picked out the part of State or Commonwealth legislation that agrees with his beliefs.

The Hon. J.D. Wright: I prefer to be called 'competent' rather than 'slippery'.

Mr BAKER: I am not sure that 'competent' is the right word. Nowhere has the Minister been able to prove to us that the position he maintains is widespread and that it is

contained in all the legislation throughout Australia, including Commonwealth legislation. He has really misled the House about the nature of the amendments when he has spoken about how well accepted they are in other jurisdictions, either the State or the Commonwealth. The same thing applies to this clause.

I am angry about this clause. I believe if someone is conscientiously objecting (and the Minister does not seem to have had any difficulty with that—I am sure that he does privately, but he does not seem to have had any difficulty publicly with it), and in this State we have only 15 such persons, he should not have to pay money into the general revenue. However, the Minister says that because there are only about 15 conscientious objectors in this State that is good reason to pay the money into general revenue. Before a person can be classed as being a conscientious objector he must go through stringent procedures. Magistrate Cawthorne recommended a freeing of these procedures, but I notice that the Minister has not embraced that recommendation.

If a person firmly believes that he cannot conscientiously belong to a union or an organisation of labour this clause ensures that the money he pays will go into general revenue. That is a form of taxation, as the Minister well understands. What he is saying is 'heads you lose, tails you lose'. That is simply not good enough. The provision already existed for a person disagreeing with union membership to pay in some other way a sum equivalent to the union membership fee. That person does not avoid the responsibility of a commitment to paying a certain sum of money—we have all agreed on that. Now the Minister wants that money to be paid into the general revenue. Is the Minister really afraid that the number might swell, that people might say that they would prefer their money to go to a charitable organisation rather than to a union? What is his fear? The Minister has failed to give a good reason why this amendment should be passed. I call upon the Minister to accept the amendments moved by the Deputy Leader. I believe that we should put the clause back where it was in relation to the payment of money by conscientious objectors. I also believe we have to fix up the discrimination aspects of the clause.

The Hon. J.D. WRIGHT: The Government opposes the amendments.

The Hon. E.R. Goldsworthy: Both of them?

The Hon. J.D. WRIGHT: The Government opposes both amendments. I have talked about charitable organisations previously, but I will mention them again. The first amendment refers to harassment or intimidation of a person who holds a conscientious objector's certificate. I have had a fair bit of personal experience with this. I do not suppose I have seen more than 20 or 30 examples in my life, but I have seen at least 20 persons in different occupations and different industries who have been conscientious objectors, but I have not seen them harassed or intimidated. That is on a personal level. Also, I have received no reports about such happenings.

The Hon. E.R. Goldsworthy: You have had no problem with it in the court?

The Hon. J.D. WRIGHT: I have never seen them harassed or intimidated. To the best of my knowledge I have received no complaints in the Department about this happening. It certainly has not been brought to my attention if such complaints have been received in the Department. I do not see why we should do something to protect something that does not occur.

The Hon. E.R. Goldsworthy: Have there been any employer groups discriminating?

The Hon. J.D. WRIGHT: Yes, I can cite instances of that. I know what I am moving, but I cannot subscribe to the reasoning behind the Deputy Leader's proposition. In the second reading debate I covered donations to charitable organisations, but I reiterate that this is another recommendation of Magistrate Cawthorne, so the Government opposes that as well.

The Committee divided on the amendments:

Ayes (19)—Mrs Adamson, Messrs Allison, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Goldsworthy (teller), Ingerson, Lewis, Mathwin, Meier, Oswald, Rodda, Wilson, and Wotton.

Noes (21)—Mr Abbott, Mrs Appleby, Messrs Bannon, Crafter, Duncan, Gregory, Groom, Hamilton, Hemmings, Hopgood, Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright (teller).

Pairs—Ayes—Messrs P.B. Arnold, Gunn, and Olsen. Noes—Messrs L.M.F. Arnold, Ferguson, and Keneally.

Majority of 2 the Noes.

Amendments thus negatived; clause passed.

Clause 54 passed.

New clause 54a—'Interpretation.'

The Hon. J.D. WRIGHT: I move to insert the following new clause:

54a. Section 146a of the principal Act is amended by inserting after paragraph *(c)* of the definition of 'industrial authority' in subsection (1) the following paragraph: *(ca)* the Parliamentary Salaries Tribunal;.

This provision is part of the new status of the national wage determination in relation to the liberation of the Parliamentary Salaries Tribunal. The new clause will include the Tribunal on the list of industrial authorities that should have regard to the decisions and determinations of the Full Commission under section 146b of the Act.

New clause inserted.

Clauses 55 to 58 passed.

Clause 59—'Employer not to discriminate against employee on certain grounds.'

The Hon. J.D. WRIGHT: I move:

Page 22—
Line 38—After 'reason' insert 'only'.
Line 40—After 'is' insert 'or is not'.

As has been pointed out in various submissions, there has been a slight departure in the wording in new section 157 (1) and in new section 157 (1) *(a)* when compared to the present provisions. It is agreed that there should be consistency and I believe that the amendments achieve that.

Amendments carried.

The Hon. J.D. WRIGHT: I move:

Page 23, line 10—Leave out 'he did not act in contravention of subsection (1)' and insert 'he dismissed the employee or injured him for a reason other than a reason referred to in subsection (1), and that he did not act in a manner that was harsh, unjust or unreasonable'.

This amendment clarifies the intention of the new section and ensures conformity between various Acts and various sections of the Act. The amendment provides that to succeed in proceedings under this section the employer has to prove not only that there was an additional substantial reason for his action other than the employee's union association, his involvement as a safety representative or his entitlement to award benefits, but also that this action was not harsh, unjust or unreasonable. Without this amendment the employee could be dismissed for union association or union activity, although he believed that that was not the real reason for his dismissal but that he was being dismissed for another reason. Without this provision, he would have no way of establishing that the action of the employer was harsh, unjust or unreasonable. This is a link with the clauses covering the reinstatement provision.

Amendment carried; clause as amended passed.

Clause 60—'Right of injured employee to compensation.'

The Hon. J.D. WRIGHT: I move:

Page 23—

Lines 15 to 17—Leave out 'committed, award compensation to the applicant for loss resulting from the commission of the offence' and insert:

committed—

(a) award compensation to the applicant for loss resulting from the commission of the offence;

and

(b) if the applicant has been dismissed from his employment—order the employer to re-employ the applicant on conditions determined by the court.

Line 18—Leave out 'damages' and insert 'compensation'.

Clause 60 inserts a general provision dealing with the rights of an employee who has been injured by actions of an employer in contravention of section 156 or section 157 to seek redress. As part of this proposal, section 156 (4) was struck out so that its contents could be re-enacted in the new general provision. It has been submitted that it is presently provided by section 156 (4) that there should be reference to the fact that, if the dismissal of an employee occurs as the result of unlawful actions of an employer, the employee should be able to seek an order for re-employment. This submission has been accepted and an appropriate amendment has been drafted, allowing the court, upon the conviction of an employer, to order that he re-employ the applicant on conditions determined by the court.

The second amendment is moved in order to provide consistency in terminology between subsection (1) and subsection (2) of new section 157a. Subsection (1) refers to an award of compensation, while subsection (2) speaks of damages. However, they are intended to refer to the same type of award, so an amendment must be moved.

Amendments carried; clause as amended passed.

Clause 61 passed.

Clause 62—'Exhibition, etc., of relevant awards.'

The Hon. J.D. WRIGHT: I move:

Page 23, lines 37 and 38—Leave out 'supply the employee with a copy of the award for his perusal' and insert 'produce a copy of the award and afford the employee a reasonable opportunity to peruse it'.

In support, I say that some submissions suggested that under the provisions contained in clause 62 an employee could retain a copy of the award that was made available by the employer for his perusal. This is not correct but, in order to dispel any doubt, a simple amendment is proposed to indicate that if a copy of the award is produced only so that employees may be afforded a reasonable opportunity to peruse it.

The CHAIRMAN: With respect to the amendment on file of the Deputy Leader, I point out that if the amendment that has now been moved by the Deputy Leader is passed, the Deputy Leader could still proceed, if he desired.

The Hon. E.R. Goldsworthy: I do not plan to proceed with it.

Amendment carried; clause as amended passed.

Clause 63—'Summary procedure.'

The Hon. E.R. GOLDSWORTHY: I move:

Page 23, lines 43 to 45—

Page 24, lines 1 to 5—

Leave out all words in these lines.

That refers to clause 63 *(b)*, which provides:

By inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) Where an offence against this Act arises by virtue of contraventions of, or non-compliance with, an award or order of the Commission, no proceedings in respect of that offence shall be commenced except by leave of the Full Commission.

This is probably about the strangest mixture of judicial and arbitral functions that one can possibly imagine. I do not believe there is precedent for this anywhere. I refer again to the submission of the Law Society, which I did not quote in full, but which had this to say about clause 63:

We cannot understand the reason for the proposed insertion of section 174 (2) by clause 63 of the Bill. This would require all prosecutions for breaches of awards to be commenced only by leave of the Full Commission. There appears to be no reason for this and it would render the business of the court and Commission quite unworkable.

The only other reference I wish to make in relation to this matter is from one of the other submissions that came to me, which says essentially the same thing:

This provision is, in our opinion, quite impractical. As it stands there is an obligation on the Full Commission to sanction any action for an offence and remit same to the Industrial Court. In our view, a joining of judicial and arbitral functions in this fashion is without precedent.

I need say no more. I read it and found it quite strange. It seems most unusual for leave of a Full Commission to have to be obtained for procedures in respect of events to be commenced in a judicial jurisdiction. This is without precedent, and people who are better qualified than I to comment on it have stated quite categorically that it is unworkable.

Mr BAKER: What does this clause really mean? Under our interpretation it means that, if an employee has been given an award and the employer fails to meet it, or vice versa there might have been some condition placed on the employee. Before it can proceed it must have full approval of the Full Commission. We are at a loss, but perhaps the Minister could explain the reason for this clause.

The Hon. J.D. WRIGHT: The Cawthorne Report recommended very strongly what the Government is doing. In his opinion, my opinion, and that of the Government, it is obviously an attempt to go one step further towards good industrial relations before prosecution for whatever purpose takes place. One does not have to act in the industrial jurisdiction full time or even part time to be aware that the pains and penalties situation in the Industrial Court and Commission has not worked. It does not matter what Government is in power, Liberal or Labor. One could go back to the Clarrie O'Shea case. He went to gaol for not paying penalties and fines. The unions and the ACTU have said more strongly that fines will not be paid in any circumstances for industrial activities.

Cawthorne set out to make use of the Full Commission. Every available part of the apparatus that was there should be used before a decision was made to inflict penalties on the person responsible. I think this creates a cool atmosphere. It gives both sides time to have a cooling-off period similar to provisions in other Acts, before prosecution comes in. Once a prosecution is instituted, that is when the fires light and all sorts of activities occur, such as black bans.

I agree completely with this and we will know in 12 months time whether it will work. It is not proven at this stage, but it is an idea that Magistrate Cawthorne had, for which I commend him. I hope the Committee will support anything that would prevent the igniting of industrial activities where they can be cooled.

The Hon. E.R. GOLDSWORTHY: We do not accept the proposition that because the union movement and the ACTU have made a determination they will not pay any fines. If the law is there and people say they will defy it, let them take the other consequences. But, to mount that as an argument in a democracy simply because some people have determined that they will transgress the law but they will not pay fines, and therefore we change the law is something we will not accept, because it is a recipe for anarchy. I think that Sir John Moore said recently that we should toughen up penalties. To suggest that, because the union movement made a determination that it would defy the law and would not pay the penalties, that justifies instituting such a system, which is quite unworkable seems to me a recipe for disaster. The Minister's explanation just will not stand up.

Mr BAKER: I am absolutely amazed by the Minister's response. The Dunford case has been resurrected. We have had something to remove that from the Act. Now we have the Clarrie O'Shea case. We have had isolated instances where the system has broken down and we have had some intransigence. In one or two cases matters have got out of hand because fines and penalties were imposed. There may be some merit in their becoming protracted disputes, but it could be Joe Blow down the road who has failed to get his wages or was not provided with safety equipment, and we would need the Full Commission agreeing to the matter proceeding. I cannot believe that the Minister is doing this to his colleagues on the basis of one case that he seems to have become upset about. We have a case, on one side, which galls the trade union movement.

On the other side of the coin we have a number of areas where the Commission will make a determination and the employer or employee may not comply. It is mainly in the employer area, and he is cutting off his nose to spite his face. All I can say to the Minister is that I wish him the very best of luck with this clause, but I would have thought that this would cause some tremendous consternation among his own ranks. Forget about the exceptions to the rule, like the Clarrie O'Sheas of this world, and think about how the thing will operate. If it means that someone is committing an offence (and there are many offences committed by people who do not comply with determinations) then let us make the job so much easier. So, I can only shake my head in wonderment at the Minister's answer to this question, because he is disadvantaging a group that I thought he would have wanted to assist.

Amendment negatived; clause passed.

Clause 64 passed.

New clause 65—'Amendment to the Judges' Pensions Act, 1971.'

The Hon. J.D. WRIGHT: I move:

Page 24, after line 8—Insert new clause as follows:

65. The Judges' Pensions Act, 1971, is amended—

(a) by inserting after paragraph *(c)* of the definition of 'Judge' in section 4 the following paragraph:

(ca) a Deputy President of the Industrial Commission of South Australia (other than a Deputy President appointed on an acting basis):;

and

(b) by striking out paragraph *(b)* of section 13 and substituting the following paragraph:

(ba) who has been removed from office in the manner provided for by the Industrial Conciliation and Arbitration Act, 1972;.

I advise the Committee that the proposed new clause makes an amendment to the Judges' Pensions Act that accords with the decision that all Deputy Presidents of the Commission should have equal rights and conditions of office, including the right to a pension. Accordingly, it is intended to include them within the definition of 'judge' for the purposes of the Act. A consequential amendment will be necessary also to section 13 of the Act.

The Hon. JENNIFER ADAMSON: I ask the Minister whether any calculations have been made of the cost, if not the precise cost, of the financial implications to the State of this amendment.

The Hon. J.D. WRIGHT: My understanding is that it is only tidying it up. As I understand it, it has already been there in the past.

The Hon. JENNIFER ADAMSON: It is a technical thing?

The Hon. J.D. WRIGHT: Yes.

New clause Inserted.

Schedule passed.

Title.

The Hon. J.D. WRIGHT: I move:

After '1972' insert '; and to make related amendments to the Judges' Pensions Act, 1971'.

The President of the Commission has raised the issue of whether Deputy Presidents of the Industrial Commission appointed pursuant to section 22 of the Act (as amended by the Bill) should be entitled to the same rights to superannuation as other presidential members of the Commission. If so, the Deputy Presidents would have to be brought within the provisions of the Judges' Pensions Act. The Government is anxious that these Deputy Presidents do have complete equality with their counterparts in respect of all conditions of office, and so has decided to amend the Judges' Pensions Act accordingly. This amendment to the long title is consequential upon that course of action.

Amendment carried; title as amended passed.

The Hon. J.D. WRIGHT (Minister of Labour): I move:

That this Bill be now read a third time.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I am disappointed that the Bill has emerged as it has from the Committee debate. There has been no substantial amendment agreed by the Government in relation to the Bill. The Minister knows full well that a large section of the South Australian community is adamantly opposed to a number of provisions that have now passed this House. The Bill is damaging in its impact, I believe, on the economy of the State. The provisions which the Minister has seen fit to include which were not recommended by Commissioner Cawthorne in relation to a number of industrial matters, in particular in relation to demotion and the like, will have a damaging effect on the economy of the State. The Bill will have a damaging effect on individuals, particularly in relation to those clauses which seek ultimately to regulate contract labour.

That will have a damaging effect certainly on individuals who are seeking to build a home in South Australia, and the Minister knows it. There are provisions in the Bill which, as it comes out of Committee, will be offensive to a large number of citizens in this State and, I believe, the majority of citizens. They are the clauses which amount to compulsory unionism: that is what they amount to, and the clauses in this Bill which has now passed this Chamber are nothing short of an extension of the philosophy of compulsory unionism as espoused by the Labor Party. I believe that this will be offensive to the majority of people in this State, so all in all the Opposition has put up strong objection to many of the major provisions in this Bill.

The Government has not heeded what we have said. It is off on the philosophical kick which is inherent in a number of aspects of its policies. As I say, it is damaging to the State and to individuals and it is offensive to a large number of people. We oppose the third reading of this Bill.

The Hon. JENNIFER ADAMSON (Coles): I oppose the Bill as it comes out of Committee. There has been no shortage of amendments to the Bill, but despite those amendments there has been no real change to the intent or substance of the Bill. It still contains provisions which are absolutely unacceptable. The costs (and they will be substantial) of some of the clauses of this Bill will be borne by the consumer, the taxpayer and the unemployed. I believe that the most significant clause of the Bill which will impose those costs will be clause 4 and its associated clauses which will force some subcontractors into becoming employees. The Bill certainly gives sweeping powers to the Commission, notably in respect of powers to make awards of general application.

It denies other rights to employees and employers, the most significant of which are those rights to exercise the freedom to join or not to join a union. I believe that clause 19 of this Bill is abhorrent because it provides for union

membership under duress. That is a concept that is alien to a free society and is in keeping with a fascist or socialist society, but it is not in keeping with the kind of democratic society that we hope to enjoy in this State and this country. The retrospectivity provisions are unacceptable to the Liberal Party. The limiting of tort actions is unacceptable to the Liberal Party and the community, and the protection racket (as one might almost describe it) that is extended to unions by the limiting of those tort actions under this Bill as it comes out of Committee to my mind smack of gross injustice.

Therefore, when the Deputy Leader refers to an unacceptable Bill that is opposed by the Opposition, he does so with great strength of feeling. It is not common for an Opposition to oppose a Bill in this House at all stages. There have to be overwhelming reasons for that to occur. There are overwhelming reasons in this case and the Opposition condemns the principal provisions of this Bill with all the power at its command.

Mr BAKER (Mitcham): I want to record my dissatisfaction with this Bill. Throughout the debate the Minister has huffed and puffed on a number of issues. He has nefariously referred to his reliance on Cawthorne; he has selected pieces of legislation from other States, without determining all the details. Throughout the debate he denigrated the Opposition for its attacks on the measures in the Bill. The inadequacies of this Parliament were brought home by the fact that when this Bill, which had lain on the table for some months while we had the benefit of reviewing it in our spare time, was again brought forward for debate there were as many amendments as there are provisions in the Bill. That indicates that the Minister did not do his homework, that he did not get sufficient agreement from the members of IRAC. He may well say that (now he has reconsidered the situation), because of various submissions made to him, but it is not good enough for a Minister to introduce a Bill which is a half effort and which was based on his own interests and background. The Minister should have brought in a Bill reflecting the views of a wide range of people.

The Opposition heartily disagrees with many measures contained in the Bill. The legislative process should be better so as to avoid a Bill being introduced in this form with an enormous number of amendments. The Minister's saying that he has obtained agreement does not ring true: the process that has been followed has been to throw it on the table to see how people react to it. That is not good enough for a Minister of the Crown. A number of provisions in the Bill are detrimental to the people of South Australia. Had the Minister really considered the matters he would have taken a more middle-line attitude than he has. One of the unfortunate things about the legislative process that we have is that we now have to depend on the determination of two members in the other place, and that horrifies me.

The SPEAKER: Order! I have extended to all honourable members, particularly the member for Mitcham, the utmost generosity, but my patience is flagging at the moment. The member for Mitcham will speak to the Bill as it comes out of Committee.

Mr BAKER: Thank you, Sir. My final point is that the Bill takes away human rights. That term is very much devalued because everyone uses it to push their own barrow, but I believe that the provisions in the Bill are taking away the fundamental rights of associations that are written into the United Nations Charter.

The SPEAKER: I can remember that one or two nights ago the honourable member addressed the Chair on that matter in the second reading debate. I hope he will now address himself to the Bill as it comes out of Committee.

Mr BAKER: I was doing so, Sir. In fact I did not canvass that matter in my second reading speech. I was merely making a point that the Bill detracts from the rights of employees and employers in the South Australian workforce and as such I believe it will place an impost on South Australia. I trust that appropriate action can be taken in another place.

The Hon. J.D. WRIGHT (Minister of Labour): Dealing first with the member for Mitcham, who made strong criticism about the amendments that the Government decided to move in this House following the tabling of the Bill in December last year, I make no apology for that whatever. When the member for Mitcham's ears get dry, after he has been here a little while, he will realise that it is not unusual for a Bill to be introduced and laid upon the table in order to give the public of South Australia an opportunity to make criticism of it. It is the a situation that one could not win by that sort of criticism. If I had introduced the Bill this year, with Parliament finishing in December last year, I would not have had the Bill introduced in time for people to have had the time to make criticism of it. The member for Mitcham would then have been critical about that. It is the case of, 'You cannot win in Mitcham.' That is obviously the case with this particular member of Parliament. Personally, I am delighted with the way the Bill has come out of Committee into the third reading.

The Hon. D.C. Wotton: You're about the only one!

The Hon. J.D. WRIGHT: As I say, it is unscathed so far as the Government is concerned, but it was necessary to move quite a lot of amendments. They were moved by the Government and in most cases accepted by the Opposition which to me was surprising but, nevertheless, the Opposition did accept the amendments. That was the very reason the Bill was introduced in December last year: so that everyone would be afforded the opportunity of looking at it, taking it away for three months and analysing it. They could make submissions and criticisms and, as a consequence of those criticisms and a few technical mistakes, the Government introduced its amendments. What other choice did it have?

Members interjecting.

The Hon. J.D. WRIGHT: Suddenly members come alive. One we have not seen for three days. He has been hibernating. We did not see him for three whole days while this Bill has been on, how he wants to interject on the third reading. I might stay and interject on his speech in the next Bill. Clearly, there are always philosophical viewpoints that the Liberal Party and the Labor Party cannot come to fours on. On every occasion when I introduced legislation to this House in 1975, 1979 or 1984, we have had to go through the torrid period of what we have seen here in the past few days. We have spent three whole days trying to get this Bill through Parliament. I think that that is a disgrace: the amount of time that was applied to this piece of legislation.

Mr Becker: Come on!

Members interjecting:

The Hon. MICHAEL WILSON: I rise on a point of order, Mr Speaker. I suggest that it is not only a reflection on the proceedings of this House, but certainly those comments are not contained in the matter that should normally be contained in the third reading address.

The SPEAKER: Yes, I uphold part of that point of order; in particular, the part that referred to the time that was spent, because that is a judgment of the House. I ask the Deputy Premier to withdraw that criticism.

The Hon. J.D. WRIGHT: I will not continue on that line, at your request, Mr Speaker. I made the point, and that is all I wanted to say on it in any case. To make the point, as members on the other side have, that this legislation has been prepared mostly on philosophical grounds as far

as the Government is concerned is quite wrong. The real evidence and the real hard facts about this are that the Liberal Government when in power between 1979 and 1982 authorised the Cawthorne Report at a cost of about $120 000. That is the report they took away and hid. It is the report which they were frightened of and which they would not show to the public. After we got back into Government I issued that report for comment throughout the State, and comment we got. We got much comment.

The basis of this legislation (I am not talking *in toto*) is in accordance with the recommendations of Magistrate Cawthorne. Anyone who knows anything about industrial relations or the Cawthorne Report knows that what I am saying is true. There is also the fact that we have the endorsement of the Industrial Relations Advisory Council. There has been further evidence of that this morning in the paper about the Deputy Leader's role in that situation. We had the endorsement of that Council to proceed with the Bill as prepared. What surprised me about the debate really was the arguments advanced by the Opposition in regard to the status of IRAC. It was a disgraceful attitude that they expressed in relation to this very important organisation.

The SPEAKER: Order! I will and must be consistent in my rulings. As I understand it, IRACs position has not been changed under the Bill, and therefore it is not open to the Minister to again defend IRAC.

The Hon. J.D. WRIGHT: I am merely suggesting that that is a debatable point, because IRAC has been mentioned quite often, but I will not pursue the point.

Mr BECKER: I rise on a point of order. The Chair has just given a ruling. Mr Speaker, the ruling you gave in relation to IRAC in the third reading debate stands. Does that ruling, in fact, stand? I believe that the Minister has flouted the Chair's ruling.

The SPEAKER: It clearly stands.

The Hon. J.D. WRIGHT: If there was any reflection on the Chair I withdraw it; it was not intended. I was trying to make the point that there were certain criticisms directed which I thought were unfounded, whether or not it involved that organisation. It has been alleged by the Deputy Leader and the member for Coles that costs will increase in South Australia. We have heard about these costs over the past three days, but there has been no proof presented to the House and no proper assessment done whatsoever.

An honourable member interjecting:

The Hon. J.D. WRIGHT: The honourable member spoke about it, and so did the member for Coles. If there is evidence of such cost rises, I would like to have it, but it has been sung about in this House with no substantiation whatsoever. I do not believe that there will be any large increase, if any, at all. The most important point is that overall the industrial relations scene in South Australia will be much better with this Bill than it was before. If because of this legislation we can bring about less disputation in the State, fewer stoppages and strikes and less mischievous strikes, surely that in itself commends this Bill to the Parliament.

The House divided on the third reading:

Ayes (22)—Mr Abbott, Mrs Appleby, Messrs Bannon, M.J. Brown, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright (teller).

Noes (20)—Mrs Adamson, Messrs Allison, P.B. Arnold, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Goldsworthy (teller), Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Pairs—Ayes—Messrs L.M.F. Arnold and Keneally. Noes—Messrs Ashenden and Gunn.

Majority of 2 for the Ayes.

Third reading thus carried.

CLEAN AIR BILL

Adjourned debate on second reading.

(Continued from 7 December. Page 2503.)

The Hon. D.C. WOTTON (Murray): In 1982 the Liberal Government introduced what was considered to be a key measure. It resulted from much consultation with a number of people, organisations and industry generally. I would suggest that there was much more consultation in regard to that Bill than has been the case in relation to the Bill that is presently before the House. We certainly sought consultation with the Chamber of Commerce and Industry very early in the procedure. I know that concern has been expressed about the lack of consultation with industry generally on this occasion. The second reading explanation referred to the extensive review that was carried out after the Government came to office. It was stated:

> . . .the 1982 Bill provided a foundation for legislation to control and mitigate air pollution but did not meet all the requirements for effective air quality management.

I suggest that that statement could be questioned. I and many other people in the community believe that it is a pity that the Bill that was introduced in 1982 was not passed. The present Administration seems to have taken out some or many of the good provisions of that legislation and added some provisions that are not so good and, in fact, provisions that are causing concern in the community generally.

Prior to July 1980 responsibility for air quality management and the prevention of air pollution and control of air quality was vested in the Minister of Health pursuant to regulations made under the Health Act, 1935-1978. The regulations were administered by the Air Quality Section of the Health Commission. Recognition of the need to consider the broad environmental implications of air pollution in addition to the health aspects led to the transfer of the administration of the clean air provisions of the Health Act from the Minister of Health to the Minister for Environment and Planning and of the Air Quality Section to the Department of Environment and Planning. Proclamations effecting the transfer of the Air Quality Section to that Department and to the Minister for Environment and Planning under relevant provisions of the Health Act appeared in the *Government Gazette* during the term of the previous Government in July 1980. Subsequent delegation to the Minister for Environment and Planning was published in the *Government Gazette* on 18 June 1981.

The quality of air in South Australia is currently governed by two sets of regulations made under the Health Act, the Clean Air Regulations, 1969-1981, and the Clean Air Regulations, 1972-1978. A major weakness of the present system is considered to be its failure to give the responsible department a clear mandate to influence operations at the development stage, and the Minister referred to that in his second reading explanation. I support that strongly, because it is important for industry and for developers generally to recognise the responsibilities and the regulations to with which they have to adhere at the very earliest stage of development. It is important that that should be the case and I am pleased it is recognised in this Bill as it was in the legislation that was introduced in 1982.

In regard to the present system, emphasis must currently be placed upon the policing of standards after the erection of premises and the installation of equipment. The incorporation of pollution control measures at this late stage can

often require major changes in process design, and we would recognise added expenditure on equipment. Consideration at the development stage has been included to alleviate these problems, and I would support them strongly.

In 1982 the Australian Environment Council brought down a survey on community attitudes. They referred particularly to public willingness to pay for clean air. That survey included advice that was sought from people in Sydney and Adelaide. In Adelaide, 251 people were interviewed as part of that survey. Part of the major findings of that survey stated:

> While Adelaide's clean air or air pollution is believed to have deteriorated over the past five years, it is felt to be better than in other cities in Australia and other cities in the world . . . Adelaide people are prepared to spend less therefore on its control.

It was indicated that heavy transport and factories were contributors to the problem of air pollution. The major cause for concern about air pollution was its damaging effect on health, and a consistently emerging trend was that younger people under 30 and those more highly educated were more aware of air pollution as a problem, were more concerned about it, felt that existing controls were generally not very effective and were generally more ready to pay larger sums of money for its control.

Of course, it is always easier to refer to the cost to the community when a survey is being carried out rather than when the cost is levied after legislation has been passed. The survey recognised strong support for tougher Government control of air pollution and said that most people believed that manufacturers of products causing air pollution should bear the cost of control and that existing taxes should be redirected. It was rather interesting that the survey suggested that taxes should be redirected from the salaries of politicians for spending on air pollution control, and surely that suggestion is relevant at present.

Towards the end of last year, when this Bill was introduced, the *Advertiser* printed an editorial referring to the provisions of the Bill. That editorial states:

> Last year a survey by the Australian Environment Council identified air pollution as a major issue among Adelaide residents, who said they would be prepared to pay more for measures to reduce it . . .
>
> . . . Commercial and backyard incinerators and fires are a significant source of air pollution, as well as a serious annoyance—and a frequent cause of disputes between neighbours . . .

I certainly recognise, as a former Minister, that this does cause disputes between neighbours. The editorial continued:

> Local government, which will administer the proposed regulations, will face some difficulties in policing the bans and limitations. It is possible that councils will have to appoint special officers to tour their areas and to investigate any complaints about breaches of the regulations, which will add to the administration costs. In addition, councils will have to accept an extended role in refuse collection, so that residents will not be tempted to burn prohibited materials or use incinerators so frequently.

As the previous Minister administering the control of air pollution, I recognise the truth of the statement in the editorial that air pollution frequently causes disputes between neighbours, and I will deal at some length later in this debate with the subject of backyard burning, because I am concerned about the provisions pertaining to that matter that are contained in the Bill.

One of my major concerns about the Bill is the fact that the Minister does not have to take into account economic circumstances when giving directions. During the consultation process that the previous Government went through prior to the introduction of its legislation, it was clearly recognised that that provision was sought by industry. Indeed, I can understand the attitude of industry on this subject. Many clauses in the Bill should be accompanied by legal definitions, and I believe that some of these matters will be clarified in Committee by the Minister when he answers questions. The Bill seems to be designed to catch up with eventual wrong-doers, but in so doing (and this happens so often) it also places law-abiding organisations at risk. We in this State have been fortunate in respect of the quality of those administering the present clean air regulations and in the way that those regulations have been administered.

The commonsense approach that has been adopted is reflected in the fact that, as I understand it, there has never been an official appeal against any of the instructions. The regulations provide for an Air Pollution Board in case of serious disagreement. Again, I understand that that Board has not sat during that period. However, this might not always be the case. Environmentalists have been known to suffer from a narrow outlook accompanied by delusions of grandeur and it would only need, I suggest, one such person in a position of power to cause utter chaos, fully backed by the law. In other words, a great deal depends on how this legislation is administered and how the officers of the day recognise their responsibilities to it.

Some little time ago a person who is very much involved in this area, who has a responsibility in industry and is much involved in the clean air provisions, addressed a meeting and forwarded to me a copy of the speech he gave on that occasion. I will refer to a few points made in that speech. That person indicated that he saw nothing wrong with industry running its own affairs provided it conformed to the standards expected by society, assuming that those standards were reasonable.

Let us consider for a moment what it is that shapes society's expectations in this respect. Clearly, there is a growing awareness that some of the effects of gaseous pollution constituents discharged from factories making some of the more sophisticated newer chemicals are not adequately understood. This awareness, I suggest, can readily lead to an over-emphasis of the possible dangers, particularly on the part of those who do not have the technical training or capacity to interpret the results. The person who presented this paper joined the fertiliser industry just over 30 years ago. I make that point just to add credibility to some of the points he made. In his paper he says that when he first became involved in the industry it was very different from what it is today.

Working conditions in the early 1950s were nothing to be proud of. Sulphuric acid plants were all of the lead chamber variety and, while those which burnt elemental sulphur were not too bad, the company which he joined used to roast zinc sulphite concentrates as its source of sulphur dioxide. He mentions that it used multiple roasters of the Herreshoff type in which the burning concentrates were moved in and out from hearth to hearth by rabble arms. Periodically it was necessary to clean those areas and there was always the chance of a great deal of gas leakage. This person states that one of the things that impressed him greatly in those earlier days was the number of people who were often not retired until about the age of 70 years but who spent 50 years or more in those appalling conditions without any apparent adverse effect on their health. The incidence of respiratory diseases appeared to be quite normal and there is nothing else to suggest that exposure to those conditions lead to either premature retirement or death.

Before leaving the things that shape society's expextation, I refer to the points made in this paper in relation to the OECD principles which, in general terms, are expressed as 'let the polluter pay'. We recognise that this means different things to different people. It is a very catchy phrase which tends to be quoted *ad nauseum* by politicians, people in industry, by those who refer to matters similar to those under discussion today and, I suggest, especially by those in minor political Parties who can afford to have high sounding ideals without ever running the risk of governing

the country. The author of this paper suggests that, while he thinks that the term means 'let the market and hence the community bear the cost without having to say so', the manufacturer, of course, bears the original cost which flows through to the cost of production which he then endeavours to pass on. Therefore, it is a matter of going around in circles. It is not just a simple matter of letting the polluter pay.

The writer goes on to say that on numerous occasions he has had an opportunity to express the view that, in prescribing conditions for the licensing of scheduled premises, economic circumstances should be taken into account. He points out that industry does not find it necessary to use gold-plated pipes just because they have to transport gross fluids, simply because it would be clearly uneconomic to do so. However, in many cases industry is forced to adopt the best practical means regardless of economics. The paper itself is very relevant in relation to the legislation that we are debating at the moment. It is a matter that will be referred to in various parts of this debate in relation to this legislation. I understand that the Chamber of Commerce and Industry wrote to the Minister and—

The Hon. D.J. Hopgood: They came to see me.

The Hon. D.C. WOTTON: I am glad that they did. As I said earlier, I think it is a pity that the Minister and the Chamber did not get together earlier, although they did in the end. The Chamber has provided me with a copy of points in regard to what it sees as significant changes between this Bill and the legislation introduced in 1982. I will refer to some of those matters during the second reading debate and during the Committee stage. The first point mentioned by the Chamber relates to the word 'economic'. I know the Chamber attempted to make this point very clear to the Minister during discussions and in correspondence forwarded to him.

Having just received a copy of the amendments to be moved by the Minister in Committee, I must say that I am particularly disappointed. I know that the Chamber of Commerce and Industry will also be disappointed, as will many people in industry generally, that the Minister has not seen fit to include the word 'economic' in the definition of 'prescribed matters'. It is not included anywhere else in the Bill, so one must conclude that neither inspectors nor the Minister need have any regard to economic factors when requiring the occupier of premises to carry out any particular work. As I said earlier, that provision was seen as being the most important in the previous legislation, and I know that the Chamber is particularly concerned that it has been excluded once again.

The second point to which it refers relates to the general air pollution provisions, which include reference to odours. The Minister will recognise, having now seen a copy of the amendments that I intend to bring before the House in the Committee stage, that the Opposition does not intend to support the clause relating to odours. I will have more to say about that matter later.

As Minister, I recognised tremendous difficulties with this area. I know that the current Minister would recognise the difficulties in administering this type of provision in such legislation, although it does not only relate to the Bill we are currently debating. There are difficulties with provisions in the noise legislation and other areas where it is seen as being particularly difficult to administer. Clause 33 provides:

(1) Subject to this section, after the expiration of the period of three months from the commencement of this Act, the occupier of premises shall not cause, suffer or permit the emission of an excessive odour from those premises.

(2) An odour emitted from premises is excessive if—

(a) a complaint is made to the Department by a member of the public alleging that the odour is offensive or causes discomfort;

(b) it is detected outside the premises by an authorised officer relying solely on his sense of smell.

I recognise that there is no mechanical or other device that can be used to identify the severity of a smell. One can only use the nose but, when we were looking at the legislation, we considered setting up a smelling tribunal and all sorts of things so that it did not rely on one officer. I am sure that different smells must mean different things to different people.

As desirable as some people might believe this clause to be, I see great difficulties in the administration of it. I am certainly well aware of many of the inquiries that I receive from constituents in my own area who have related to the possibility of this legislation being brought down in reference to odours. The mind boggles at the number of people who will be making contact with the Department complaining about an odour that they believe to be offensive or causing discomfort.

I noticed in this week's edition of *Farmer and Stockowner* that the farmers are particularly concerned about the problems associated with piggeries, chicken sheds and other such things. People living next to fish and chip shops whilst not liking fish and chips could ask the Department to look at the situation. That may be on the trivial side but I can envisage massive problems with this clause. The Chamber goes on to state:

On our request the previous regulations, including the provision that the Minister should not direct an enterprise to discontinue its operations or to change them unless he first consulted with the Minister of Labour.

Under the previous administration the Minister of Labour was responsible for employment and we recognised that that was a safeguard. Since this provision has now been admitted, the Chamber has again drawn to my attention that it would be desirable to have it included and that it should be brought to the attention of the Minister.

Once again, unfortunately, the Minister has not recognised this. He has not seen the necessity, and I am particularly disappointed about that when this Government quite rightly has expressed much concern about the unemployment problem in this State. I would have thought that it would be an appropriate safeguard to recognise any further problems in regard to further unemployment created as a result of premises being closed or significant changes having to be made.

We then go on to a matter of powers of authorised officers. The action proposed in clause 53 (1) *(b)* of this legislation has caused concern and I recognise the reasons why that should be the case. The clause refers to the entry or breaking into premises of a person. The action proposed (namely, to enter or break into premises) should be qualified so that this action is available only where the authorised officer has grounds for suspecting that the pollution could be a risk to public health. I have problems even about that; I find it very difficult to accept under the present circumstances that any officer or other person should need to break or enter. I know that some safeguards are written into the legislation, but I recognise that it would be very unlikely that any person would need to break or enter a factory because of the risk to public health. However, I will have more to say in Committee.

The rights of an authorised officer to examine goods, plans, documents, papers—also in clause 53—should be qualified to ensure that only documents, photographs, etc., relative to the alleged breach are available for examination. I have spoken to people in the industry about that matter, and it is very open. It means virtually that any officer can go in and take what he wants. As I have said before, we have been very fortunate with those who have administered this legislation and the regulations, but we do not know that that will always be the case. It is far too open in its present

form. There are problems with some of the definitions. I am pleased to see that the Minister has picked up the point about the definition 'impurity' and that it will be dealt with by amendment.

The provision of clause 60—Directors' responsibilities—has caused considerable concern because, as the Chamber indicates, of the need to define some of the terms used. The Chamber states that it is of the opinion that this provision should be in line with the provision of the Companies Act in so far as it relates to the responsibilities of members of the governing body of the body corporate. Clause 64 relates to components of motor fuel. The South Australian Government is able to approve of a regulation requiring motor fuel to have any prescribed additive in the proportions approved. In the previous legislation that we introduced this State was required to ensure that regulations in this area were no more stringent than those applying in other States. I recognise the policy of the present Government in this matter, but I know that that clause is causing problems.

Further parts of the legislation relate to the powers of local government inspectors. All of these matters, I hope, will be clarified when the Minister replies because, as the Chamber has indicated again, it appears that this is limited to APP alerts and domestic incinerators. However, it is seeking some clarification or confirmation of this because under no circumstances could it be accepted that a local government officer has the required expertise to act as a general air pollution or odour inspector. I hope that the Minister, having recognised I think two of the matters today to which I have referred in that document from the Chamber of Commerce, is taking action in relation to those two matters. He needs to refer to many others there and he needs to indicate why he has not taken the action that was requested of him by those who met with him from the Chamber. I have been told that it was a very good meeting, that the Minister listened very well and indicated that he was going to do all sorts of things. As I said earlier, I think that the Chamber will be disappointed at the lack of action of the Minister on a number of those issues.

I want to refer to clause 14, Part III, Division I. The method of application of this section could have a significant effect both on the capital and, of course, on upgrading costs of control equipment. Strict adherence to emission standards may be unwarranted because of the 'prescribed matters' factors. Of course, they are referred to in *(a), (b)* and *(c)* of that subclause. It is suggested by many of those to whom I have spoken, particularly in industry, that that is an unnecessary economic burden for a company and its customers because they feel the effect as a result of prices, and so on. It is an unnecessary economic burden for a company to be required to make use of the best practical means, which is the term used in the legislation (or other terms), to result in a specified emission level where a higher emission level results from less sophisticated and less expensive methods. Of course, subclause (10) is a significant clause and one to which I hope the Minister refers when he has the opportunity to do so.

I would like to refer also to Division II, clause 16 (2) *(e)*. This, I understand, will need clarification from the Minister who is carrying on another conversation at present. But I would like him to look at subclause (2) *(a)* and clause 26, because I recognise that this could be taken to mean that a company carrying on a prescribed activity may extend or modify plant without Ministerial approval, whereas clause 26 appears to be completely inconsistent with that interpretation. It might just be the way I read it, but that is certainly my understanding. I have mentioned my concern about odour. So, if the Minister is not prepared to accept an amendment that I will bring forth at an appropriate time then there are a number of areas I would like to refer to in clause 33, relating to odour.

The section dealing with the provisions to enable a person to break in or enter is one to which I have referred before. I would have thought that, as I said before, most companies would have persons of authority available by telephone or by reasonably easy contact to enable the premises to be opened up if there are major problems that could result in a danger to health. I have been told and recognise that, in a number of cases in regard to some of the larger industries, it is not just a matter of pressing a couple of buttons and closing the whole thing down. It is a very delicate process and it would certainly need the involvement of senior people from that particular business to be present so that they could be aware of the action that was being taken by the officer.

They are just some of the matters that relate to the Bill generally and its effect on industry. I know that I have been referring to the concerns of industry particularly and that that has to be weighed against the community's attitude to the need for clean air in this State. As I said earlier, I recognise that this is a significant piece of legislation and on that basis we welcome it because the community expects a high standard of cleanliness of air, particularly in the metropolitan area. I am sure that as a result of this legislation they will continue to be able to achieve that. However, as I have said on so many occasions, that has to be balanced against the cost to industry and the community generally with the provisions that are introduced in this legislation.

I refer particularly to back-yard burning. This is a matter that caused me some concern as a Minister in the previous Government. I certainly recognise what the Minister has indicated in his second reading explanation and what he has said on other occasions about the vast number of complaints made in regard to back-yard incinerators and the discomfort that is caused as a result of back-yard burning, which usually comes about as a lack of consideration on the part of those who would want to light a fire under adverse conditions. I had extensive discussions with people on this matter. I received numerous deputations and I talked to people in the community about it.

A number of them recognised that there were significant problems in regard to air pollution that came from back-yard incinerators. There were others who suggested (and I must admit that, having the opportunity to travel from the hills every day, I share the attitude of some of the people to whom I talked) that the majority of the problems we have in relation to pollution in the metropolitan area results from such activities as one particular dump close to—

Mr Mathwin: Parliament House.

The Hon. D.C. WOTTON: I suppose that it could be said that that was the case. I believe that there would be significant causes of pollution that would come other than from those related to back-yard incinerators. I think that, if one has the opportunity of driving into the metropolitan area and being able to look down on it, one would recognise that there is very little that comes from back-yard incinerators. As I said earlier, I recognise that there would be significant difficulties in policing back-yard burning. Of course, I note that it is the intention of the Government to allow (if I can use that term) local government to administer the policing of this problem.

I know that some councils would be very pleased to do that, although I recognise that there would be others which would not be pleased about having that responsibility passed on to them by Government, mainly because of the difficulty of administration and the costs involved. While the Liberal Government was in office it introduced a community awareness programme, the Good Neighbour Campaign, which made people in the community more aware of their

responsibilities. It would be stupid to suggest that that solved all the problems because it certainly did not, but it made people more aware, and I am pleased that the present Government has continued to run those advertisements, because I think in a very effective way they brought to the notice of people their responsibilities to other people.

One of the difficulties involved will be due to the need to provide more officers at local government level if we seriously intend to police this matter. We know that the Minister is considering controlling through regulation the lighting of incinerators between the hours of 10 o'clock and 3 o'clock. I guess that means that anyone who lights an incinerator during the early morning, in the evening or at night will be breaking the law. If the law is to be policed properly, how will this be done? I have had experience of legislation that could not be administered properly. I hope that the Minister has considered this matter and discussed it at length with the Local Government Association so that it will be able to administer this legislation properly. Will there be officers roaming around late at night? Will there be officers on call to deal with a case, say, of someone who decides to light up a back-yard incinerator late at night and whose neighbour objects?

Mr Gregory: It would be just like parking inspectors going around and reporting parking offences, and so on.

The Hon. D.C. WOTTON: If the member for Florey is happy with that, fair enough. I am talking about the cost to the community of providing those people to go around and keep tabs on these things. People are getting sick and tired of the Big Brother approach of having people around watching to find out if they are going to light up an incinerator, for example. I will be interested in the Minister's response concerning how local government intends to police this provision and the cost involved. There is a fair bit that needs to be clarified as far as that is involved.

Members interjecting:

The ACTING SPEAKER (Mr Ferguson): Order! I ask honourable members to show some respect to the speaker.

The Hon. D.C. WOTTON: We should provide the opportunity for those councils who wish to become involved in this responsibility to do so, and those who feel that it is not necessary or that they cannot afford the officers to police it properly should be able to opt out. Representation has been received from a council in a country area which has expressed considerable concern. That council recognises that it does not need such provisions in the area that it administers. All members of the House received a letter from the Port MacDonnell council, which states:

> The council is very concerned that this appears to be another Bill which has possibly more relevance to the metropolitan area and ignores that the country exists. Council has resolved that it considers that this type of legislation is not relevant to this council area. It was also noted in section 63 of the Bill that moneys required for the purposes of this Act shall be paid out of moneys appropriated by Parliament for those purposes.

The council makes this point:

> . . . it is assumed that this includes payments to council for its possible administration of section 54 of the Bill. I do not think any council—

I am quoting from the letter—

> would be happy at having to enforce any piece of legislation where there is no direct payment to councils for administering the Bill if passed by Parliament.

Certainly, there are problems in country council areas, and I know that there are problems in some metropolitan council areas as well. I have mentioned neighbourhood problems and I hope that the Minister has recognised, as I have, that a number of the complaints that come into the department and to the Minister in regard to back-yard burning are as a direct result of neighbourhood disputes.

Again, I do not see why local government should be put in the position under this legislation of having to tear around solving neighbourhood disputes because that is so often the case. I do not know whether the Minister has involved himself in trying to follow up some of the complaints that come in, but I certainly recognise that that is the case, and I hope that he will follow that up. There are a number of questions that I look forward to the Minister's answering, and there are a number of other areas that I would like to be able to consider, although I recognise that the Government intends to have the second reading passed before the House adjourns this evening.

The Hon. D.J. Hopgood: No, you can go on until after 6 p.m.

The Hon. D.C. WOTTON: In that case there will be an opportunity for other members on this side to comment. I hope the Minister will recognise the points that have been made. I am particularly concerned that the Minister has not found it possible to approve some of the areas about which the Chamber of Commerce and Industry has expressed its concern. I would like to know why the Minister has been unable to do more than he has done to help people in industry and to attend to the other matters to which I have referred. I look forward to the Minister's answering later in the debate.

Mr LEWIS (Mallee): I thank the House for its attention and wish to give the Bill serious consideration on a clause by clause basis, because I am concerned about the consequences that it has for people engaged in primary production especially. I refer to clause 3 and the definitions contained in it, which are crucial to an understanding of this measure, as follows:

> 'air pollution' means the emission into the air of any impurity;
>
> . . .
>
> 'impurity' means solid, liquid or gaseous particles of any kind, and includes an odour;
>
> . . .
>
> 'prescribed activity' means any industry, operation or process that is declared by the regulations to be a prescribed activity for the purposes of this Act;
>
> . . .
>
> 'prescribed matters' means—
>
> *(a)* . . . weather patterns and meteorological conditions';

and the like. I am concerned to draw attention to paragraph *(e)*, namely:

> *(e)* the likely effect of the air pollution in question on persons, animals, plants and property:

Later, the definition of 'vessel' appears as meaning 'any ship, boat or other water craft'. Having drawn attention to those definitions as a preamble to the points I wish to make, I go to Part II, which deals with the composition of the Clean Air Advisory Committee. It should be noted that there has to be an officer of the Department nominated by the Minister, a chemical engineer, a person with qualifications or experience in fuel technology, someone qualified in meteorology, someone qualified in air pollution control, a person nominated by the Minister of Health, a person nominated by the Minister after consultation with the Local Government Association, a person similarly nominated involving the Chamber of Commerce and Industry (as a token nomination), someone nominated after consultation with the United Trades and Labor Council (for God's sake I do not know why that should be so in either case), and someone nominated by the Minister after consultation with a conservation group.

In all that list there is no-one from primary industries, even though a substantial part of this Bill, if it ever sees the light of day in its present form, will have substantial and expensive implications for people in primary industry,

and for people engaged in activities associated with that industry. In Part III, clause 14 (4) provides:

An applicant shall furnish the Minister with such information, plans, specifications, papers or documents relevant to the application as the Minister may require.

Clause 14 (5) provides:

The Minister may refuse to give an approval under this section only if he is satisfied that the air pollution likely to be caused as a result of carrying on the prescribed activity—

...

(b) would be likely to be injurious to public health, to cause serious discomfort or inconvenience to members of the public or to cause undue injury or damage to animals, plants or property.

Under Division II, clause 18 provides:

(1) Subject to this section, the Minister may refuse to grant a licence only if he is satisfied that the air pollution likely to be caused as a result of carrying on the prescribed activity—

...

(b) would be likely to be injurious to public health, ...

as provided in clause 14 (5) *(b)*. Clause 19 provides:

Notwithstanding any other provision of this Act, a person who was carrying on a prescribed activity immediately prior to the commencement of this Act shall, upon application for a licence in accordance with this Act, be entitled to be granted a licence.

Under clause 21 there is to be a common expiry date of those licences, so it is not a 'grandfather' clause. Clause 27 provides:

A licence may be granted subject to such other conditions (if any) as the Minister thinks fit and specifies ...

There is no necessity to include a reference to any material. Clause 29 provides:

The Minister may, by notice in writing addressed to the holder of a licence—

...

(b) impose any condition he thinks fit.

It is not something that remains static in time once a person has a licence: it could be changed tomorrow if it so suited. Under Part IV, General Air Pollution Control Provisions, clause 31 provides:

The occupier of any premises shall not cause, suffer or permit air pollution in or from those premises through—

...

(d) failure to process, handle, move or store goods or materials in or on the premises in a proper and efficient manner.

Those are the clauses that attracted my attention, but that for the moment sets the stage for the concern I have about the implications of this measure if it is applied in a way that will alleviate the considerable discomfort that many asthma sufferers experience during grain harvesting and handling periods. I have every sympathy for those people, one of whom is my brother. He is a chronic asthmatic, and one of the most severe substances to which he can be exposed, which causes the symptoms that give him so much distress, is cereal grain dust.

In 1979 an Act of this type was introduced in the United States and was immediately promulgated to effect the handling of cereal grain. I am still waiting for figures as I have not had sufficient time to get the replies I was seeking from the sources from which I sought the information. However, during the period from 1979 to 1982 (from some coincidental reading that I have done along the way and after consultation I have had with people who have travelled to the United States or who live in the United States) there have been over 5 000 explosions in grain silos in America. They are not just big crackers—they are whopping big crackers of the kind which exceed the explosive force of bombs developed and dropped by the Dam Busters Squadron in the Second World War. They are of the magnitude of kilotonnes of TNT when they go off.

For instance, in early 1982, so far as my memory serves me, in Corpus Christi a block of silos, bigger by a few cells than the block at Port Adelaide, blew up. In so doing it scattered chunks of reinforced concrete weighing several tonnes for hundreds of metres. Small pieces of concrete weighing only a kilogram or two travelled over two kilometres. Of the five people killed, one was thrown a few hundred metres out into the Gulf of Mexico from the wharf adjacent to where the cells exploded. If this measure is ever promulgated in a fashion that requires our handlers of grain in silos, to do as is being done in the United States at the present time, we can expect the same kind of disasters and enormous consequences and costs which have resulted from that measure taken by the United States to control the problem of allergy to cereal grain dust.

The way in which cereal grain dust is handled in the United States is to capture it from the handling conveyor belts and loading equipment and pump it into the silos with the grain. Cereal grain dust contains very fine particles of flammable material which are present in association with a number of light volatile organic gases in varying concentrations (all of which could be described as small) produced by bacteria living on that dust on the grain. Either spontaneous combustion, or a spark or two, results in an enormous explosion to which I have referred, and which shifts tens of thousands of tonnes of stuff, including the reinforced concrete silos, great distances. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

At 6 p.m. the House adjourned until Tuesday 27 March at 2 p.m.