HOUSE OF ASSEMBLY

Wednesday 3 April 1991

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

ASSENT TO BILLS

Her Excellency the Governor, by message, intimated her assent to the following Bills:

Chiropractors,
Roads (Opening and Closing),
Road Traffic Act Amendment (No. 4),
Royal Commissions (Summonses and Publication of Evidence) Amendment,
State Bank of South Australia (Investigations) Amendment,
Statutes Amendment (Water Resources),
Waterworks Act Amendment.

FREEDOM OF INFORMATION BILL (No. 2)

At 2.4 p.m. the following recommendations of the conference were reported to the House:

As to Amendment No. 1:

That the Legislative Council no longer insist on this amendment but makes the following amendment in lieu thereof:

Clause 2, page 1, line 15—Leave out 'on a day to be fixed by proclamation' and substitute 'on 1 January 1992'.

And that the House of Assembly agree thereto.

As to Amendment No. 2:

That the House of Assembly do not further insist on its disagreement to this amendment.

As to Amendment No. 3:

That the Legislative Council amend its amendment by leaving out 'inexpensively' and substituting 'efficiently'.

And that the House of Assembly agree thereto.

As to Amendments Nos 4 to 9:

That the House of Assembly do not further insist on its disagreement to these amendments.

As to Amendment No. 10:

That the Legislative Council do not further insist on its amendment but make the following consequential amendment in lieu thereof:

Clause 20, page 10, lines 1 and 2—Leave out 'before the commencement of this section' and substitute 'before 1 January 1987'.

And that the House of Assembly agree thereto.

As to Amendment No. 11:

That the Legislative Council amend its amendment by leaving out 'council,'.

And that the House of Assembly agree thereto.

As to Amendment No. 12:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 13:

That the House of Assembly do not further insist on its disagreement to this amendment.

As to Amendment No. 14:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 15:

That the House of Assembly do not further insist on its disagreement to this amendment.

As to Amendments Nos 16 and 17:

That the Legislative Council do not further insist on its amendments.

As to Amendment No. 18:

That the Legislative Council do not further insist on its amendment but make the following amendments in lieu thereof:

Clause 17, page 8—

Line 16—Leave out 'such amount' and substitute 'such reasonable amount'.

Line 20—Leave out 'such amount' and substitute 'such reasonable amount'.

As to Amendment No. 19:

That the Legislative Council do not further insist on its amendment.

As to Amendments Nos 20 to 22:

That the House of Assembly do not further insist on its disagreement to these amendments.

As to Amendments Nos 23 to 27:

That the Legislative Council do not further insist on its amendments.

As to Amendment No. 28:

That the Legislative Council do not further insist on its amendment but makes the following amendment in lieu thereof:

Clause 21, page 10, after line 30—Insert subclauses as follow:

(2) Access to a document to which subsection (1) *(a)* applies may not be deferred beyond the time the document is required by law to be published.

(3) Access to a document to which subsection (1) *(b)* or *(c)* applies may not be deferred for more than a reasonable time after the date of its preparation.

And that the House of Assembly agree thereto.

As to Amendment No. 29:

That the Legislative Council do not further insist on its amendment.

As to Amendments Nos 30 to 32:

That the House of Assembly do not further insist on its disagreement to these amendments.

As to Amendment No. 33:

That the Legislative Council amend its amendment by leaving out from proposed new subclause (5) 'or any of that person's close relatives' and substituting 'or, if there is no personal representative, the closest relative of that person'.

And that the House of Assembly agree thereto.

As to Amendments Nos 34 and 35:

That the House of Assembly do not further insist on its disagreement to these amendments.

As to Amendment No. 36:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 37:

That the House of Assembly do not further insist on its disagreement to this amendment.

As to Amendment No. 38:

That the House of Assembly do not further insist on its disagreement to this amendment.

As to Amendments Nos 39 to 42:

That the Legislative Council do not further insist on its amendments.

As to Amendment No. 43:

That the House of Assembly do not further insist on its disagreement to this amendment.

As to Amendment No. 44:

That the Legislative Council do not further insist on its amendment but makes the following amendment in lieu thereof:

Clause 43, page 21, lines 5 to 25—Leave out subclauses (7) to (12) and substitute the following:

(7) A ministerial certificate the subject of a declaration under this section ceases to have effect at the end of 28 days after the declaration is made under subsection (4) *(b)* unless, before the end of that period, the Premier gives notice to the agency concerned that the certificate is confirmed.

(8) If the Premier gives such a notice, the Premier must also give a copy of the notice to the appellant and table a further copy in Parliament on the first sitting day after the giving of the notice.

(9) Such a notice must specify the reasons for the Premier's decision to confirm the certificate.

(10) Nothing in this section requires any matter to be included in a notice if its inclusion in the notice would result in the notice being an exempt document.

(11) If a ministerial certificate ceases to have effect by virtue of this section, the document to which it relates is not to be regarded as a restricted document by virtue of the provision of Part I of Schedule 1 specified in the certificate.

(12) If a ministerial certificate is withdrawn before the end of the period of 28 days referred to in subsection (7), the Minister must, as soon as practicable, serve notice on the appellant, and on the agency concerned, that the certificate is no longer in force.

And that the House of Assembly agree thereto.

As to Amendments Nos 45 and 46:

That the House of Assembly do not further insist on its disagreement thereto.

As to Amendment No. 47:

That the Legislative Council do not further insist on its amendment but makes the following amendment in lieu thereof:

Clause 53, page 22—Leave out the clause and substitute the following new clause:

Fees and Charges

53. (1) The fees and charges payable under this Act must be fixed by the regulations or in accordance with a scale fixed in the regulations.

(2) The regulations—

(a) must provide for such waiver or remission of fees as may be necessary to ensure that disadvantaged persons are not prevented from exercising rights under this Act by reason of financial hardship;

(b) must provide for access to documents by members of Parliament without charge unless the work generated by the application exceeds a threshhold stated in the regulations,

and (except as provided above) the fees or charges must reflect the costs incurred by agencies in exercising their functions under this Act.

(3) Where an agency determines a fee or charge it must, at the request of the person required to pay, review the fee or charge and, if it thinks fit, reduce it.

(4) A person dissatisfied with the decision of an agency on an application for review of a fee or charge may apply to the Ombudsman for a further review, and the Ombudsman may, according to his or her determination of what is fair and reasonable in the circumstances of the particular case—

(a) waive, confirm or vary the fee or charge;

(b) give directions as to the time for payment of the fee or charge.

(5) A fee or charge may be recovered by an agency as a debt.

And that the House of Assembly agree thereto.

As to Amendment No. 48:

That the Legislative Council do not further insist on its amendment but make the following amendment in lieu thereof:

Clause 54, page 23, lines 13 to 18—Leave out subclause (1) and substitute the following subclause:

(1) The Minister must—

(a) as soon as practicable after 30 June and in any case before 31 October in each year prepare a report on the administration of this Act for the 12 months ending on 30 June;

and

(b) cause a copy of the report to be laid before both Houses of Parliament within six sitting days after preparation of the report is completed.

And that the House of Assembly agree thereto.

As to Amendment No. 49:

That the Legislative Council do not further insist on its amendment but make the following amendment in lieu thereof:

Clause 54, page 23, lines 19 and 20—Leave out subclause (2) and insert subclause as follows:

(2) The report must—

(a) state the number of ministerial certificates issued under this Act in respect of restricted documents, the nature of the documents to which the certificates related, and the provisions of Schedule 1 by virtue of which the documents were restricted;

and

(b) contain such other information as the Minister considers appropriate to include in the report.

And that the House of Assembly agree thereto.

As to Amendment No. 50:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 51:

That the House of Assembly do not further insist on its disagreement to this amendment.

As to Amendment No. 52:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 53:

That the Legislative Council do not further insist on its amendment but make the following amendment in lieu thereof:

Page 24, Schedule 1 (clause 1)—In paragraph *(f)* of subclause (1) insert 'specifically' before 'prepared'.

And that the House of Assembly agree thereto.

As to Amendment No. 54:

That the Legislative Council do not further insist on its amendment.

As to Amendments Nos 55 to 57:

That the House of Assembly do not further insist on its disagreement to these amendments.

As to Amendment No. 58:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 59:

That the Legislative Council do not further insist on its amendment but make the following amendment in lieu thereof:

Page 25, Schedule 1 (clause 5)—Leave out subparagraph (i) of paragraph *(a)* of subclause (2) and the word 'or' immediately following that subparagraph.

And that the House of Assembly agree thereto.

As to Amendments Nos 60 to 62:

That the Legislative Council do not further insist on its amendments.

As to Amendments Nos 63 to 65:

That the House of Assembly do not further insist on its disagreement to these amendments.

PETITION: TRAFFIC LIGHTS

A petition signed by 287 residents of South Australia requesting that the House urge the Government to install traffic lights at the intersection of Beach and Majorca Roads at Hackham West was presented by the Hon. D.J. Hopgood.

Petition received.

PETITION: TREE PLANTING PROGRAM

A petition signed by 126 residents of South Australia requesting that the House urge the Government to undertake a tree planting program in conjunction with the resurfacing of Cross Road was presented by Mr S.J. Baker.

Petition received.

PETITION: REFERENDA

A petition signed by 294 residents of South Australia requesting that the House urge the Government to consider the introduction of citizen initiated referenda was presented by Mr Lewis.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 227, 229, 254, 259, 370, 427, 430, 454, 457, 462, 467, 469, 472, 474, 481, 482, 485, 490, 491, 495, 505, 528, 529, 531, 532, 535, 536, 537, 539, 541, 543, 544, 546, 547, 548, 549, 571, 572 and 574; and I direct that the following answers to questions without notice be distributed and printed in *Hansard.*

STATE BANK

In reply to **Mr INGERSON (Bragg)** 20 March.

The Hon. J.C. BANNON: I have been informed by the bank that the State Bank Group's 20 off balance sheet companies in New Zealand had total assets of $126.35 million and total liabilities of $89.95 million as at 30 June 1990.

In reply to **Mr BECKER (Hanson)** 20 March.

The Hon. J.C. BANNON: I have been advised that the State Bank Group has not attempted to avoid its tax obligation through the use of loan forgiveness. As with many financial institutions, senior staff in the bank and Beneficial Finance are able to set aside a portion of their package for debt payment. I have been informed that fringe benefits tax has been paid on these loans, first, by the employee as a charge against the package, and then by the company to the Australian Taxation Office.

PAPERS TABLED

The following papers were laid on the table:

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

Animal and Plant Control Commission—Report, 1990.

Veterinary Surgeons Act 1985—Regulations—Qualifications.

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

Supreme Court Act 1935—Supreme Court Rules—Exports Reports and Interest Rate.

Judges of the Supreme Court, 1990.

Administration and Probate Act 1919—Regulations—Fees.

Education Act 1972—Regulations—Student Accommodation.

By the Minister of Transport (Hon. Frank Blevins)—

Metropolitan Taxi-Cab Act 1956—Regulations—Fares.

By the Minister for Environment and Planning (Hon. S.M. Lenehan)—

Native Vegetation Management Act 1985—Regulation—Development Clearance.

By the Minister of Labour (Hon. R.J. Gregory)—

Dangerous Substances Act 1979—Regulations—Autogas Permits.

By the Minister of Occupational Health and Safety (Hon. R.J. Gregory)—

Occupational Health, Safety and Welfare Act 1986—Code of Practice for Asbestos Work (Excluding Asbestos Removal).

By the Minister of Marine (Hon. R.J. Gregory)—

Boating Act 1974—Regulations—Whyalla Zoning.

Marine Act 1936—Regulations—Uniform Shipping Code.

By the Minister of Employment and Further Education (Hon. M.D. Rann)—

Industrial and Commercial Training Act 1981—Regulations—Engineering Trades.

MINISTERIAL STATEMENT: VIDEO GAMING MACHINES

The Hon. FRANK BLEVINS (Minister of Transport): I seek leave to make a statement.

Leave granted.

The Hon. FRANK BLEVINS: In response to the member for Bright's comments on the motion of the member for Davenport to disallow the regulations under the Casino Act 1983 relating to video gaming machines, the member for Bright claimed that the Casino authority showed disregard to Parliament and the Government by working on the opening with employees from the Casino for a considerable period. I can only assume that the Casino authority referred to is the Casino Supervisory Authority, a statutory body vested with responsibility under the Casino Act to supervise the operation of the Casino.

If this is correct, the member for Bright's statement is unfounded and is simply not true. In fact, at the direction of the Chairman, the Secretary to the authority advised the Chief Executive at the Adelaide Casino as soon as the authority became aware of the proposed opening date that the Casino could not assume that the authority would give all approvals required under the terms and conditions of the licence by that date. This stance is reflected in all correspondence from the authority to the Casino on this matter.

At no stage did the authority or the Liquor Licensing Commissioner, who has responsibility for approving video gaming devices and various other matters relating to their introduction, work on the opening with employees of the Casino. The authority and the Commissioner maintained their independence and impartiality at all times.

The member for Bright laboured the point that video gaming machines are quite clearly poker machines. Again, this is simply not correct. The video gaming devices approved for the Adelaide Casino require the player to make a decision. The games of Keno and Blackjack are simply a video version of the games of Keno and Blackjack played in the Casino. While the game of poker with its many variations is not a direct replica of the game of poker because of the absence of other players, the player is still required to make decisions similar to those in the game of poker. In other words, on video gaming machines the player influences the outcome by making decisions, whereas on poker machines the outcome is pre-determined and unable to be changed.

The member for Bright asked for details of the approval process. As stated earlier, the Liquor Licensing Commissioner is responsible under the terms and conditions of the Casino licence for approving all gaming equipment or surveillance and security equipment and systems prior to their installation and use in the Casino. The terms and conditions go further to provide that all such equipment and systems shall be under the control of the Commissioner at all times and that their use shall be in accordance with any instructions given by the Commissioner. To assist in the extremely complex task of evaluating video gaming machines the Commissioner engaged the New South Wales Liquor Administration Board's testing authority. The Commissioner was of the view, which I support, that the New South Wales testing facility had the expertise, experience and proven record to undertake device evaluation.

In addition, an analyst was recruited to the Office of the Liquor Licensing Commissioner to assist in the evaluation process. This analyst, who works closely with the New South Wales testing facility, is well qualified holding B.Sc.(Physics) with Honours in Mathematical Physics and a Master of Business Management, and having completed four years of a doctorate in physics. The New South Wales testing facility consists of staff with qualifications in computing, mathematics, physics and electronics.

The testing process involves an initial evaluation of some two to three weeks followed by a full evaluation taking a further nine to 13 weeks. To date, four initial evaluations have been completed, and the Liquor Licensing Commissioner and the Casino Supervisory Authority have given conditional approvals for these four devices. These conditional approvals were given based on the preliminary evaluations. Full approvals will be given once the full evaluations have been completed.

The member for Bright claims that the video gaming machines will accept credit cards. This is untrue. However, it is technically possible to modify the hardware by installation of a magnetic card reader, for example, and the software so that the EDT system could recognise and store credit information. To do this would require the approval of the Casino Supervisory Authority and the Liquor Licensing Commissioner. Approvals would not be given under the current Casino Act, which prohibits betting on credit.

Any attempt to modify the hardware and software to allow credit betting without the necessary approvals would be detected by the Government Casino inspectorate.

It is also claimed that there is an interchange of information between the video gaming machines and a central mainframe computer and that this would provide an opportunity for high level organised crime to infiltrate the system. The member for Bright is correct in his assertion that there is a central mainframe computer. This system is referred to as the EDT system, which is an on-line monitoring and auditing system.

It would appear that the member for Bright is confusing two systems. The initial statement refers to 'three banks of 16 machines that are connected together as one playing for a jackpot pool'. This link progressive system does not require connection to a mainframe computer. In fact, there is no mainframe computer involved at all in these link progressive systems. The machines are connected to a sealed stand alone link progressive controller, which is a passive one way communication device. Information is transmitted from the individual machines to the controller which calculates the values of the various progressive jackpot levels. The system does not allow the link controller to transmit messages back to the individual machine. To do so would require modification to the link controller and also the game program in the machine itself. If a game program was corrupted to accept such messages, it would no longer match the game master EPROM (that is, the game program) held by the Government Casino inspectorate.

The EDT on-line monitoring and auditing system is again a one way communication system. The system is purely a monitoring system which derives information from the machines via optical isolators which ensure that there is no electrical connection between the machine circuits and the monitoring system interface circuits. These optical isolators are unidirectional and, therefore, it is not possible for the EDT system to either intentionally or unintentionally affect machine operation. The system does not transmit information to the machines and the system is in fact a powerful tool to reduce criminal activity through its monitoring of meters, doors and other aspects of the machines.

Again, it might be possible to modify the game EPROM to accept commands and to modify the EDT system to allow the system to send information. However, any corruption of the game program to allow this would result in the game EPROM not matching the game master EPROM. The Commissioner is satisfied that the system of controls and procedures approved for video gaming machines is such that any interference would be detected.

I take this opportunity to invite any member to inspect the machines and the system of controls and procedures. I also suggest that, if an honourable member believes they have factual concerns about systems and procedures in the Casino, they should be prepared to substantiate these in a manner which allows the allegations to be investigated by the Casino Supervisory Authority or the Liquor Licensing Commissioner. This constructive approach would allow any problems to be rectified if necessary.

MATTER OF PRIVILEGE

The SPEAKER: On the last sitting day I indicated that I would consider a matter of privilege raised by the Leader of the Opposition in which he alleged that the Minister of Employment and Further Education had referred to a trust in which he had an interest and which was contained in the Register of Members' Interests.

Sections 6 (1) and (2) of the Members of Parliament (Register of Interests) Act 1983 provide, in part, that where a person publishes within Parliament:

(a) any information derived from the register or a statement prepared pursuant to section 5 unless that information constitutes a fair and accurate summary of the information contained in the register or statement and is published in the public interest;

or

(b) any comment on the facts set forth in the register or statement unless that comment is fair and published in the public interest and without malice,

the person shall be guilty of contempt of Parliament.

In his subsequent personal explanation, the Minister advised the House that he did not know whether the trust was listed in the Leader's pecuniary interest statement and that he had not seen the Leader's statement. However, in private discussion with the Minister he has not identified any other published source for the words 'Elgin Trust' and accordingly I rule that *prima facie* the Act has been breached and a contempt of Parliament committed.

The Hon. M.D. RANN (Minister of Employment and Further Education): I seek leave to make a personal explanation.

Leave granted.

The Hon. M.D. RANN: Two weeks ago I told this House that I was happy to withdraw any inference of impropriety from my question, because there was no such inference against the Leader or his companies. I also told this House that I had not seen the honourable member's pecuniary interest statement, and that was correct.

Following the Leader's appearance on the ABC's *7.30 Report* I received information relating to the Elgin property in the South-East. I have subsequently shown that information to you, Mr Speaker, and that information could not have been gleaned from any perusal of the member's pecuniary interest statement. However, I do accept that the words I used do appear in the Leader's statement of interest and therefore any mention, reference or publication could be deemed as a breach of privilege. I therefore have no hesitation in again withdrawing, and apologising to this House for any inadvertent breach of privilege.

The SPEAKER: I note that in the Leader's complaint he called on the Minister to withdraw immediately and to apologise. The Minister did immediately withdraw and has now apologised. I believe that should be the end of the matter.

I also want to say to the House that the timing of the raising of the matter of privilege created a unique situation which needs to be clarified. I note that Standing Order 132 states that matters of privilege whenever they arise suspend the consideration of the question under consideration, while the pre-1990 Standing Order 160 refers to 'suddenly arising'. In view of our experience on the day in question, I intend to refer the Standing Order to the Standing Orders Committee for its consideration.

I indicate that in the meantime I intend to interpret 'whenever they arise' in relation to privilege in Standing Order 132 as when the alleged offence or breach occurs. If the point is not taken at the time, that will not prevent it being taken later but only at a convenient break in the business of the House. Finally, I make the following suggestion to the House—that members advise me beforehand if they wish to have a call in relation to such matters. To

do so may facilitate the honourable member in whatever he or she may wish to do in this House.

QUESTION TIME

STATE BANK

Mr D.S. BAKER (Leader of the Opposition): Is the Treasurer in a position to assure the House that the likely losses of the State Bank Group will not exceed $1 000 million and, if not, why not? An article by leading finance journalist, Mr Terry McCrann, in last Thursday's *Advertiser* suggested that the losses of the State Bank could easily double from the $1 billion estimated more than seven weeks ago. I have received expert banking advice that it should have taken the bank only four weeks to analyse each major loan so that it could more precisely estimate the losses it is likely to incur as a result of its portfolio of non-performing loans.

The Hon. J.C. BANNON: I have already responded to this question. I think it was asked a few weeks ago. In asking it, the Leader of the Opposition is simply returning to his usual tactic, on the one hand, of saying that he is very supportive of the State Bank and believes that it should continue to trade, that it is important for South Australia's future—all of those things which are correct—but, on the other hand, of raising questions and helping to peddle or promote rumours which have completely the opposite effect. I will guarantee the Leader of the Opposition that one way of ensuring that the losses of the State Bank increase is if he continues to behave in the way he is behaving.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: Let us put this into perspective. This is a follow-up. Last Wednesday the Leader of the Opposition delivered a speech to the Association of Credit Unions. The major part of the speech was the rewriting of history that we have seen going on in an attempt on the part of Opposition members to pretend that they were not around and did not support the State Bank Act and its philosophy when it was introduced. This is their line, they are trying to sustain it, and the Leader is attempting to add to it. That was not the part of the speech to which I intend to refer on this occasion. What is relevant is the Leader of the Opposition's saying:

> In my view, the State Bank should be treated as though it were a public company and its directors should have the obligations of public company directors. The accounting and management standards and requirements applicable to public companies should also apply.

That is fine; that is a splended sentiment—public companies which provide audited accounts half yearly and yearly report to an annual general meeting. The State Bank of South Australia produces half-yearly accounts, and it has just produced them. It will publish audited accounts at the end of the financial year and they will state very clearly and precisely on an audited basis exactly what the financial position of the bank is. When those audited accounts are available, the whole issue of the bank's financial position can be properly and rationally addressed.

On the one hand, the Leader of the Opposition would like the bank to operate as a public company when it suits him, and, on the other hand, it is a statutory authority and it has some sort of special obligation to provide information in response to questions he has asked. On another occasion, one would even think that the Leader sees it as some sort of Government department. His ludicrous references to me as the head of the bank and things of that kind all indicate that. He cannot have it each and every and all ways. He is trying to, but he cannot. The bank cannot be subjected to a daily annual general meeting and demand for a revelation of its instant snapshot public accounts in the way that the Leader of the Opposition continually demands. The proper audited accounts will be provided at the proper and audited time.

Let me return to the point of this question. The point of this question is for the Leader of the Opposition to help create this atmosphere of gloom, of desperation around the State Bank, to pick up commentaries—

Members interjecting:

The Hon. J.C. BANNON: He would like Terry McCrann's sentiments; he would like the sentiments of everyone who wants to put the State Bank down, because the worse it does the closer he sees himself getting to the reins of power in South Australia. That is all he cares about, and his face lights up with joy when some State Bank story appears. It is about time the Leader of the Opposition met his responsibility—the responsibility that he keeps affirming in this House, on television, to business groups and to others around town.

'I'm responsible,' he says, 'and I believe in the future of the State Bank and its viability,' and on the other hand he indulges in this charade in Parliament. I will not be part of his having it all ways. I believe that the bank should be able to get on with its job appropriately, with the intensive work that is being done. I have answered the very question the Leader asked, in terms of timing, and therefore the bank should be left alone until the time comes for it to publish its reports. As to past history, we are embarking on a major royal commission and Auditor-General's inquiry, in which all those matters will be revealed as well. What more does he want? I suspect from the way he is going—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —he wants the demise of the State Bank, and that is simply not good enough. Believe me, that will not let the Opposition take power—no way at all. The people of South Australia will not permit that, I can assure him.

SHACK RENTALS

Mrs HUTCHISON (Stuart): Can the Minister of Lands advise the Parliament why many shack site rentals payable to the Crown have recently increased, and say what is the justification for increasing rents on sites which are held under non-transferable life tenure?

The Hon. S.M. LENEHAN: I thank the honourable member for her question. Indeed, she has a number of such shack sites in her electorate and she has raised this matter, certainly of life tenure but also of the whole question of transferable and non-transferable shack sites within this—

An honourable member interjecting:

The Hon. S.M. LENEHAN: I would be very pleased to answer the interjection, but I shall not, except by way of my answer to the question. As members would know, the rents for shack sites are being reviewed and determined as fair market rents by the Valuer-General, as part of the normal tenure process. It has been—

Members interjecting:

The Hon. S.M. LENEHAN: It is most interesting that this side of the House very firmly believes that, if the community is to have the benefit of an asset that is owned by that community, it is fair and just that it pay a fair market rental, and I will explain in my answer that, indeed, the occupiers of Crown land should pay a fair market rental

for the use and occupation of that land. This is a policy that applies to a range of land uses, including pastoral, agricultural, commercial, industrial and recreational, and I believe that it is essential that all users of an asset owned by the people of this State should pay a fair market rental.

The policy that this Government announced provides that the community of South Australia receives a fair return on the use of its land assets, in return for which the Crown tenant has rights of occupation and use of the land for a particular purpose. A fair market rent is set by the Valuer-General and takes account of the specific use of the land and relevant market evidence. The leases for Crown land shack sites have specific requirements for revaluation of the lease rental.

In many cases—indeed, in most cases—this revaluation occurs every five years, and it would be most unlikely that rents would decrease or even remain unchanged during that five year period, although, of course, if there were a total market decline this would be reflected in the rents that were set by the Valuer-General.

In the case of shack sites held under life tenure, whether transferable or non-transferable, it should be recognised that the rentals relate to the leasing of the land from the owner. In these instances, the Crown, of course, is the owner. The question of length of tenure is quite irrelevant to the matter of determining a fair market rent for the use of the Crown's land, although it should, of course, be noted that the Government's policy decision in late 1989 did give to many hundreds of shack owners in this State a much longer expectation of use than they would previously have had under their terminating tenure.

I note the interjections from the member opposite. In respect of people who have access to what is in many cases a completely unique part of South Australia—and they have that access knowing full well that that land is owned by the people of South Australia—I believe that in the vast majority of cases they are prepared to pay what is indeed a fair market rental.

STATE BANK

Mr S.J. BAKER (Deputy Leader of the Opposition): What action did the Treasurer take in April last year after he received a memo from the then Under Treasurer expressing concern about the State's contingent liabilities resulting from the expanded operations of Government financial institutions, including the argument that there was a good case to charge the State Bank a fee for its Government guarantee?

The Hon. J.C. BANNON: I am not aware of the memo to which the Deputy Leader of the Opposition refers, unless it is the memo that was raised on a previous occasion. I will investigate the matter and see whether a reply can be provided.

EMERGENCY HOSPITAL ADMISSIONS

Mr QUIRKE (Playford): Will the Minister of Health endeavour to track down what the emergency provisions are for the admission of patients at both the Modbury and Royal Adelaide Hospitals? A constituent of mine, Mr Doug Bailey, telephoned my home early this morning to relay some disturbing events. His son, who is an asthmatic, had suffered a severe attack and Mr Bailey called an ambulance. The ambulance reportedly arrived within minutes and the crew contacted the Modbury Hospital, which was the nearest emergency medical centre to the Bailey home at Ingle Farm. The Modbury Hospital said that, as it could not assist, it would contact the Royal Adelaide Hospital. The Royal Adelaide Hospital reportedly stated that it could offer assistance only if the ambulance crew could stabilise Master Bailey's condition. The ambulance crew eventually took Master Bailey to the Lyell McEwin Hospital. Mr and Mrs Bailey were both angry and distraught at these events, which were relayed to me shortly thereafter.

The Hon. D.J. HOPGOOD: The short answer is, 'Yes'. I am particularly intrigued by the reference to stabilising the child. Obviously any retrieval team attempts to stabilise an individual although this is not always possible, and it is all the more reason to get the individual to a hospital as quickly as possible. It is also important that admission procedures in an emergency be uniform throughout all hospitals. Therefore, I will obtain the information for the honourable member, not only in relation to the two hospitals referred to but, indeed, in relation to all emergency teaching hospitals.

STATE GOVERNMENT INSURANCE COMMISSION

The Hon. D.C. WOTTON (Heysen): My question is directed to the Treasurer. What level of credit risk insurance on corporate securities has SGIC provided, what is the resulting financial risk to the State, and what action did the Treasurer take after he was told of such large potential risks a year ago? I have copies of a number of confidential memos to the Treasurer signed by the then Under Treasurer indicating concern with levels of risky SGIC business activity not contemplated by the Parliament that are underpinned by a taxpayers' guarantee. Among other things, Mr Prowse told the Treasurer in one memo dated 20 April 1990:

> . . . in my view the expansion of SGIC into this area of business and the associated increase in the State's contingent liabilities needs careful review.

The Hon. J.C. BANNON: In terms of credit risk insurance—and I understand that is what the honourable member is asking about—and overall contingent liabilities I believe that, in view of the scope of the honourable member's request, it is best that I provide a written reply.

Members interjecting:

The SPEAKER: Order!

WHEAT INDUSTRY MEETING

The Hon. J.P. TRAINER (Walsh): Will the Minister of Agriculture inform the House whether the Minister for Primary Industries and Energy (Mr John Kerin) has agreed to the State Government's call for a meeting of all Ministers of Agriculture to discuss problems within the wheat industry?

The Hon. LYNN ARNOLD: I thank the honourable member for his question. I must say that I regret that the advice I have is that the Federal Minister for Primary Industries and Energy is not accepting the call made by State Ministers of Agriculture throughout Australia. I think that that is most unfortunate. The advice we have is that he will not agree to such a meeting because he does not intend to take that matter and also the matter of the base price proposal for wheat (which has also been referred to as the guaranteed minimum price) back to Federal Cabinet. We understand the situation is that he does not believe that Federal Cabinet would accept a review of its earlier decision.

That is a matter of considerable concern to the Government. In discussing this matter last week we indicated that it was very important that the Federal Government reverse

its earlier decision. In conversations with the New South Wales Minister of Agriculture and other Ministers of Agriculture around the country we agreed that a need exists for an urgent meeting. At the same time the Premier made contact with the Premier of New South Wales and the Premier of Western Australia in the context of the urgency of the situation facing farmers in this country, particularly with respect to the need for some guarantees to be given or the freeing up of carry-on finance. The Premier has subsequently had talks with both those Premiers with a view to ascertaining whether a meeting of Premiers can be arranged to discuss the issue as a matter of urgency and hopefully with the involvement of the Prime Minister.

The Hon. J.C. Bannon interjecting:

The Hon. LYNN ARNOLD: Apparently it has been agreed that the meeting will take place next Friday. We hope that that will allow the issue to be forced back on to the agenda of the Federal Government, where it rightly belongs. In that context some people have suggested that the State Government should go it alone with a base price or guaranteed minimum price following comments made by the Premier of Western Australia last week. It needs to be acknowledged that the Premier of Western Australia, the day after making her announcement, indicated that there were immense constitutional and legal difficulties with State Governments embarking on such a proposal individually. That has been confirmed by other States—Queensland, for example.

The Federal Minister stated that he doubted that it was possible because he felt that such an action would be in breach of sections 52 and 90 of the Federal Constitution. The advice we have in South Australia from Crown Law also indicates that a State cannot direct the Australian Wheat Board to administer a guaranteed payments scheme in that State; and, furthermore, given new interpretations of section 92 by the High Court, a subsidy on goods sold in a State is likely to represent a form of protectionism and therefore is likely to be held as unconstitutional. That reinforces the belief that it is a Federal matter and should be dealt with accordingly; in other words, it should be on the Federal agenda. I am very concerned that the Federal Minister did not see his way clear to have a meeting. However, I am pleased that a meeting has been organised for all State Premiers following the Premier's conversation with other Premiers interstate.

I indicate my alarm that, in the process of determining whether there would be a meeting of State Agriculture Ministers, we have also been given to understand that the rural assistance package, which the Prime Minister indicated the Federal Minister would provide in April (we understood it would be in mid April), will not be forthcoming until the end of this month. That is a matter of major concern. It will be of very little assistance to farmers in their present difficulties if we do not know until the end of the month the situation with respect to rural assistance and what may be the flexibility of Federal or State Governments in assisting with carry-on support for farmers in this country.

Mr Ferguson interjecting:

The Hon. LYNN ARNOLD: Yes, as the member for Henley Beach says, the season will then be too far gone in terms of planning time, which is an indicator of the problems we have. The Federal Government should acknowledge that it must respond earlier than that. Whilst that is our advice at the moment, I hope that the meeting of Premiers on Friday will convince the Federal Government to bring the date forward much earlier and to honour the previous advice that it would be forthcoming by the middle of this month. That also raises the issue of what is the best form of support to give to the rural sector. As I have said on many occasions, there are clear limits on a State Government in these areas, but I would be interested to know where the State Opposition stands on these matters.

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: It was with a degree of strength that I was able to go to the Federal Minister for Agriculture and say that this Parliament supported the base price of wheat. I hear the member for Goyder saying that members opposite are clear on it. In fact, the member for Goyder made the following comment:

> I think it goes without saying that the Liberal Party in this State has always, so far as I can remember, advocated orderly marketing. We have sought minimum pricing in a variety of areas and there is no problem in our seeking minimum pricing for the wheat industry.

He says, 'As far as he can remember.' Well, obviously he cannot remember recent conversations he might have had with the Leader of the Opposition, because the Leader of the Opposition was quoted in last week's *News*, when talking about minimum price for wheat schemes, as saying, 'It looks like a cheap way to avoid doing anything realistic to assist with the current rural crisis.' Here we have an attempt to say they support one thing when there is no guarantee of support on their own side. That lets down both this Parliament and this State as we try to force the Federal Government to recognise—

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: —that there is an issue that has to be on its agenda, an issue about which it has to recognise it must show national leadership. I hope that when this meeting on Friday takes place we can talk on this side with much more confidence about a unity of support for issues to help farmers in this State.

STATE BANK

Mr INGERSON (Bragg): My question is directed to the Premier. What advice did the Treasurer obtain before involving himself in a particular State Bank account by giving his approval, through SAFA and SGIC, for a $45 million loan for Beneficial Finance to develop the East End Market site? In a confidential memo from the Under Treasurer to the Treasurer dated 19 April 1990, Mr Prowse says that in June 1989 'you approved SAFA providing a $45 million loan to SGIC to enable it to provide bridging finance up to one year for the consortium developer of the East End Market site'. Beneficial Finance Corporation was the developer of the East End Market site at that time. On 6 August last year the Treasurer told the *Advertiser* that 'as Beneficial is a division of the State Bank I have been kept advised of developments' but 'the Government was required by an Act of Parliament not to involve itself in the internal functions of the State Bank'.

The Hon. J.C. BANNON: The involvement of either SAFA or SGIC in relation to any project is a matter that does not affect the direct control of those who are promoting the project. The East End Market project is an extremely important one for this city; it is a prime development site. The Government actively involved itself with the East End Market company in the arrangements which saw the market very successfully transferred out of the city to provide a prime large scale development site for a development which has been through a number of variations, which has been presented to the city council and which has a current approval pending. At each point of that transaction, if a developer was involved in putting together a financial package, if it

was appropriate and commercial for some sort of involvement in that financial package, that would have been done.

In relation to the East End Market project, it is quite appropriate, and I would be very surprised if members were suggesting that financial organisations or institutions with the capacity of SGIC, for instance, should be not involved in major developments that are taking place in this State, and that—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —is the principle at issue here. I do not believe that any further details are called for.

Members interjecting:

The SPEAKER: Order! There is far too much background chatter in the Chamber as well.

MACKLIN HEALTH REVIEW

Mr FERGUSON (Henley Beach): Will the Minister of Health inform the House about progress of the Macklin review into the national health system following the Health Ministers conference held in Adelaide last week?

The Hon. D.J. HOPGOOD: At the Queensland conference a year ago, the Federal Minister announced that Jenny Macklin was being appointed to head up an inquiry into the current health system, and that has proceeded. Jenny Macklin was at the Health Ministers conference to give the State Ministers a briefing on the way in which the inquiry has gone. It is anticipated that there will be a report for the Federal Minister later in this calendar year, and it is likely that there will be a further briefing for the State Ministers prior to the actual public promulgation of that report.

Perhaps that which would be of most interest to members (because obviously time precludes going into too full an exposition) would be what the report so far is moving towards in respect to hospital beds. The report says at this stage that it is anticipated that between now and the turn of the century there will be about a 30 per cent increase in demand for hospital services arising from increased population, the ageing of the population, and so on. However, notwithstanding that 30 per cent increase, there will be a reduction of demand for acute hospital beds.

That is something that comes as a little surprise to many people in the community who just assume that we will have to continue to add beds to the total number. But it reminds us of the Sax report, which was brought down some years ago when, from memory, South Australia had about six beds per thousand and which recommended that we should move to 4.5 beds per thousand. Even now we are sitting at about 5.5 beds per thousand. So, we are still comfortably above that level which the Sax report regarded as reasonable for a State with our demographic characteristics.

This will require some fine tuning and obviously there will be some public debate on the matter. Amongst the figures that were made available to the Ministers was one that suggested that, within broad limits, the activity in hospitals follows the number of beds available. That again is turning on its head a common perception in the community—that beds follow activity. Obviously, it is within limits.

If we were suddenly to produce tomorrow an extra 300 beds, it would have a short-term impact on the booking lists at the hospitals, but it is suggested that in the long term the booking lists would settle down very much to what they are now. Similarly, if we were to remove 300 beds from the system in a short period, it would create chaos, but again it would suggest, in terms of what the Sax report has been saying and what Macklin is saying, that eventually the booking lists would settle down to something like they are now.

There was a good deal of discussion. It seems that all the States, irrespective of the political complexion of their Governments, share a perception in this matter. Whether one talks to Mr Collins from New South Wales or Mr McElligott from Queensland, they all agree that the answer to the problem is not simply to throw money at it. We have to have better management of our booking lists and of the enormous amount of resources that we now make available to the health system.

Of course, members would know that they are some of the matters that the Health Commission in this State has been moving to address for some time. I cannot indicate whether there will be any drastic changes to Medicare that will come out of the present system, and I doubt very much whether the member for Adelaide could indicate that, because members on his side cannot make up their minds about Medicare; they have never been able to make up their minds about Medicare and are currently having a gabfest to see whether they can make up their minds about it. I would hope that Medicare remains very much in its present form. The people of Australia welcome and support Medicare and, if it were a disaster, the honourable member's Party would have ditched it at the last election, but they did not because they did not have the political guts.

Members interjecting:

The SPEAKER: Order! The Deputy Leader is out of order.

STATE GOVERNMENT INSURANCE COMMISSION

Dr ARMITAGE (Adelaide): Has the Treasurer approved an automatic open-ended SGIC borrowing facility from SAFA or other financial institutions of up to $200 million to facilitate SGIC picking winners through entrepreneurial business investments? A confidential memo in my possession from the Under Treasurer to the Treasurer provides details of such a $200 million loan facility.

The Hon. J.C. BANNON: I will provide a considered reply for the honourable member.

Members interjecting:

The SPEAKER: Order! There is far too much background noise. I have warned the House before about it. Conversations across the Chamber and on either side are creating too much noise. The Chair cannot hear the questions or the answers. The honourable member for Gilles.

METROPOLITAN TRANSPORT SERVICES

Mr McKEE (Gilles): Will the Minister of Transport report to the House details concerning the upgrading of metropolitan transport services and the involvement of local industries and employment in that scheme?

The Hon. FRANK BLEVINS: I am delighted to be able to advise the House that the Government has placed a $76 million contract to MAN Automotive Australia to build the first half of the 307 new buses that we are ordering to replace our ageing Volvo fleet. The bus bodies will be built here in South Australia by PMC-Adelaide. There has been some doubt about the continuing presence of that company in this State due to an Australia-wide rationalisation by the parent company, JRA Australia. However, I am pleased that the work that the Government has been able to put

out to the private sector in South Australia will assist that company to stay here.

I want to mention a couple of features of these new buses because they are the very latest state-of-the-art buses. In fact, four of the buses will have a very low floor—no steps are required to get on the bus from the pavement. The Government has ordered only four of those buses initially and they will be the first of their type to be built in Australia. Obviously, these buses will be of enormous assistance to people, particularly the elderly, if the very low floor concept can be carried through. In any event, all of the buses will have a kneeling capacity; that is, they will be able to kneel sideways and tilt towards the kerb. Again, that will enable elderly people, in particular, to get on and off the bus with a great deal more ease than they can at present. Trials of the kneeling buses have been carried out and they have been found to be quite effective. So, all new buses will have a kneeling capacity.

I am also very pleased to announce that 100 of these buses will be powered by compressed natural gas (CNG), which is obviously a South Australian fuel. The Government has worked long and hard with SAGASCO in organising trials of CNG in 10 of the current buses, and the Federal Government has provided finance towards those trials, which have been a great success. I am very pleased that at least 100 of the new buses will be powered by CNG, for obvious reasons—it is not only South Australian fuel but it will also address environmental concerns much more effectively than diesel or even LPG.

Obviously, the buses will be air-conditioned by modern state-of-the-art refrigerator units. I think we can all remember some of the problems experienced a few years ago with evaporative air-conditioning. In coordination with the recently announced contract for 50 new railcars for the STA, it is now very confidently estimated that the STA fleet will be the youngest public transport fleet in Australia, and I think that is something of which we can all be proud. I hope that when the red hens go and the new trains and buses are in service we will get a great deal more respect for our vehicles and railcars, particularly from young people, than we get at the moment.

POLITICAL CAMPAIGNING

Mr SUCH (Fisher): My question is directed to the Treasurer.

Members interjecting:

The SPEAKER: Order! The member for Napier is out of order.

Mr SUCH: Is the Treasurer in a position to confirm that the former Premier of Western Australia, Mr Burke, helped to fund political campaigning in South Australia and, if so, was this financial assistance in any way made contingent upon major South Australian Government institutions establishing financial links with Western Australia? I ask this question in view of a front page article in last Saturday's Melbourne *Age* which in part stated:

> Mr Burke's generosity and vigour went beyond Canberra and Perth. The *Age* learnt this week that Mr Burke had helped bankroll State campaigns in New South Wales and South Australia, where he directed some of the millions coming through bank accounts he alone controlled.

The Hon. J.C. BANNON: The only basis for that report of which I could be aware is an occasion on which a national company, which in fact donated money to all political Parties—and I imagine that the Liberal Party in South Australia would have received a donation as well—as a matter of convenience earmarked an amount for South Australia which was provided through an amount that was sent to Western Australia. That would be the only basis on which I could imagine that money was paid straight to the Party.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: I presume that the honourable member, in asking this question, is departing from his Party's policy in relation to these matters. We on our side support full disclosure of these matters. The member for Newland joins her colleague as well on this matter. I suggest that it is about time that they talked to their own Leader. The other day I was interested to note Dr Hewson, the Federal Opposition Leader, boldly make the statement, 'We stand for full disclosure and will certainly support that aspect of a Bill before Federal Parliament,' only to have his knuckles very badly rapped the next day. There was a frantic flurry of telephone calls around the network, saying, 'Please don't say that. You'll ruin our corporate support and our donations.'

If we want a discussion about who gave what, where and how, we are happy to agree to that in the context of legislation that requires full disclosure by everybody. If the honourable member, by his question, is suggesting that he is in favour of it, how about his talking to his Leader and, indeed, the national leadership as well?

Members interjecting:

The SPEAKER: Order! The member for Napier is out of order.

WEST LAKES BOULEVARD

Mr HAMILTON (Albert Park): Will the Minister of Water Resources advise the House of the specific nature of the work being undertaken in West Lakes Boulevard by the E&WS Department?

The Hon. S.M. LENEHAN: I thank the honourable member for his question. He is nothing if not persistent with respect to the care of his constituents.

Members interjecting:

The SPEAKER: Order! The member for Heysen is out of order.

Members interjecting:

The SPEAKER: Order! The member for Bragg is out of order.

Mr Ingerson interjecting:

The SPEAKER: Order! The member for Bragg is out of order again. The honourable Minister.

The Hon. S.M. LENEHAN: I suspect that with all this discussion around the Chamber, whatever happens, the member for Albert Park will certainly be here in the next Parliament. He will have to be—

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: I cannot say the same for some members opposite. The member for Albert Park would certainly be one of the most hard-working and conscientious members in this Chamber. Indeed, I can vouch for that, as a colleague and Minister. The question is very serious. The member for Albert Park has asked what the E&WS Department is doing in respect of West Lakes Boulevard. I understand that other members opposite have also been interested in this—

Members interjecting:

The SPEAKER: Order! The member for Hanson is out of order and out of his seat. The honourable Minister.

The Hon. S.M. LENEHAN: Thank you, Mr Speaker. It is interesting that the member for Bragg also indicated some sort of an interest in what the E&WS would be doing on West Lakes Boulevard, so it is not just the member for Albert Park who is showing an interest. On 8 April the E&WS undertook work in West Lakes to install a 225 millimetre overflow sewer main from the boulevard pumping station to connect this sewer to the next adjacent sewer system. This will allow sewage to be transferred to the adjacent system in the event that the pumping station is closed down, either from power failure or due to mechanical problems. As I advised the honourable member and this House recently, this is part of the work being undertaken by the E&WS to ensure that the incident that resulted in a number of units at West Lakes being flooded with sewage does not recur. I can inform the honourable member that this is the same question—

Mr INGERSON: On a point of order, Mr Speaker, this is the same answer that was given to a question that was asked last week.

Mr Hamilton interjecting:

The SPEAKER: Order! The member for Albert Park is out of order. I do not uphold the point of order. A question was asked last week, which—

Mr Ingerson interjecting:

The SPEAKER: Order! The member for Bragg will not talk when the Speaker is on his feet. As I recall, two questions were asked last week about work at West Lakes: one was about the transfer system of pumps at West Lakes and the other was about the closure of the road at West Lakes. I do not believe this is the same question. The honourable Minister.

The Hon. S.M. LENEHAN: Thank you, Mr Speaker. This is to provide information to the honourable member for his constituents with respect to this vitally important work. The E&WS has advised householders of the work by circular. It has offered special arrangements to residents who may have access problems during the construction period, which should last for about five weeks. Obviously, this is an important and vital issue for the honourable member, and I am delighted to provide him with the information.

URANIUM

Mr GUNN (Eyre): I direct my question to the Minister of Mines and Energy. Is it the policy of the South Australian Government that there is 'no justification for the opening of new uranium mines in Australia' and, if so, why does this policy ignore the 'significant upturn in the world uranium market from about the middle of the 1990s' predicted by Federal Primary Industries and Energy Minister Kerin in advocating a new uranium policy for the nation?

The Hon. J.H.C. KLUNDER: I thank the honourable member for his question. Certainly, I believe that the current policy ought to continue, but I think that, rather than ask the Government for its position on matters nuclear, the honourable member ought to ask his own Party. I refer to an article in the *Advertiser* of 15 September 1989, which reported that the South Australian Liberal Party would 'consider nuclear electricity generation for the State.' I have not seen much since then from either the then Leader or anybody else in the Opposition who is prepared to say where such a nuclear power station would be located. One can only wonder—

An honourable member interjecting:

The Hon. J.H.C. KLUNDER: Burnside has been suggested on this side as being an appropriate place to locate such a power station. That is not the end of it. Even after the Chernobyl disaster and more recent events in Japan, the Opposition has also announced its support for a uranium enrichment plant in South Australia. Normally, that would have to be located near a port, and I wonder which port members have in mind; whether it is Port Pirie, Port Augusta, perhaps Whyalla—

The SPEAKER: Order! The Minister will draw his remarks back to the subject of the question.

Members interjecting:

The SPEAKER: Order! I think the events the Minister has mentioned have no relevance to the question asked.

The Hon. J.H.C. KLUNDER: Thank you, Mr Speaker; I thought that members opposite might be rather interested in issues nuclear, since they raised the question, but I bow to your ruling, Sir, and I draw my remarks back to the question. Certainly, it is the intention of this Government that the current policy should be maintained, but I would also mention that this is a matter for internal Labor Party discussion, which is coming up some time in June, and the situation will no doubt be canvassed thoroughly there.

WORKCOVER

Mr ATKINSON (Spence): Can the Minister of Labour advise the House of the effect WorkCover's bonus and penalty scheme on employers' safety performance and their costs?

The Hon. R.J. GREGORY: I thank the member for Spence for his question.

The Hon. P.B. Arnold interjecting:

The Hon. R.J. GREGORY: It is a wonder that the member for Chaffey bothers to come to this place. He knows everything. He also has a big mouth. Members would be aware that since last July WorkCover has been operating a bonus and penalty scheme that rewards safe employers and penalises employers who operate unsafe workshops.

Members interjecting:

The Hon. R.J. GREGORY: I can assure you, Sir, that unsafe workshops are not a laughing matter, although the member for Chaffey seems to think it is funny. The member for Chaffey ought to realise that this scheme works because WorkCover is using 50 per cent of those penalties to assist those who have poor safety records to overcome their problems.

Members interjecting:

The Hon. R.J. GREGORY: From the hilarity of members opposite, one should take it that they see unsafe workshops as something to laugh about. Well, I do not. The reaction of members opposite illustrates their lack of care about people who are injured at work.

Members interjecting:

The Hon. R.J. GREGORY: You do not like hearing the truth, do you? Let me point out where some of this money is going.

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: This is done by providing employers with advice, training and consultancy services and by focussing individual attention by experienced and qualified occupational health and safety consultants employed by WorkCover's Prevention Programs Department. Most companies welcome that assistance. As an example, I refer to a large nursing home that had no safety management system. It recently took the corporation's advice and adopted a comprehensive claims management system. When a worker at the home suffered an injury she was able

to return to work within a fortnight whereas, previously, a worker who suffered a similar injury was away from work for over 12 months. So, it works.

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: I am advised that more than 80 per cent of the employers will receive a bonus. WorkCover believes that the benefits have already been demonstrated because in the past three months there has been a reduction of 20 per cent in claims compared to the same period last year. For the benefit of the honourable member who asked the question, that is the answer. It is a better result than might be expected merely because of the recession.

In 1991-92 the priority employer program, which targets employers with relatively high claim numbers and costs, will see about 100 employers paying about 100 per cent above their industry levy rate. As I said earlier, 50 per cent of that money will be used assisting those employers to overcome safety problems within their workplace. Employers who are able to show that they have introduced an effective health and safety program will be exempt from the 'super penalty' scheme. Such programs can make a difference. A pilot scheme was run in 1989. An early success was a kitchenware manufacturer which reduced its claims from 73 to 37 and reduced its claim costs from $82 000 to $17 000. That demonstrates that the carrot and stick in this scheme is working, and it means that more and more South Australians can go home from work without being injured.

URANIUM

The Hon. E.R. GOLDSWORTHY (Kavel): Will the Minister of Mines and Energy table in the House the submission he has made to the Labor Party committee examining uranium policy? Will the Minister say whether the submission was prepared in consultation with the South Australian Department of Mines and Energy, and does the submission have the support of that department?

The Hon. J.H.C. KLUNDER: Obviously I am not going to table an internal Labor Party document for the member for Kavel, no matter how much he might learn from that document. In answer to the second question, the submission was prepared on my direction and by my people; it was not prepared by the Department of Mines and Energy.

STOLEN VEHICLES

Mr De LAINE (Price): Will the Minister of Emergency Services consider police checks on all road transport heading interstate carrying used motor vehicles? There have been cases of people, whose cars have been stolen, reportedly seeing their car on board a road transport heading interstate. Checks by police would help stamp out this illegal trade.

The Hon. J.H.C. KLUNDER: I sympathise with any constituents of members who might have been in that position. Obviously, if they see such a thing, they should contact the police to ascertain whether the semitrailer can be intercepted. Whilst the suggestion of periodic checks of semitrailers seems to be straightforward and simple, it is, unfortunately, nowhere near as straightforward as it might appear. Section 68 of the Summary Offences Act empowers police to stop, search and detain any vehicle if there is any reasonable cause to suspect, amongst other things, that stolen goods are being conveyed in or upon a vehicle.

If a road transport vehicle is seen carrying used vehicles, that in itself is insufficient ground for the police to stop it: indeed, if they did stop and search it, they would be acting unlawfully. However, the Deputy Commissioner advises that highway patrols and other operational police units continually monitor interstate conveyance of goods by road and take such action as appears appropriate to the officer on the spot at the time. If the honourable member has any specific information that he has not mentioned in the House or has not given to the police, I suggest that he do so.

URANIUM

The Hon. H. ALLISON (Mount Gambier): Does the Minister of Employment and Further Education agree with the Federal Minister for Primary Industries and Energy, John Kerin, that, by overturning the Federal Government's present three mine uranium policy and reconsidering the possibility of mining elsewhere, the Minister would thereby be supporting a policy which would greatly enhance employment prospects, particularly for the unemployed in Australia and South Australia? Does the Minister agree with the Federal Minister for Primary Industries and Energy, John Kerin, who made that statement?

The Hon. M.D. RANN: I am delighted to get my third ever question from the Opposition.

Members interjecting:

The Hon. M.D. RANN: I just heard an interjection from the Leader of the Opposition. Sitting here today and looking across the Chamber I was reminded of escapees from Charles Darwin's waiting room. We all know who is the missing link—it is obviously the member for Mount Gambier. I am aware that the member for Mount Gambier is interested in a uranium enrichment plant for the Blue Lake area, but that is something for him to work out with the former Deputy Leader, who seems to be making a bit of a comeback. In the meantime, I can assure the House that the Minister for Mines and Energy has my total support.

FARMERS IN TRAINING PROGRAM

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Agriculture advise the House about the farmers in training program between the Falkland Islands and South Australia?

The Hon. LYNN ARNOLD: I thank the honourable member for his question. I am pleased to report that this program is under way, successfully, with the visit to South Australia of Lisa Pole-Evans and Russell Evans, both young people from the Falkland Islands who have spent about six months in South Australia. They arrived on 23 September 1990 and, since that time, thanks to the courtesy of farmers in South Australia and the efforts of the Department of Agriculture, they have been hosted in this State and have learnt a great deal about a variety of different sorts of farming in various parts of the State, be it in livestock work or other forms of farming experience. I take this opportunity to thank the many farming families in South Australia who have assisted with their visit to this State. I also thank officers of the Department of Agriculture who have worked so hard to coordinate their visit. It is certainly a good start to the program.

The program was initiated by the Falkland Islands Department of Agriculture in early 1990 when it asked our department to agree to place two young farmers-in-training in South Australia for six to nine months for work experi-

ence on the basis of board and keep plus farmhands' wages appropriate to their age.

Now that the visit of Lisa and Russell is drawing to a close, it is appropriate that we think of the next phase of the program, namely, a return visit by two young farmers from South Australia to the Falkland Islands. The Falkland's Administration has asked that we nominate two South Australians to go there for up to six months, and we are awaiting advice on the nominations. That exciting development will take place in this process. I hope that Lisa and Russell have enjoyed their time in South Australia; from reports, I understand that they have. It is an interesting link that has been established between the Falkland Islands and South Australia.

WELFARE RELIEF AGENCIES

Mr OSWALD (Morphett): Is the Minister of Family and Community Services aware that non-government welfare relief agencies cannot cope with the alarming increases in demands on their resources brought about by the recession, which Mr Keating said we had to have, and what action is he taking to help them cope? In discussions with church ministers and non-government welfare agencies, I have been advised of a number of points.

The Catholic Church has described a dramatic increase in the number of children, some as young as 12 to 15 years, who are no longer living in a secure family environment and who are coming in off the streets looking for food and money. The Lutheran Church has also talked about a general increase in the number of clients, with an increase in foster care placements over 12 months of up to 100 per cent. The Salvation Army experienced an increase in welfare recipients in January of 100 per cent and an increase in February of 82 per cent, compared with the corresponding months last year. One Catholic priest reported a notable increase in the number of cases of domestic violence that he has had to handle because of financial problems in families. Another Lutheran welfare agency has reported on the lack of rural family counselling services to assist rural families to cope with their personal and financial deprivation.

The Hon. D.J. HOPGOOD: Some of what the honourable member refers to is not new, but some, in relation to rural counselling on the other hand, has particular point in view of the problems to which the Minister of Agriculture referred earlier in Question Time. The matter of homeless youth was the basis of the setting up of the supported assistance accommodation plan and is a matter which continues to receive the active support of both the Commonwealth and State Governments.

As to the general role of the community sector, I indicate that some time ago I set up a committee to look at the appropriate future role of the community sector over the next 10 to 15 years. Concern arises for two reasons, the first being the increased pressure on some of these support services to which the honourable member has referred. It also relates partly to the bringing down of a national award which will cover some of the service providers who have not previously been covered by award rates. This will almost certainly mean that the service provision which traditionally has occurred throughout the community as opposed to the Government sector will in future not necessarily be cheaper than the provision of those services through the Government sector.

That has a particular point because, if members look at my budget lines, they will note that more money is spent by the Minister of Family and Community Services through the community sector than is spent by directly employing people in that department to provide those services. This has been seen as a program which has merit in its own right not only because of the expertise that exists in that community sector, whether in the Salvation Army, St Vincent de Paul or wherever, but also because of the cost-effectiveness of providing those services in that traditional way. We are suddenly faced with the prospect that, against a background of increased need, some of these services will become more expensive.

Some time ago I asked a number of people who have been active in the community services sector for some years to form a committee to advise the community services sector and Government how best these services can be improved and delivered in the near to middle-distance future. I had the opportunity of meeting with that committee and addressing it just a few short weeks ago, and would expect that a report will be available for me about the end of the financial year. We are certainly alive and sensitive to the needs to which the honourable member has referred, and this is one of the ways in which we will be seeking to address them.

PERSONAL EXPLANATION: VIDEO GAMING MACHINES

Mr MATTHEW (Bright): I seek leave to make a personal explanation.

Leave granted.

Mr MATTHEW: I was offended by aspects of the ministerial statement made today—

Members interjecting:

The SPEAKER: Order!

Mr MATTHEW: —by the Minister of Finance. In his statement, the Minister detailed a number of allegations of untrue or incorrect statements that he attributed to me. I wish to take this opportunity to address some of those allegations. In his statement, the Minister said:

> The member for Bright laboured the point that video gaming machines are quite clearly poker machines. Again, this is simply not correct.

I refer the Minister to the speech I made in the House (page 3879 of *Hansard*). That will give the Minister some detail of my statements. The Minister further said:

> The member for Bright claims that video gaming machines will accept credit cards. This is untrue.

In fact, what I said was:

> Another interesting aspect of these machines is a slot on the side. That slot is for the insertion of a credit card or similar device. At this point the Casino will use membership cards that it will allocate to people, but Casino staff have confessed to me that it is easily possible instead to use a MasterCard, Visa Card or some other card, and that happens overseas.

By 'easily possible', I of course meant that the software could be changed. There is one other point that I would like to cite from the Minister's statement; he said:

> I also suggest that, if an honourable member believes they have factual concerns about systems and procedures in the Casino, they should be prepared to substantiate these in a manner which allows the allegations to be investigated by the Casino Supervisory Authority or the Liquor Licensing Commissioner.

I brought up my allegations in the correct place, that being this Parliament. I will quote a relevant paragraph from my speech; I stated:

> What I would like to know from the other side is the qualifications of those people who have gone through the programs;

whether that has been done and, if so, when that work occurred, how long it took or, in fact, whether that work is still going on now, even though the machines have already been introduced into the Casino. I suggest that the latter example is exactly what is occurring.

That statement has been vindicated today in the Minister's statement to this House, as follows:

To date, four initial evaluations have been completed, and the Liquor Licensing Commissioner and the Casino Supervisory Authority have given conditional approvals for these four devices.

Mr FERGUSON: On a point of order, Mr Speaker, a personal explanation is not actually a rebuttal of a previous debate. The honourable member is rebutting the debate and referring to *Hansard*. We can all read—

Members interjecting:

The SPEAKER: Order! As the House will know, I have been fairly strict in relation to personal explanations. I must say that I was listening very carefully. In a personal explanation, it is certainly quite allowable—and members can take exception if they do not agree with me—for the honourable member to make points in the context of the Minister's speech today. The Minister's speech today was made in the context of the honourable member's previous speech. Therefore, the Chair has had no trouble with what has been said. However, if the honourable member is to continue from here on with a debate, leave will be withdrawn.

Mr FERGUSON: I was just wondering—

The SPEAKER: Order! Does the honourable member want to take a point of order?

Mr FERGUSON: On a point of order. Sir, are both speeches recorded in *Hansard* and available to the House?

The SPEAKER: Order! That is not a point of order. It is a frivolous point of order.

Members interjecting:

The SPEAKER: Order! The member for Hayward is out of order. The member for Henley Beach is well aware that *Hansard* volumes are available to all members in this House. I ask him to take care when taking points of order in the future.

Members interjecting:

The SPEAKER: Order! The member for Adelaide is out of order.

Mr MATTHEW: I will conclude by reading the remainder of that part of the Minister's comments:

These conditional approvals were given based on the preliminary evaluations. Full approvals will be given once the full evaluations have been completed.

In other words, I stand vindicated. The evaluations have not been completed and it is unfortunate that the Minister did not have the courtesy to stay and hear me finish.

The SPEAKER: Order! The honourable member is now commencing to debate the matter.

SITTINGS AND BUSINESS

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

That the time allotted for completion of the following Bills:
Industrial Conciliation and Arbitration (Commonwealth Provisions) Amendment,
Stamp Duties (Concessional Duty and Exemptions) Amendment,
Housing Agreement,
Legal Practitioners (Miscellaneous) Amendment and
Racing (Sporting Events Betting and Appeals) Amendment
be until 11 p.m. on Thursday 4 April.

Motion carried.

FREEDOM OF INFORMATION BILL (No. 2)

The Legislative Council intimated that it had agreed to the recommendations of the conference.

Consideration in Committee of the recommendations of the conference.

The Hon. G.J. CRAFTER: I move:

That the recommendations of the conference be agreed to.

I thank those members of the House of Assembly who represented this House at the conferences of managers. The deliberations of that meeting were long, dealing with more than 60 amendments to this measure. The issues dealt with were often quite complex in nature, and the respective views of the Houses were strongly held. However, agreement was reached on each amendment and the matter returned to the other place in the early hours of the last Friday morning that the other place met. The Bill was duly passed and is now returned to this House in a form acceptable to the Government.

I do not wish to canvass each of the amendments before us. Suffice to say that the Bill we have before us is in a form that the Government believes will serve our community well and provide for the appropriate checks and balances in our system to ensure that the Public Service estate of Government is appropriately managed and accountable for its actions in the interests of the people of South Australia and that appropriate remedies are provided for those persons who are aggrieved by decisions taken by the Public Service of the Government of this State. Indeed, in this session we will deal with legislation which will provide for similar remedies with respect to local government here. In this State we have already enjoyed the effects of similar legislation with respect to the Commonwealth public sector.

The legislation will come into force from 1 January 1992 and will provide for a retrospective provision to apply from 1 January 1987, that is, five years prior to the proclamation of this measure. With those comments, I commend the Bill in this amended form to members.

Mr INGERSON: I would like to comment briefly in support of these amendments and also to comment on the way that conferences work. I have not had the privilege previously of serving on many conferences, but I think—

Members interjecting:

Mr INGERSON: One of the great things about 'Hollywood' is that he always seems to be a good actor in this place.

Mr HAMILTON: Madam Acting Chairman, I rise on a point of order. I understand that Standing Orders require that members be addressed by their electorate names and not by a nickname. Although I am not particularly offended in this case, I believe that the protocols of the Parliament should be adhered to, and I ask you to rule that way.

The ACTING CHAIRMAN (Mrs Hutchison): I uphold the point of order and I ask the member for Bragg to address his comments through the Chair.

Mr INGERSON: I withdraw my comment in respect of the member for Albert Park. I understand that Hollywood Drive is in his area, and it is probably that to which I was referring. My concern about conferences is that in this case we met from about 11 a.m. to 1.30 a.m. considering these amendments, and I believe there were many occasions when the whole exercise could have been streamlined and dramatically improved. It behoves this Parliament to look closely at its processes, particularly the way that conferences are structured and the way that they work.

We broke four or five times to look at extra amendments, resuming in most instances at the same position as that at

which we broke. I believe much time was wasted and that we could improve the whole procedure. Having made those brief comments in respect of the procedure, I indicate that important changes were made at the conference, and two of those changes were mentioned by the Minister: the first was for the measure to take effect as from 1 January 1992, and the second involved the issue of information being available to Parliament from documents going back five years.

Other important amendments were agreed to at the conference and they have been set out adequately in the schedule. I have pleasure in supporting the amendments before the Committee.

The Hon. T.H. HEMMINGS: I would like to commend the Minister and the managers from this House for the sterling work that they performed at the conference. It gives me much pleasure to see an integral part of the Labor Party's policy—freedom of information—at last being enacted in this State. However, it is rather disappointing on this unique day, when amendments have come from the Upper House and the Minister is accepting them on behalf of the Government, that so few members opposite, who were insisting that this was long needed legislation, are present. Only three members opposite were present to hear the Minister's historic words. However, I would like to place on record my thanks to the Minister and members who took part in the conference.

Mr OSWALD: First, I point out to the member who has just spoken that there are more than three Opposition members present. Also, we should note that historically the Liberal Party brought in this legislation and it was the Labor Party in another place that stoutly resisted it for many years, although it was brought back in various forms. Now, through sheer parliamentary and public pressure, the Labor Party has capitulated and we see some form of freedom of information available in this State.

I am pleased that the legislation has now been set in place. I have spoken on the legislation on three occasions over the course of time. It is valuable inasmuch as the public and anyone involved in the parliamentary process and the Public Service can get information and use it for their research. Members can use such information for the betterment of their constituents. Although I am happy to support the measure, we must have it clearly on the record that freedom of information is not an initiative of the Labor Party by any stretch of the imagination. It is the result of a long historical fight over many years, led by the Liberal Party in another place and taken up by the Liberal Party down here. We are happy to support the motion.

Motion carried.

NATIVE VEGETATION BILL

Returned from the Legislative Council with amendments.

INDUSTRIAL CONCILIATION AND ARBITRATION (COMMONWEALTH PROVISIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 February. Page 3146.)

Mr INGERSON (Bragg): This Bill has been described as dumb and unbelievable, especially as it is being brought in at a time when economic conditions are the worst since the recession began. The Bill is introduced at a time when obviously the Minister of Labour, the Premier and his Government are totally out of touch with the economic realities facing the community. Such comments have come not from me but from members of the business community, employees and the small, important employers in our State. In today's *News* an interesting editorial appears, as follows:

> The Bannon Government should today be feeling severely embarrassed. In addition to its embarrassment about State financial institutions comes the news that last year South Australia had its worst industrial dispute figures for a decade. Yet on that same day it forged ahead with legislation which would strengthen preference to trade unionists and so almost inevitably increase the likelihood of disputes.
>
> Like all Labor Governments, allied with and relying on trade union support, this Administration fails to acknowledge changing times. It would be interesting to discover how many of the 125 000 working days lost in 1990 were the result of genuine workplace conflicts and how many were ordered by the union bosses with the membership complying most unhappily.

This legislation is turning the clock back in South Australia rather than taking us into the 1990s and beyond. The Opposition has six principal areas of concern. These concerns are echoed by the Chamber of Commerce, the Employers' Federation, the Retail Traders Association and the Master Builders Association—in fact, all trade associations representing the employers to whom I have spoken. Some areas of this Bill are of concern to the union movement as well.

The six areas of importance are: first, the expansion of the Industrial Court's underpayment of wages jurisdiction to award-free employees, whereby managers will now be included in the jurisdiction of the Industrial Court; secondly, expanded preference to unionist provisions (and this issue has been discussed at great length and I will refer to it later); thirdly, the broad-brush abolition of conciliation committees, which directly affecting the retail industry, the biggest industry affected under State awards; fourthly, the introduction of the status of peak councils and the consequent limitations on the approval of industrial agreements (that involvement of peak councils being to recognise the status of the UTLC for the first time in the Act); fifthly, the amendments to the unfair dismissal jurisdiction; and, sixthly, the increased limitations of civil action in the event of industrial action causing loss or damage to employers by employees. These are the six major areas of concern to the Opposition, as well as employers, who *en masse* are expressing those concerns to me and through me to this Parliament today.

On radio this morning the Minister of Labour made a statement in relation to preference to unionists. He could not understand why the Opposition, in particular, and the employers of this State were upset about the fact that we would now have a preference clause in the Act that is similar to a clause that has been in the Federal Act for many years (I think the Minister said 40 years, but it was a considerable period). The major reason that the employers of this State are concerned about the preference to unionists clause and the similarity to the Federal clause is that the area that has the greatest number of unionists, the highest number of difficulties in terms of demarcation and changing management and employee agreements is the Federal award area. That is the reason why the employers in this State are concerned: those involved with Federal awards do not have the flexibility, there are more closed shops and they do not have the opportunity to change working conditions and become more flexible in the way they will operate further into the 1990s.

Shortly after the Minister's statement, Mr Tumbers made the most incredible statement about preference I have ever heard. He said that he could not understand why people are getting uptight about the preference clause. He said that all they needed to do is move away from workplaces in

which unionists are involved and that people should go and work in other industries. In other words, he was saying that there should be exclusive areas in which unionists work; if people do not want to be unionists, they can go and work in some other area. That would have to be one of the most incredible statements I have heard from any unionist in this State. I had a lot of respect for Mr Tumbers, because I believe that on occasions he makes a lot of sense. However, to say that this preference clause will, in essence, exclude non-unionists from areas of trade and employment—they should go elsewhere—is quite incredible and wrong. Those two statements were made today by the Minister of Labour and by Mr Tumbers, representing the union movement.

The major group in South Australia affected by these changes will be the retailers. In essence, that group has the largest representation under State awards and covers the majority of employees in that industry. At the moment between 10 and 30 per cent of the retail trade employees are unionists. The industry has argued very strongly to me, and it has argued very strongly within the employers group, that it believes there needs to be more flexibility in industrial relations—not less, as this preference to unionists clause will create.

Mr Ferguson interjecting:

Mr INGERSON: That is an interesting comment from the member for Henley Beach, because another clause in this Bill does away with conciliation committees. It is because of the conciliation committee structure that the retail employees' award could be changed to enable the extension of shopping hours. Perhaps the member for Henley Beach should read a bit further about the changes that will occur in this Bill. If he did, he would not make such an outlandish statement. I will now quote from a media statement released by the Retail Traders Association, and this will help members put into context how the association feels about the Bill. The association states:

Whilst the State Government Bill contains a number of reasonable amendments which will streamline State and Commonwealth industrial laws, significant changes proposed in the Bill go far beyond complementary provisions to the Commonwealth Act. The retail industry's key objections to the State Government Bill are as follows:

1. Expanded preference to unionists . . .
2. Extension of industrial jurisdiction . . . into management, executive and other award-free areas.
3. The granting of privilege status for the UTLC . . .
4. Failure to prescribe any time limit for claims for underpayment of occupational superannuation contributions.
5. Increased restrictions in making and approval of industrial agreements . . .
6. The wholesale abolition of conciliation committees.
7. Increased limitations on civil action in the event of industrial disputes causing loss or damage.

The statement continues:

The retail industry does not believe that State industrial laws should be changed just because the Commonwealth has introduced new laws. As far as retailers are concerned, changes to industrial laws should only occur where each change is justified on merit and for no other reason. The retail industry is concerned that anti-business industrial laws of this type could further erode business and public confidence, which is already under pressure in this State from the economic recession and the State Bank crisis . . .In an industry where union membership is already at a low level and declining, preference to union provisions cannot be justified. Preference to unionist provisions force employers to discriminate against employees irrespective of merit. That is wrong in principle and practice. The retail industry will vigorously lobby members of Parliament to oppose these unacceptable provisions.

That media release was issued by Mr Peter Anderson, who is the Executive Director of the Retail Traders Association. The other group which has had very significant involvement through IRAC and which has been involved with the Government in looking at this Bill is the South Australian Employers Federation, which makes the following comment:

The federation would support the general thrust towards consistency between the State and Federal industrial relations Acts and a streamlining of the arbitration processes. However, we note that this consistency has been selectively applied by the Government and several areas of inconsistency have not been addressed by way of this Bill. That includes sick leave, long service leave, and unfair dismissals. We would also note that there are a large number of provisions which are not based on the rationale of Federal consistency and many of these specific amendments appear not only to be inconsistent with the Federal Act, but are inconsistent with the overall trend of industrial law.

In this regard, the Federation is particularly concerned over proposals to reduce the existing flexibility in the system. The amendments to sections 108, 109 and 110 as examples are in sharp contrast to the State Government's approach in supporting the enterprise flexibility framework of the current National Wage Case. Such support, whilst at the same time proposing restriction on what is an already heavily regulated industrial agreement provision, is irreconcilable.

That comment came from Mr Matthew O'Callaghan, the Executive Director of the South Australian Employers' Federation Incorporated.

Another major group that commented was the Chamber of Commerce and Industry. Its comment in a media release is as follows:

The move by the State Government to introduce preference to unionists which will automatically result in compulsory unionism will have a devastating effect on the confidence of the South Australian community, Mr Thompson said today. The community is crying out for some direction and positive policies to overcome the onslaught of the Federal Labor Government which has forced this country into recession. Compulsory unionism is the last thing we need.

Another press release talks about the need for further investment attraction in South Australia. It argues strongly that South Australia needs considerable investment and what we do not need is any discouragement in terms of preference to unionists or any laws or hurdles which are placed before the business community of this State.

Those quotations from the three major bodies which have sent submissions to me clearly outline their concerns over preference, tort actions, unfair dismissals and the ability to have flexibility within the industrial structure. I think now that we also need to look at the position in relation to industrial disputes, as announced in the *Advertiser* today. I bring up this area because the Minister, in his second reading explanation, strongly and emphatically said that South Australia had one of the lowest levels of industrial disputes in this country. It is ironic that today the *Advertiser* has published a graph which shows that we do not have one of the lowest levels of industrial disputes in the country; in fact, we are now second in terms of industrial disputes. Those industrial disputes are caused principally by difficulties in the Public Service area. I note that in the Public Service area we have preference for unionists and, as the Minister would know, if anyone wished to get a job in the public sector and chose not to be a unionist, it would be almost impossible.

The Government argues strongly that one can adequately get around this preference to unionists clause, but I would ask anyone to come to my office and listen to the dozens of young people who apply for jobs and find that the first thing that is put to them is, 'Are you prepared to join a union?' When they say 'No,' they quickly find that they fall off the bottom of the list. There are many examples. The member for Eyre reported to me only a month ago the difficulties of young people on Eyre Peninsula when trying to get jobs in the public sector, because the same exercise is taking place. Preference to unionists is compulsory unionism, because that is the only way that the system will work. There is no other way that it will work. The Opposition is

strongly opposed to any compulsion, whether it be to join or not to join any particular organisation.

In Committee we intend to move three amendments, which are part of the freedom package that we put forward at the last State election. The first amendment removes the preference clause and guarantees voluntary unionism; the second removes any reference to tort actions so that every industrial dispute can be taken to the civil courts; and the third makes sure that the flexibility in terms of industrial agreemements for non-registered associations can be carried out.

The number of industrial disputes, which, according to today's headline, are at a 10-year high, demonstrate that the position outlined by the Minister in his second reading explanation is already out of date. It is beginning to show that the inflexibility in the South Australian work force is due to this preference clause, particularly in the public sector. It is also important, when talking about employment opportunities for young people in this State, to look at other economic indicators. In January, unemployment in this State jumped from 8.4 per cent to 9.3 per cent, to be equal highest in Australia on a seasonally adjusted basis. The State budget 25 per cent increase in payroll tax was a major contributor. Indeed, the Premier has admitted that payroll taxes and charges were a discouragement to employment. At a time when we have that indicator of unemployment being so high, the Bannon Government is now talking about introducing a preference to unionists clause, which will make it more difficult for some people to get jobs in this State.

The next indicator of concern to the business community is that, in the December quarter, Adelaide's CPI increase was 3 per cent—again, equal highest in Australia. The change from the December quarter 1989 was 7.8 per cent—the worst inflation result in Australia, the national average being 6.9 per cent. All of these changes have the probability of increasing the cost to industry and of increasing that cost right across industry. In particular, of course, these costs will increase the cost to all individuals. If this preference clause goes through and we have compulsory unionism, which will in time come to pass, there will be a significant increased cost to the community.

Mr Ferguson interjecting:

Mr INGERSON: If you will wait, you will have ample opportunity to look at our amendments. The honourable member will see that there is a specific amendment to the effect that no payment of any remuneration should be less than award conditions.

Mr Ferguson: That destroys your argument.

Mr INGERSON: No. The member for Henley Beach should listen. You are always impatient. Our amendment goes on to say that any other award conditions can be negotiated.

Mr Ferguson interjecting:

The DEPUTY SPEAKER: Order! The member for Henley Beach is out of order.

Mr INGERSON: If individual companies and employees wish to negotiate higher wages and reduce annual leave as a *quid pro quo,* they should to have the opportunity and the right to do that. If collectively they believe that that is a way to increase productivity and to guarantee minimum wages, they ought to have that opportunity. That has suddenly quietened the member for Henley Beach. It will provide an opportunity for people to earn more, not less, money and be better off. It would be a startling thing to provide the opportunity for employees to negotiate a better deal for themselves and end up with more dollars in their pocket than under this draconian backward legislation which guarantees only that the union movement will continue to increase its numbers.

While I am talking about that issue of union membership, I would like to quote from a document sent to me by the UTLC and written by Mr Clarke, who is the Secretary of the Federated Clerks Union, because I think he puts into perspective very clearly what this preference to unionists is all about. The document states:

> When one takes all of the above amendments together, quite clearly over the next two to three years, a great deal of union rationalisation and award rationalisation will take place... Unfortunately it is a fact of life that the pressure occupationally based unions will face from other unions will be in those areas that are already unionised. No-one seems to want to do the hard job of effectively going out and seeking coverage of industries or workplaces which are non-unionised.

What an amazing statement: they do not want to go out and get members; what they want is a preference clause to make it a bit easier. What an absolutely incredible statement. It gets better; I will keep on reading. I understand that this was the principal document sent by the UTLC to all Parties, in arguing whether or not the legislation should have a preference clause. It goes on to state:

> Consequently, unions such as the FCU will increasingly have to look to by expanding its membership base in areas which have hitherto been very difficult to unionise for a variety of reasons, not the least of which is the sheer number and variety of employers—

and that is amazing; they will have to go around to a few people and get a few members—

> covered by the various common rule awards that the Clerks Union has responsibility for. Clearly, the FCU believes that a preference provision in any of its major State awards would be of benefit enabling it to recruit additional members in order to be able to offset losses that may well occur in other industries as a result of the union rationalisation principles that the State Government supports as well as a number of major employer groups which they see as essential to the micro-economic reform of Australian industry. The FCU in South Australia will still be responsible for the maintenance of its major common rule awards, for example, Clerks (South Australia) Award and without an effective preference clause in that award, for example, it will be difficult to recruit new members...

What an amazing statement: all they want is a preference to unionists clause inserted so that we can recruit more members. I thought the Government was telling us through this Parliament that the clause is in the best interests of industrial relations. This clause has nothing to do with that; it is all about giving your mates the best deal they can get in the union movement. That is what it is all about, and it is in this official UTLC document in which Mr Clarke was asked to provide an argument in respect of preference to unionists. I am not saying this and none of the employers are saying it—

The Hon. J.P. TRAINER: I rise on a point of order, Mr Deputy Speaker. Standing Orders and the traditions of the House require that members direct their comments through the Chair and not provocatively to members of the public in the gallery.

The DEPUTY SPEAKER: Order! The Chair does not uphold the point of order. The member for Bragg.

Mr S.J. Baker interjecting:

The DEPUTY SPEAKER: Order! The Deputy Leader will not make those kinds of provocative comments. The member for Bragg.

Mr INGERSON: The document continues:

> ... without an effective preference clause in that award, for example, it will be difficult to recruit new members in areas which have hitherto been non-unionised. Therefore those remaining members of the Clerks Union after the union rationalisation process has been in place for some considerable period of time will bear an unfair share of the cost of maintaining those awards.

What an amazing set-up: because they will get a drop in membership, and because a few people may have to pay extra costs, they need a preference clause to make absolutely sure that it is easy for those who remain. Why cannot the union leaders go out and drum up a few members? Why cannot they go around and convince people that it is in their best interests to be members of the unions? Why do they have to ask Parliament to give them preference? It is for only one reason: it is because this document has finally put it fairly and squarely on the table. The Minister has done a deal with the unions so that they can get their membership level up or, at worst, they can maintain it in this State. That is what this document states. This document has been produced for the UTLC as its major document in favour of preference to unionists. It goes on further to state:

> Whilst the FCU will still have the responsibility of looking after the interests of clerks who are employed by literally thousands of individual employers throughout the State of South Australia only a comparative handful of people will be contributing towards the cost of maintaining that award.

I feel sorry for them, because I understand what it is like to be involved in a union, and I understand what it is like to be president of a union. I used to try to get a few employers to join our union and most of the time they would not join, because we would not give them decent incentives and benefits. We had difficulty convincing them that we were good enough to represent them. We never, however, came before this House and asked the Minister to put into legislation a special preference clause (such as this one, justified by a document produced by the UTLC) in order to maintain our membership. When I first read this union document, I found the first 14 or 15 pages pretty good; they told a pretty good story about why we needed preference, and some fairly good back-up and support material was used to justify it.

Mr Ferguson interjecting:

Mr INGERSON: I nearly was convinced, as the member for Henley Beach said. However, as in most documents, the truth was on the last page. This preference to unionists clause has nothing to do with the best interests of industrial relations in South Australia; what it is all about is ensuring that the union movement continues to have an increase in the number of its members from its ever-decreasing base. That is what it is all about: it is about making sure that there is an increasing base. It is not at all about efficiency or anything else. I thank the UTLC for sending me that very important document, because I would not possibly have come to that conclusion without its very generous help and support.

Mr Ferguson interjecting:

Mr INGERSON: That is another very interesting statement from the member for Henley Beach. I have a view, and I have expressed it in this Parliament on many occasions, that what we need in this country are very strong employer associations and very strong employee associations. I have never moved away from that, and I believe that that is the way it should be, but what I do not support is one group receiving legislative controls or power without having to do any work or make any effort.

The Hon. B.C. Eastick: Or being compelled to do it.

Mr INGERSON: As the member for Light has adequately said, or being compelled to do it. Whilst I am talking about preference to unionists, I also want to take the opportunity to highlight some of the problems with enforced unionism that are currently occurring, particularly in relation to the furniture trade union and the building industry. In the past couple of weeks two very successful small business operators have come to me—one has been in business for 25 years and the other has been in business for 15 years.

Members interjecting:

Mr INGERSON: No, I do not think they did leave any money to them; unlike most people on the other side, they actually worked for it. They invested dollars and took a few risks. These two young gentlemen from different companies came to see me. The first company employs 25 people and the second company employs 10 people. All workers in both companies receive above award wages. They are all happy, and none of them want to work in and be members of the union.

They are all getting the benefits that the employer is paying in above award conditions, and they are all getting a share of the profitability of their company. They want to know why they have to tolerate little whippersnappers from Victoria, under the guise of compulsory admittance in their award, coming onto their premises and telling them that, as of Monday next, if all their employees are not members of the union, no glass or timber will be delivered to their factory.

Those employers come to me and ask, 'What do we do?' I say, 'It is very simple: let us stand up and be counted.' Then we discuss what that means, and what it means is that, first, we must go to the Minister of Labour. I have a fair idea of the response we would get from him—that they can look after themselves. But what really happens when these people say that they will close down businesses? The reality is that, if the employers stand up to be counted, if I put their names on the line here in this Parliament, on Monday morning the businesses will be closed. We have seen examples of that, one being at Christies Beach where the same union—

An honourable member interjecting:

Mr INGERSON: I will get to that. At Christies Beach the same union took on a glass manufacturer and told him that, if on Monday morning his only staff member (who happened to be his son) was not a member of the union, his business would be closed down. Fortunately, he was going to stand up and say, 'Well, I don't care about this. I am prepared to go public.' He employed only one individual: it was a family business. Fortunately, section 45 *(d)* got him through and he had support from other people in his industry. He was able to break this sort of nonsense, which is all an expansion of this preference to unionists clause. That is what it is all about. Although that is not the only off-shoot, it is a sorry off-shoot of the effects of this preference to unionists clause.

I cannot help those two young men who run very good family businesses because they are not prepared to let me name them in this Parliament; they know that they would be victimised and, as I said, that is the sorry side of this whole exercise. This is a flow-on from the preference clause. It is one of the reasons why we must make sure that, in the area of industrial relations, no preference is given to anyone—unionists or non-unionists. People get a job based purely, simply and totally on their ability and merit—that is, for no other reason. That is the only way that staff should be selected. Skills and merit must be considered but nothing else comes into it.

An honourable member interjecting:

Mr INGERSON: Is the honourable member saying that, if I am a member of a union, suddenly my merit or skill level increases? That decision to be a unionist does not make any difference at all; all it does is guarantee that we end up with a second rate system.

I have spent a considerable amount of time talking about preference to unionists. It is the most important clause and the most important amendment in this Bill. As I have said, it is all about union members; it is all about the Govern-

ment's *quid pro quo* delivery to the union movement. This is a tragedy for South Australia at this time, and in Committee we will try to delete that clause from the Bill.

I refer now to peak councils. There is no justification for listing the UTLC, the Chamber of Commerce, the Employers Federation or anybody in a peak council sense under this legislation. Industrial agreements are made between individual employees and their representatives and individual employers and their representatives. It has nothing to do with the peak councils, whether they be the UTLC, the Employers' Federation or the Chamber of Commerce.

It is our intention to ensure that all reference to peak councils is removed from the Bill. There is no justification for inclusion. The UTLC cannot guarantee at any stage that any decision it makes will be carried out by the union or the employees, and the Chamber of Commerce and the Employers Federation, as they do not cover the whole area, also cannot give a guarantee. Individual unions or associations specific to the industry are the only groups, along with individual employers or employees, who can do anything under the Act applicable to their employment.

The second area of concern relates to the underpayment of claims. We are opposed to the inclusion of managers and executives under this Bill. It seems quite contrary to the thrust of the amendments that we find an unfair dismissal clause applying a limit of $65 000. On the one hand the Government says that it wants to bring managers and executives under the legislation so that they are provided with an easier and cheaper method of having disputes rectified but on the other hand the unfair dismissal clause imposes a limit of $65 000. We will move amendments to ensure that managers and executives are not included and to remove the $65 000 limit. Everybody should be able to go before the court to have an unfair dismissal case examined. It is ridiculous to set a limit.

Another subject on which the Minister spent a considerable amount of time was the need to ensure that this legislation is consistent with the Federal Act. He also said that he would ensure easier access for everybody under this Bill. For the life of me, I cannot understand how it will be easier for individual companies and small unions to get access if we change the conditions for application for access from 20 employees to 100 employees. It does not make sense. If we want small companies and unions to have as much access as big businesses or unions, we cannot increase the minimum number of employees from 20 to 100.

It is a totally backward step. There should be no limit to the number of employees or employers being represented when application is made before the Industrial Commission. If an industrial dispute is recognised as being a fair and reasonable dispute that cannot be resolved between the two parties, there should be access to the commission. Why do we have a commission? Everyone involved in industry should have access to the commission; there should be no restrictions at all. I have talked briefly about the $65 000 limit in relation to unfair dismissal. It is our intention to ensure that that clause is removed.

My next area of concern relates to the conciliation committees. In line with the move federally, the Government has proposed that conciliation committees be removed. It is the Liberal Party's view that the commission already has the power to gradually close down any of these conciliation committees; in fact, it has been doing so. Those committees that are working in a reasonable way as far as industry is concerned should be able to continue. The most significant as far as this Parliament is concerned in recent times has been the Retail Trade Conciliation Committee, which negotiated an excellent award change, enabling the Liberal Party to support Saturday afternoon shopping. It provides more flexibility in terms of award conditions for employees within the retail trade. This action occurred only as a result of negotiation by the Retail Trade Conciliation Committee. We will move to have conciliation committees covered in the award but to enable the commission, if it sees fit, to run out the life of those that it does not believe are necessary. That opportunity already exists.

The next area of concern relates to industrial agreements wherein non-registered employers and employees are involved. It is quite incredible that the State's submission to the national wage case clearly argued in favour of enterprise bargaining, yet this legislation removes the opportunity for unregistered associations and unregistered employees to get together and set up enterprise agreements. The Government in this Bill has done a backflip in relation to its negotiation and presentation on the national wage case. In Committee we will move to ensure that these agreements are reinstated; in fact, we will go one step further to enable associations, whether registered or otherwise, to enter into flexible award agreements in which the only criterion will be the remuneration base at the award level. All other criteria—conditions, guidelines and so on—can be negotiated. If they wish to stay with award conditions, they can do so; if they want to have agreements which vary in areas of long service leave, holiday pay, the 17.5 per cent loading and so on, or if they want to negotiate a pay increase to offset a week's holiday wage, they should have the right to do it. If a businessman and his employees decide to get together to make agreements and to become more productive, we should not stop that from occurring in 1990 and onwards.

South Australia will be the only State in Australia that does not provide flexible opportunities for enterprise bargaining in this arena. Not every group will want this opportunity but those who do, whether in small or large businesses, should have such an opportunity. The amendments that the Government is putting before the House today go in the opposite direction and will not allow that to occur. We will move to ensure that that opportunity is well and truly available to all business people in South Australia.

The next area of concern relates to tort claims. If there has been a deliberate attempt by an employee or employee association to cause damage to any business in an economic sense, the business should be able to take civil action for damages against that group or individual. We would remove all limitations of tort so that any business that can show clearly before a civil court that it has been damaged by the actions of an association or individual employee will be able to take legal action for damages. That ability is essential and should be available to all businesses, in particular to small businesses, as they are the most disadvantaged group and should be looked after most of all.

As well as that, it is our intention to introduce for the first time in an industrial Bill a specific clause on harassment. It is our intention to move, as part of our freedom package, for the removal of preference to unionists. This clause on harassment states:

> A member or officer of a registered association must not harass a person or cause a person to be harassed in relation to whether or not that person is willing to become a member of an association.

In other words, we intend to enshrine in legislation voluntary unionism, the right to decide whether or not one chooses to become a member of a union and not be harassed, so that people can make that very simple and basic fundamental choice that should be available to them. The right to work should be just as important as the right to strike.

In this country, people should be able to decide to go into any business if the opportunity is presented—

The Hon. R.J. Gregory interjecting:

Mr INGERSON: Let me finish and then I will answer your question. As usual, the Minister has jumped the gun. What I am saying is there should be a right to work, and that should include the right to join or not to join a union. It should include providing for every person the right to certain safety and occupational conditions. In answer to the Minister's comment, of course I support the right to strike. If you have the right to work, you must also have the right to say that you do not want to work because of certain conditions. The Minister should never get confused or believe that the Liberal Party does not appreciate the argument on both sides of the coin.

We believe in fair industrial relations, industrial relations that can be justified, not industrial relations geared towards giving preference to your mates because they write documents to the Minister stating that if they do not get this preference, membership will fall, and that they need this preference clause included so that they can make sure they will keep up their membership. So that the Minister can remember it, that document was written on behalf of the UTLC by Mr Clarke, the Secretary of the FCU. The Minister probably knows the gentleman very well. He probably spent much time convincing him that the preference was a very important clause so far as the union movement was concerned.

This is a very technical and complicated Bill. It raises many questions, and we intend moving many amendments during the Committee stage. I will summarise by saying that this preference to unionists clause is the most untimely piece of legislation that has ever been put before this Parliament. The country is suffering the effects of a recession almost as bad as the 1930 recession. The Government has come in here and said it wants this legislation passed by the Parliament so that we can have better industrial relations. Behind that facade is the real truth, and it is all about union membership. The document I quoted from earlier clearly states that all the UTLC really wants is the Minister to include a preference clause to guarantee the membership of all unions in this State.

Secondly, we need to make sure that the Bill leaves this Parliament giving corporations and individuals who work together the right to negotiate any agreements that they feel are fair and reasonable, with one proviso: the minimum wage of the award condition should be the only factor. Thirdly, we will enshrine in legislation the right of the individual to join or not join a union that is, voluntary unionism.

Mr S.J. BAKER (Deputy Leader of the Opposition): I join with my colleague the member for Bragg in opposing a number of aspects of this Bill. The vehemence with which I reject the measures already referred to by my colleague will come as no surprise to the Minister of Labour or other members opposite. There are some pieces of garbage in this legislation, garbage that should be put where it belongs: in the rubbish tip. There are other items which we will consider, as they have some merit. However, as usual, we have a Minister in a Labor Government with some very good initiatives tied up with some very poor ones, and often the poor ones reflect attitudes that should have died possibly 60 years ago.

At a time when we as a nation should be working towards pulling ourselves out of a very deep recession, I am stunned to think that the present Government's total contribution to an improved industrial effort is the legislation that we have before us. In contemplating legislation that is appropriate for this House, I did summise that we would probably have to make many changes. When I considered this Bill, I really considered it in the context of what Australia and South Australia really needed, but it needs very little of what the Bill contains.

I went further and wondered what we really needed. I looked at all the ingredients that make up this State and this nation and recalled that, in 1902, we were on top of the table as far as living standards were concerned. Now, we have slumped to about 24th on the list, and going down at a rapid rate. What has been the reason for that? It is of concern to me, as I imagine it is to any South Australian, that our living standards have slumped so far. I went through all the relevant attributes, including various aspects of our agricultural, domestic and industrial make-up, looking for a reason why our performance has been so poor. I believe it could not be the weather, as we have some of the best weather in the world. We do not have the problems faced by those in the northern hemisphere or those on the equator, those who experience weather in which it is impossible to work outside for three months of the year. We do not have those problems. We have the best of all worlds in Australia. So, it could not be the climate that has caused our demise over the past 90 years.

It could not be the people, because Australia is made up of people from many different countries. Every nation of the world would be represented here, so it could not be the people themselves who are responsible for Australia's demise. It could not be technology, because it is recognised throughout the world that Australia has some of the smartest brains in the international arena, so it could not be a lack of intellectual effort that has caused our demise. It could not be wealth, because we are one of the richest countries in the world with our natural resources, and that is well recognised.

The only reason I was left with for our demise is our very industrial relations system. There is no other reason. We can go through the whole list of attributes, surpluses and deficits, within the Australian community, but we must come back time and time again to one central theme: Australia's demise is principally a result of its poor industrial relations system. In this Bill we have legislation that intends to increase those problems rather than address the real problems that we face today.

In fundamental terms, elements of this legislation are garbage. Any legislation that creates divisions should not be applauded but should be rejected. We should reject this legislation because it creates divisions. I will read into *Hansard* the preference provision, because it is important that people understand what the Labor Government is trying to do. Clause 15 provides:

Section 29a of the principal Act is repealed and the following section is substituted:

29a. (1) The commission may, by an award, direct that preference be given, in relation to particular matters, in such manner and subject to such conditions as are specified in the award to a registered association or the members of a registered association.

(2) Whenever, in the opinion of the commission, it is necessary—

(a) for the prevention or settlement of an industrial dispute;

(b) for ensuring that effect will given to the purposes and objectives of an award;

(c) for the maintenance of industrial peace;

or

(d) for the welfare of society,

to direct that preference be given to members of an association as provided by subsection (1), the commission must give the direction.

That is a direct recipe for the union movement to run amok. It is bad enough as it is, but to put this weapon in the hands of the union movement is absolutely diabolical. We know that that provision is an open invitation to every workplace that has any union representation in an industrial dispute to say, 'We have to solve this by giving preference.' That is what the clause provides: it says that when the commission believes it is necessary to solve such things as industrial disputes or ensure the maintenance of industrial peace or objectives and purposes of an award, preference applies and it is clear to the Opposition that this is a disgraceful piece of legislation.

This Bill belongs in the garbage tip as it is not legislation that will take this State forward. The member for Bragg said that the purpose of the Bill is to shore up union membership but, with the quality of union membership that I am told we have today, I would have thought that unions had the capacity to generate their own membership without having to rely on such iniquitous legislation as this. Certainly, I would not give the trade union movement any head start to improve its standing and financial membership. We know that people are making decisions based on the value of the services they receive.

We have seen many articles over the past 12 months claiming that union membership is rapidly falling. Of course, a silent cheer goes up around the nation. When people know that union membership continues to fall they hope that we might get some sanity in Australia and that we shall no longer continue to encounter all the brick walls that have been put up in the past. Certainly, I do not need to remind members of some of the travesties of justice committed by union members and particularly union officials over a long period.

It may have been appropriate 20, 30 or 40 years ago to claim that the work force needed protection and that the only way that that would occur was through the union movement. That is no longer appropriate, because now we are looking for cooperative efforts. We know that unions cannot survive and they have not thought through how they can work with management. Unions have not thought through that process. Unions still want to be decision-makers rather than facilitators. They want to be decision-makers in the process and wield power. However, today the word is not 'power' but 'cooperation'.

The union movement cannot live with that principle in mind because it has always relied on bluster and provocation to survive and, to that extent, we know that this legislation is required not only to shore up union membership but also to shore up votes on the floor at the Labor Party conference. Further, there is within the union movement great disillusionment with the Labor Party. There is disillusionment that it has left behind its grass roots. A shudder goes through the union movement when Federal members talk about restructuring the Labor Party.

Now we have this feeble attempt by the Labor Party to shore up its original support. It will do anything at any cost to achieve that end because the Labor Party knows that without the finances of the union movement behind it, the $8 million reputed to be the Labor Party's debt will continue to escalate and Labor will disappear as a major power in this country, because it will not have any basis of support. That is really the nub of the problem.

We know that the Labor Party is desperate for money and electoral support: it is desperate for the union backing it has always enjoyed, which is why we get this garbage now before the House. This legislation does not mean anything in terms of taking this country forward; it does not mean anything in terms of furthering prosperity or productivity; and it does not mean anything in terms of improving the lot of the working people and the people who have to go out and struggle against the competitive forces. It does not mean anything. None of those problems are resolved in this legislation.

So, the Liberal Opposition firmly rejects a number of matters in this Bill, because we believe they will take this State and country backwards. Certainly, it does the House good occasionally to be reminded of the more recent events and the show of faith we have had from the union movement in recent years. If we are to go forward, we need an intelligent union movement behind us. I look around the world and all the countries that are successful are those countries that have a good, strong and productive relationship between management and employees.

They also have trade union movements which are very constructive organisations that work hand in hand with the Government and employers to reach a common goal. That common goal has to be the improvement in living standards of the population. However, what have we seen in that regard from the union movement in this State and Australia? Specifically, as has already been mentioned, we have seen an escalation in industrial disputes in this State—the worst for the past 10 years. So, we have not seen anything of merit recently to suggest that the union movement has suddenly adopted a new positive attitude to the problems facing Australia and South Australia. Whilst it has been claimed that South Australia has a good industrial relations record, we all know where that good industrial relations record started—after the Second World War as a result of the Playford initiatives.

I have spoken in the House about that before and I need not further develop the argument now. Simply put, South Australia's position is different from the rest of the country because basic good and sound foundations were put down after the Second World War. Such conditions have deteriorated a little in the past year because I do not believe that the union movement has a great deal of confidence in the Government in South Australia or in Canberra.

That industrial relations record should have been the concrete basis for going into the 1990s and the next century; it should have been the basis for looking at new methods of cooperation; it should have been the basis for working together, because that is the only way that we as a State will advance. However, this legislation does exactly the opposite, providing power and a pre-emptive position for the Labor movement in this State.

That is not appropriate because it creates the very divisions that have caused so much difficulty for this country. Whilst South Australia has enjoyed good industrial relations relative to the rest of the country, if we look at countries like Japan, Germany, Switzerland and a number of other countries, we are still pitiful performers in South Australia. If we look at the number of working days lost in some of the most advanced countries, the countries that have shown the greatest growth in GDP over the past 20 years, then we are abysmal performers even here in South Australia. Whilst we may be proud of our industrial record in this State when it is compared with the record of the rest of the nation, none of us has a great deal to be proud of in terms of a successful approach to industrial relations.

Time and again we see the stupidity of what happens in the workplace at the instigation of union officials. I do not have to go back very far to find many examples of that. I can readily find such examples in the building industry today. Members can look back at a number of my contributions to see the times when union officials have caused extreme problems on building sites in relation to the organ-

isation of labour and the prevention of people working. The rorts in the building industry have been well documented in this House. There are examples in the transport industry—and I refer to the extent to which the transport unions have caused havoc over a long time. Ten years ago it may have been more evident in relation to the painters and dockers, but unfortunately we still have examples of that when the transport system simply does not work. We know that at Easter or Christmas there is sure to be an airline strike.

The Hon. R.J. Gregory interjecting:

Mr S.J. BAKER: No. there was not, which was surprising. We always have these regular occasions when the union movement proves just how hopeless it is in its operations. I could go through a number of other industries where the union movement has been equally unproductive in the way that it has approached its task. Only one task faces Australia; that is, to increase our productivity to export more. We have heard our national and State leaders say that, yet the message still does not seem to have reached the union movement. This Bill is another device to give greater power to a movement that is still irresponsible. The union movement does have some good leaders. Reference was made to the Federated Clerks Union. The secretary of that union is a very responsible person, as is the secretary of the UTLC. However, they have not been able to control the rest of the movement.

I would have thought in this day and age that, if the UTLC delivered the goods that everyone is looking for, everyone would be falling over themselves to join because it had proved its value. I am a member of the RAA because I know that it is a successful organisation. I know that if I have a problem with my car it will be fixed and I will not be left out on the road. The trade union movement should see itself in the same light: it is a vehicle and, if it breaks down, the organisation should do the right thing. The RAA survives because it delivers a service. The union movement survives because of legislation. It does not survive because of the quality of the service it provides—it survives because of the inbuilt—

The Hon. R.J. Gregory: It doesn't service non-members, does it?

Mr S.J. BAKER: There are a lot of members who would not want to be part of the trade union movement if they were allowed the choice, as the Minister would well recognise. The Minister would also recognise that the Liberal Party has a policy on enterprise agreements. There is a place for the trade union movement in this process. We have never said that the union movement should be anything but voluntary: we believe that membership should be voluntary and that the movement should survive on its merits. It should not be shored up by a piece of legislation that may have had a part to play when the system was weighted so badly against employees in this country. That is no longer the case and it is about time that the Government of this State grasped the nettle and provided legislation which has some vision and which gives the State the opportunity to produce far more than it does today.

Mr BECKER (Hanson): In an article in the *Business to Business* magazine, under the by-line 'Industrial Relations' (29 March 1991) and under the heading 'A personal approach to disputes', Scott Rickards stated:

> The media gave much time recently to a dispute at the Heinz Melbourne factory which resulted in 12 lost working days, $600 000 lost wages to workers and a loss of $9 million income for Heinz. Tomato growers left their crops to rot in the fields at a reported cost of $95 000 a day.
>
> A good industrial dispute doesn't come cheaply. And—regrettably—there is no moral homing device to ensure that the cost falls on the head of the party mostly to blame. If there is a dispute, almost everyone, including a few innocent bystanders, is hit by the fallout. It would, therefore, seem to be in the best interests of everyone that disputes are prevented whenever possible.
>
> Some of our most militant unions are found in industries where there was little job security, arduous work and, often, danger. The worker's militancy, was a response to their environment. These are often some of our most important industries, such as the waterfront and the building industry.

In introducing the legislation, the Minister stated:

> While South Australia's outstanding industrial relations performance is on the record and is nationally acknowledged, there can be no complacency about the continuation of that record in the face of the international competitive pressures facing South Australia and the nation as a whole.

Whilst statistically South Australia's industrial record looks good, it is a matter of how one measures industrial disputes; it is a matter of whether one measures a dispute as something that might have occurred for half an hour or an hour, or something that lasts for two or more days. That is the measuring stick that has been used in the past: if a dispute lasts for at least two or three days, there is a dispute. However, if a dispute lasts for a very short time, it is not necessarily measured. A lot of industrial disputes, be they in commercial or industrial areas, are probably never recorded.

I well remember in my time in the white collar area that if there were a dispute we would talk about it, negotiate and solve the whole thing within 45 minutes. No one would know anything about it; there would be no record of it except in a new instruction issued by the employer that henceforth such and such would occur. When we talk statistics and industrial relations, we have to be extremely careful of what constitutes a dispute. In his second reading explanation, the Minister goes on to state:

> The capacity for trade unions to constructively participate in the reform process depends to a crucial degree on the relevance of this structure. The need for a more rational union structure at the national level has been recognised and appreciated for some time now by almost all involved in industrial relations.

I could not agree more. That is the crux of this legislation. I am not very fazed about whether or not we have compulsory unionism, preference to unionists, or whatever. This legislation will bring about the Federal Government's request to introduce some rationalisation and some commonsense in industrial relations in this country.

The Minister advised the House that there are many issues of particular importance to South Australia, where approximately half of the work force is covered by State awards and the other half by Federal awards. That is the problem in this country: perhaps we would be better off if we nationalised our industrial relations legislation. If we were to centralise the whole thing in Canberra and to use the Federal Court, we would not have to experience the complexities of the State courts. I have always been opposed to the Federal Court; I have always believed that each State should look after itself. However, having served as the president of a white collar union, having gone through that system, then having the opportunity to sit back for a while and look at industrial relations in this country, I think the time is ripe for us to consider seriously nationalising the whole industrial relations scene. I believe that this legislation is the beginning of that.

We are now starting to introduce some uniformity in the legislation and in the processes of the court—where there will be a lot more commonsense. So, in future, disputes will not be the wildcat scene that we have experienced of late. A little bit of commonsense will be brought back into industrial relations in this country.

Every so often during the past 21 years this Parliament has had various types of industrial relations legislation presented to it which chipped away at what can only be described as the freedom of employers and of employees. As I said earlier, I am not fazed about preference to unionism or compulsory unionism, because it suits the employer to have his work force regulated as much as possible. If that can be achieved by an outside source, I cannot imagine that many employers would resist that temptation. Of course, what we need to preserve and protect is the right of the worker to join or not to join a union. I do not agree with the suggestion put forward some years ago by one of my colleagues that if one does not join a union then one should make a donation to a charitable organisation. I have looked seriously at that one over the years as well. I think that one should have the right to join or not to join a union and that a good education program by any union will attract people to union membership.

That is what happened with the Bank Employees Association in the early and mid 1960s. South Australia had one of the highest ratios of union memberships in Australia. There was no compulsory membership. People joined the union because they wanted to participate and support the association, as it is now, in obtaining fair and reasonable representation, fair and reasonable working conditions and fair and reasonable salaries. Until the 1960s we had differentials in salaries between the States. That always seemed unfair to me. I believed that the cost of living in South Australia was not so cheap compared with other States. The price of land and of housing might have been cheaper in South Australia, but when it came to the hard, cold facts of life, I could see no reason why anybody should be paid at a different rate because of a border drawn on a map. Therefore, bringing this area under Federal legislation does not bother me at all.

This country has experienced probably one of the most devastating industrial disputes in its history—the airline pilots dispute. It was a classic example of poor union management. It cost the country and the employers a fortune, and it cost the jobs of many people employed in that industry and they have not recovered. We must get a balance between union representation and the desires of some union officials in what they want to achieve. From now on the pilots dispute will always go down as a major study in industrial relations in this country.

This complex Bill, comprising 55 clauses, deals with the role of the Commission between the State and the Federal scene. It endeavours, wherever possible, to rationalise. In many cases, I think that it brings in a considerable amount of commonsense. In my view, it is a Committee Bill, and that is the way it should be looked upon.

I keep going back to the article written by Scott Rickards in *Business to Business*. It concludes:

> When US Senator Bob Dole visited Saddam Hussein before the beginning of the Gulf War, he offered Saddam his right arm, crippled by a land mine during World War 2, and said that he was personally aware of the futility of war. Gradually, the business community and unions are becoming more aware of the futility of crippling strikes and court battles. The manner in which those involved treat each other as people is a key to reducing conflict.

If this legislation does that, it deserves the support that it should be given, provided that we can remove the threat of intimidating those who wish to work without forcing them to join a union.

Mr SUCH (Fisher): I should like to make a few remarks in relation to this Bill, particularly clause 15. At the outset, I should say that I am not in the business of bashing unions. In previous employment I was always a member of the appropriate union and I have held positions within those organisations. I have been staff representative on councils, and so on. Therefore, I am not in the business of attacking and bashing unions, but I am concerned about this particular clause. I should think that it is in the interests of workers to join appropriate unions, but I am not in favour of preference to unionists—in effect, compulsory unionism.

In this country and in this State we need a more enlightened approach to industrial relations, and I hope that we will see that in the not too distant future. Unfortunately, our system is predicated on the basis of a confrontational model. Our parliamentary system is testimony to that, as is our legal system. It is also reflected in the workplace environment, much to the cost of our community. We need to move away from that and get into a more consultative and enlightened approach to industrial matters. If we are ever to compete or do better internationally in terms of exports, we must get away from the 'them' and 'us' mentality which afflicts much of our industrial relations procedures and approaches.

As regards clause 15, I am at a loss to understand how this Government, which professes to support social justice and equal opportunity and all the other appropriate and popular phrases of the day, can support such a provision. Let us consider some of the documents that this Government has supported in recent years. I notice that the publication provided to us by the South Australian Multicultural and Ethnic Affairs Commission touts some of the principles that supposedly this Government supports. I will highlight some of the points that it highlights as part of its policy framework, which I believe are pertinent to this Bill. The commission focuses on State Government principles relating to the equality of women and men from different racial, cultural and linguistic backgrounds and civil and political liberties and corresponding responsibilities of all South Australians. It then highlights the Government's social justice strategy, so-called:

> All members of society have rights and obligations and should enjoy equal opportunities to realise their needs and aspirations; all members of society should have opportunities to participate in decision-making which affects their lives; it is to the detriment of all if some members of the community are disadvantaged or discriminated against.

In this Bill we have a provision which will run counter to many of those expressed aims that were enunciated in 1987 as part of the State Government's social justice strategy. The passage of clause 15, if that happens—and I hope it does not—will result in a form of industrial conscription brought about by a Party which I believe has always been opposed to the notion of conscription. However, in industrial relations, it seems that this Government supports the notion of industrial conscription. It seems to support the notion of industrial apartheid—that we can have two classes of citizens: those who are unionists and those who are non-unionists, with the unionists getting preference. I find that offensive, and it is obviously discriminatory. It makes a mockery of the Government's social justice strategy and professed commitment to equal opportunity.

I make the point that, if we need preference or discrimination, there is something fundamentally wrong with what we are trying to protect. If something cannot stand on its own merits, it should be looked at very closely. Clause 15 proposes to prop up something which obviously has fundamental flaws in it.

I believe that in this day and age particularly (but I would have said so years ago) it is offensive to discriminate on the basis of union membership, just as it is offensive to discriminate on the grounds of race, religion, sexuality or physical disability. I do not like to be cynical, but I suspect

that this represents a pay-back to the trade unions for the funding of the ALP. I think that is getting fairly close to the mark. I also hope that clause 15 receives its just reward and is deleted.

Mr HAMILTON (Albert Park): Having listened for some time now, both in my room and here in this Chamber, to some of the contributions made by members opposite, I am not surprised that they have spoken only briefly. The comments of the last speaker were a classic illustration of their understanding and knowledge of the trade union movement. It is quite clear to me that they see this as a very cynical exercise. Can I say that I have a particularly long memory in relation to some matters. Before I deal with them in relation to this Bill, I would like to pick up a few of the points made by members opposite, particularly by the member who has just resumed his seat. He said, somewhat cynically, if my memory serves me correctly, that this legislation is a 'pay-back' to the unions by the ALP. If we were to pick up that point, we could similarly suggest that the actions of members opposite may be a pay-back by the Liberal Party to their big industrial bosses who stand over them and tell them, 'This is what you will do.' If we want to go down that path, it is quite easy to do. They are dictating.

So, let us not hear any of this diatribe by members opposite who talk rubbish and rant and rave in such a puerile contribution. That is arrant nonsense and we all know it. It is absolute rubbish. If members opposite want to go down that path, we on this side can give numerous illustrations about alleged pay-backs. I am not prepared to sit here and cop that sort of rubbish. Through my involvement in the trade union movement over many years, I know that union officials are bound by the Act, and any member of an organisation has the right to go to the Industrial Commission and lodge a complaint against an official of a union. But members opposite are not prepared to talk about that.

I would like to pick up a number of the comments made by the Deputy Leader—a person who wants to be the Deputy Premier of this State. I was not in the Chamber, but in my room I listened very intently to his contribution, which was not researched at all. It was ad libbed; it was off the cuff; and he made bland statements that would be acceptable to his industrial bosses outside this Chamber. I cannot sit here and allow those statements to go unanswered. The Deputy Leader went on to talk about the reasons for the decline in living standards in this country, and he spoke about the tremendous weather conditions that we enjoy. What he is talking about really is a nonsense. He talks about technology; let us consider some of the technology around this country. In the industry in which I was involved, and in many others, where we looked to improving conditions, the bosses said 'No' and they held out. It was only in those places where we had closed shops and strong union representation that we were able to get better conditions for our members.

Members would recall that I have often mentioned in this House that, when I was a rank and file member of my union—of which I was proud—we had to stand up at times even against Labor Governments and say, 'We are sorry, this is not good enough. We are not prepared to accept these situations.' In due course, the members of my union were prepared to take on even Labor Governments. Full credit to them, because I understand the responsibilities of a trade union official: one is there to represent the members and, if one is a member of the Labor Party, it does not mean one kow-tows to what the Party has to say. I do not believe I have to do that in this place, nor will I do that in this place.

The Deputy Leader of the Opposition went on to talk about some of the smartest brains and the intellect in this country. If he is an example of that intellect, God help us. He concluded by saying that the only thing that was left was our industrial relations. Not one mention did he make of the problems with management in this country. If he was prepared to read some of the newspapers of late, he would know that a number of experts have been saying that one of the major problems we have in this country is with management, which does not have a divine right to dictate to the rank and file on the shop floor—the employees. There should be a partnership, with worker participation and involvement in decision-making processes, and I believe very strongly in that.

The Deputy Leader went on to rant and rave that this is a recipe for unions to run amok. As I said, his contribution was puerile and one of the worst contributions I have heard in this House in relation to industrial matters. One of the things that really struck me when he was talking about industrial relations, one of the thoughts that crossed my mind straightaway was, 'I wonder what his Federal Leader would do, in terms of industrial relations.' Well, we do not have to go back very far—only to recent weeks—to find that he said he would bring in the troops. What a shame; what an outrage! He would bring in the troops. That is what the Liberal Party wants to do: it wants to stand over the workers and kick them in the guts until they are down on the floor. That is its attitude. If they want that sort of situation in this country, we will have industrial anarchy.

Members interjecting:

Mr HAMILTON: There is no question about that, and the chatterbox opposite can have her go later if she wants. There is no question that, when the honourable member who is interjecting—rather rudely, I thought—was a member of the Cabinet between 1979 and 1982, that Government did not have the intestinal fortitude to release a document on industrial relations.

Members interjecting:

Mr HAMILTON: Yes, my colleagues have very good memories on this side of the House. I do not need any prompting at all. We talk about the Cawthorne reports—what an episode! That is the sincerity that we had from conservatives in this Parliament from 1979 to 1982. The taxpayers of this State paid for a document that the Government refused to release on the eve of a State election, covering up every aspect. Why? Members opposite are suddenly very quiet. They do not want to talk about that situation. What did Mr Cawthorne say? That is the nub—the root of this problem because, at the time and on investigation, we were talking about preference provisions for South Australian legislation, through the eyes of an impartial (I emphasise 'impartial') observer. Mr Frank Cawthorne, who was then a Deputy President of the Industrial Court and Commission of South Australia, was impartial. What more could we ask for, in terms of industrial relations in this State, than to have a person who was impartial and whose reputation was accepted by all, even by the Liberal Government at that time?

Mr Ferguson: They nominated him.

Mr HAMILTON: Indeed, as my colleague, the member for Henley Beach suggests, the then Minister of Industrial Affairs, the Hon. D.C. Brown, nominated him. He was to report on the requirements for legislative changes to meet current and likely future developments in industrial relations, following Mr Cawthorne's review of the Industrial, Conciliation and Arbitration Act, 1972. Mr Cawthorne's

report was given to the Minister on 20 April 1982. Members should note that date. The Hon. Dean Brown, I concede, was one of the best Liberal debaters on the front bench.

Members interjecting:

The SPEAKER: Order! The member for Albert Park is drawing an alluring picture. However, debate in this place must be relevant and I ask him to relate his comments to the Bill before the House.

Mr HAMILTON: I accept what you have said, Sir, but what I am saying is very relevant in terms of the comments of the Deputy Leader about the preference to unionists clause. This is relevant because it paints a picture of what is happening in industrial relations in South Australia. The Hon. Dean Brown was given the report in April 1982. He is an intelligent man and a person who supposedly understood the industrial scene. However, he was not prepared to release it for public discussion at that time and it was not until a change of Government in 1982, when a new Minister was appointed (Hon. Jack Wright), that Mr Cawthorne's report was released to the public.

Regarding the preference to unionists clause, I will cite the report, which is as relevant today as it was then. At page 29 of the report 'A Review of the Industrial Conciliation and Arbitration Act 1972-1981' Mr Cawthorne made the following observation:

> I adhere to the view originally expressed in the discussion paper that there is a case for allowing the commission a discretion to award preference to unionists in appropriate cases.

That is a relevant point. That was Mr Cawthorne's comment, but where is the sincerity of conservative forces in this State who were not prepared to release a document which was provided by taxpayers' money and produced by an impartial umpire? They were not prepared to release it to the public of South Australia or to the trade unions. It was not to be. Mr Cawthorne further stated:

> What must be borne in mind when faced with the outrage of those who bridle at making any concessions whatsoever in favour of unions is that, if an award of preference is made by the commission, it is more likely to favour the moderate union with potential members in numerous widely scattered small work units than it is to the militant and strong unions which will win *de facto* compulsory unionism in the field in any event. In the former case, workers are often subject to all sorts of pressures (both articulate and inarticulate) from the employer not to join a union whilst the exterior facade is one of 'everyone is entitled to make their own decision on whether to join or not'.

I could not have put it better myself, had I tried for years. Clearly, members opposite bridle at this proposition. They do not want to see it brought in because they know, as indeed do their counterparts federally and interstate, the implications of this Bill. It is not compulsory unionism—that is arrant nonsense, absolute rubbish and a diatribe of the worst kind. Mr Cawthorne also stated:

> My recommendation is not couched in terms that would inevitably lead to awards providing for compulsory unionism no matter what the circumstances of the case.

Is it any wonder that members opposite, particularly the member for Coles who was a member of that Cabinet at that time, did not want this document released? They knew that the trade union movement, the media and members on this side of the Parliament would have used that document to embarrass the Government—a Government that talked about wanting to negotiate with unions, wanting to be open and frank with the unions and wanting to lay its cards on the table for the good of the State. What happened to the document? It was buried!

Mr Ingerson: Disgraceful!

Mr HAMILTON: The member for Bragg rightly agrees with me—it was indeed disgraceful. We have the Australian Democrats in this State. What a mob of turncoats! We can look at their reported attitude both here and interstate.

Mr Ferguson: Yet to be tested.

Mr HAMILTON: Yes. The distortion and untruths peddled about the preference to unionists clause is beyond the comprehension of members on this side of the House because we know (and our view was supported by Mr Cawthorne in 1982) that this is not a claim for compulsory unionism. That is absolute rubbish! For many years I have been of the view that if people are prepared to sit down with employee organisations and employers—and there are many good employer organisations out there who are prepared to sit down and talk rationally—

The Hon. T.H. Hemmings: Name one.

Mr HAMILTON: I will not respond. Many organisations are prepared to sit down and discuss with the relevant trade union officials the problems faced by their employees. Employers have been prepared to come part of the way and agree to assisting those organisations, and I commend them for that. If workers are prepared to have an input into management decisions, it is in their own interests to look around for the problems in their establishment or workplace and point out such problems to management, whether in relation to the production line, in the motor vehicle industry, the railways or whatever. One could extend that to the field of safety, which is very important.

If management listens to the workers who have to carry out sometimes menial and dangerous tasks, it is in the best interests of the employer to listen to what employees and employee organisations are saying. We have listened today to members opposite who are not prepared to countenance that. They still believe in the master and servant attitude. They do not want some upstart—

The Hon. R.J. Gregory: Slaves.

Mr HAMILTON: I am not prepared to go that far, but some of them are prepared to suppress anyone who has an idea that may assist management. It was my experience in the railway industry that people in lower classifications sometimes came up with ideas and put them to their immediate superiors only to be told that the proposal was rubbish. Subsequently, management people put up the proposition and received commendation and monetary reward, which I found absolutely astounding. Our union on a number of occasions took up those issues. The attitude 'Do not give credit to the workers—just tell them to do this or that' is not good enough.

I believe that we will have some difficulty with the preference clause. From what I read in the press, there is no question about that. But I am not going to stand here and kowtow to conservative forces in this State, because I believe very strongly in the trade union movement. For over 100 years we have fought hard for better conditions, which have been won. We have fought against conservative people in this State and country for those conditions, and I am not going to back down here, despite the fact that, from what I hear, we may have problems having the Bill passed in this House.

Mr BRINDAL (Hayward): I join this debate with much alacrity. I believe it is one of the most important debates held in this Chamber for some time, because it strikes at the very great difference between those who sit on this side of the Chamber and those who sit on the opposite side. I am disappointed by some contributions that I have heard from members opposite. I am disappointed because members opposite seem all too willing not to confine themselves to the substance of the debate but, rather, to launch into rhetorical comments and cast flippant aspersions against members on this side of the House. I believe that this House

would be much better served if members opposite concentrated on the great philosophical issues which—

The Hon. T.H. Hemmings interjecting:

Mr BRINDAL: I will come to that and tell you. Members should concentrate on the great philosophical issues which are, indeed, embodied in this debate and are as important to this side of the House as they are to the Government side. I acknowledge the commitment of members on the Government benches to this legislation and to what they believe, but I also ask them to acknowledge that, on this side of the House, we have very different sets of beliefs and values when it comes to legislation like this. Whilst, in the opinion of the media, the two Parties may have come together in very many ways on middle ground, it is in this area where the Parties really divide; where they really show very profound differences—

Mr Groom: The Federal position is different from that.

The SPEAKER: Order! The member for Hartley is out of order.

Mr BRINDAL: The last speaker on the Government side of the House made rhetorical accusations that sounded as though they came more from the 1920s than from the 1990s—'the Liberal Party is answering to its industrial bosses.' That is tired and it is inaccurate. The bases of this debate and of this Party's opposition to the measures proposed in this legislation are basic principles of freedom. They have nothing to do with the unions *versus* the bosses; they have nothing to do with the poor, downtrodden worker being victimised by the unscrupulous and ruthless boss who is only out to make a profit. They are about the rights of people to enjoy freedom of association; they are, if you like, about the rights of people not to be subjected to tyrannies, whether they be tyrannies of government, of employers or of union leadership, because, on this side of the House, we are a Party that believes in the maximum freedom for the individual, and we are opposed to tyranny in all its forms, whether it comes from employers or, indeed, from trade unions and the trade union movement.

The member who last spoke talked about closed shops and how much of what was achieved within the union movement was achieved by dint of both closed shops and the industrial muscle which they gave. I acknowledge that, in its day, the closed shop may well have been relevant and may well have contributed to the development of industrial relations in this country. But those days are gone—hopefully they are long gone. I am disappointed that members in this place—members of the Government benches who seek to govern South Australia in 1991—resort to the good old days, the halcyon days of closed shops, and industrial confrontation.

Members opposite challenge me to look at my Federal Party. I challenge them to look at theirs. I challenge them to listen to some of the rhetoric of the Prime Minister when he speaks about conciliation and consensus. They do not want to acknowledge that it is 1991; they want to hark back to the good old days. That is an indication of this Government's problem. Rather than looking forward, it looks backwards. It looks back wistfully and says, 'Wasn't it good when . . .' instead of looking forward and saying, 'Wouldn't it be good if . . .', and that is the problem with this Government.

Members interjecting:

Mr BRINDAL: Despite the interjections opposite, I will continue. The member for Albert Park talked about puerile contributions. At least I am trying to deal with some substance, albeit with difficulty, since the member for Napier seems more concerned to take my time than to exercise his right to speak on his own.

The Hon. T.H. HEMMINGS: On a point of order, Mr Speaker, the member for Hayward is reflecting on me. I have been sitting here quietly listening to his speech.

The SPEAKER: Would the honourable member please indicate the reflection? I am afraid that the Chair's attention was diverted.

The Hon. T.H. HEMMINGS: He was saying that I was spending more time attempting to get him to answer interjections I have been making. I have not been making any interjections whatsoever—

The SPEAKER: Order! The honourable member will resume his seat. There is no point of order. I suggest to all members that, if they do interject—and interjections are out of order—there is a chance they will be responded to, either by the member being interjected upon or by the Chair. The honourable member for Hayward.

Mr BRINDAL: The irrelevance of closed shops is no better demostrated in Australia than by the very real example of the Barrier Industrial Council. For many years, the trade union movement held up the Barrier Industrial Council and Broken Hill generally to be the very model of the union dominated society. Let us look realistically at the power of the Barrier Industrial Council now. It is broken and it is a shadow of its former self, and it is so because of economic necessity. Part of the cream, which in the good times they had managed to claw from the mining companies, in the end had to be conceded and given back because it was a fact that those companies could not survive and pay the ransom which the union movement demanded of them at that time. There was an example of closed shops which, while everything was good, went along, and went along well, but as soon as things started to go badly it was a closed shop which corrupted itself and caused more problems than it ever solved.

In his contribution to the debate, the member for Albert Park said that employers do not have a divine right to dictate. I concur with that, as I believe would every member on this side of the House. Nobody in our society has any divine right, let alone a divine right to dictate. As I have said, that divine right to dictate is not a province for employers; nor is it a province for unions. Unions have no greater right to dictate than anyone else, and inadvertently the member for Albert Park spoke the truth and really got to the crux of this debate when he asked whether any group in our society should have the right to dictate and virtually impose their will over any other group. That is what, in the opinion of many of my colleagues, lays at the nub of this Bill that the Government is asking us to pass, because it is about freedom of association and not about the Dickensian philosophy which we hear espoused opposite.

I really do wish that the shutters at the top of the galleries could be opened and a bit of light allowed to shine in on members of the Government benches. They are living in a different world. Obviously they do not understand the current industrial situation and, as I have said, they long wistfully for a past which is no more. If they want to do that, so be it, but they will face the consequences in two years time. This Bill is clearly about the right of employees to have freedom of association. Above all things, that is what it is about. It is also about declining union membership. It is about the declining power of unions, and it is a desperate attempt by a political Party inexorably linked to a movement—in this case the trade union movement—to bolster its reserves and resources and make it once more what it was. That Party is now a shadow of its former glory, which it seeks to regain, and it seeks to do so by imposing its will on the Federal Parliament and by coming into this

place, because it is the Party of Government, and seeking to impose its will on this House.

It may have the numbers in the course of this debate to impose this Bill on us—that remains to be seen—but it will not impose its will on this House. As long as there are members on this side of the House to stand up and give voice to the inappropriateness of this Bill, they will continue to do so. Whether we win this debate or whether we lose it merely because of an accident of numbers at the last election, members opposite can be assured that we on this side of the House will never flinch from denouncing compulsory unionism as an insidious and evil thing, more applicable and relevant to a communist Eastern Bloc country than it should be to a Western democracy.

In the 1960s, when I was at teachers college, Dray and Jordan wrote a book entitled *A Handbook of Social Studies*. In the preface, they spoke of the irrelevance of the trade union movement to Australia as it moved into the 1980s and 1990s. I remember thinking that I could not agree with those sentiments, but I would have to add that, as we have entered the 1980s and 1990s, I can see what they were talking about and how one of the greatest fetters on industrial relations in this country is in fact a trade union movement that is more concerned with its power and perks than it is with the good of its employees.

If members opposite challenge those remarks, let them look to Mudginberri and a few other disputes where workers agreed with management that to pursue a course of action was in their interests and in the interests of their particular workplace but were told that they could not do that because it was not to the greater glory of the trade union movement.

Where we should have clarity of debate and purpose in this Bill, and a discussion as to its relevance, all we are treated to is a discourse on ancient history. Emerson was quoted as stating, 'The measured shadow of a man is history', and I believe that is the problem of this Government. The body politic in this place must have substance, but we have a Government which, in dealing always with history and referring to the Hon. Dean Brown and to things which happened when most of us on this side were not in this Chamber, deals only with shadows. You cannot deal with shadows in the form of legislation. We cannot run this State by dealing with shadows. We must deal in substance. Members opposite fear the dark, but equally they fear the light. Members on this side of the House will speak honestly and well enough to let, one hopes, a little more light into this Chamber.

The SPEAKER: Order! Will the honourable member confine his remarks to the matter before the House.

Mr BRINDAL: The processes we are debating in this Bill are complex on the one hand and simple on the other. Clause 16 calls on the minimum membership of associations to be increased from 20 to 200. That does nothing more than limit the right of people to free association. Similarly, the clause that provides that the UTLC is able to be registered as an association does nothing more than try to bind more and more power to ever bigger unions. How the Government can come into this place and argue that the UTLC should be registered as an association and be listed as a body when it has no direct membership and cannot direct its affiliates, I am at a loss to explain, yet the Government seeks to do this. The Government seeks to remove from people—

The Hon. R.J. Gregory interjecting:

The SPEAKER: Order! The Minister is out of order.

Mr BRINDAL: All I am saying is that people should have the right to associate with whomsoever they want and in whatever numbers they want. I would never condemn the right of anyone to join a trade union. I was a member of the Institute of Teachers for the whole time I was in the teaching profession. I was proud of that membership and believed that it was essential. Nevertheless, if the Government had told me that it was compulsory to join that union, I would have left it because I do not believe that I should be compelled to enter into any association.

I believe in freedom and I believe that members on this side of the House believe in it also. As the member for Fisher said before me, clause 15 is the most abysmal clause in the Bill for that very reason. The Government can claim until it is blue in the face that all the clause does is grant preference to unionists and that it does not stop non-unionists from being employed, but the facts are clear and simple. In effect, it stops people who do not hold trade union membership from gaining employment.

As my friend and colleague the member for Adelaide stated, and this is graphically illustrated on most building sites around Adelaide: no ticket no start. I hope that if we cannot stop this practice now at least in the long term members on this side will eventually have the numbers to stop such a practice, because I do not believe in it. I will never believe in it and, so long as I am a member of this place, I will never praise compulsory union membership. To me it is anathema and it is against most of what the democratic process stands for. How members opposite can countenance the provisions of this Bill—

Mr Groom interjecting:

Mr BRINDAL: The member for Hartley interjects, 'You don't understand it.' Perhaps if he spoke in the debate he could explain it so that I might be enlightened enough to understand it. However, he seems more content to interject than to contribute, as indeed is his wont.

Mr Groom interjecting:

Mr BRINDAL: The honourable member can take as much time as he likes. I conclude by saying that along with my colleagues I am totally opposed to that provision in the Bill. It is opposed to everything that the Liberal Party stands for and, with my colleagues, we will fight this as strongly as we can both in the Parliament on this day and on every future occasion that we are able through the press and whatever other media are available to us.

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

The Hon. TED CHAPMAN (Alexandra): To justify their respective qualifications to speak on this Bill members from both sides of the House have sought to identify their past associations with the trade union movement and employer groups or demonstrate their individual research on the issue. Alternatively, they have indicated a combination of the lot. Consistent with that pattern of justifying one's position, I would simply tell the House that I have probably employed more people in industry than has any other member of this House. Prior to that employment period and subsequently I have been on the other side of the fence as an employee in both primary and political industry. Given that background, it is with some understanding of the subject of employer/employee relationships that I seek to participate in the debate.

Let me say from the outset that for economic survival Australia needs to recognise a few fundamental factors. One is our geographic dislocation from the mainstream trading corridors of the world. I remind the House that we are identified internationally as 'those of the down-under'. We are apart and dislocated from that corridor by our location in the depths of the southern hemisphere. We are handicapped by our isolation from near neighbour importers who

can afford to pay for our industrial produce, whether that produce be primary, secondary or technical.

We need to recognise that given that geographic position in the world, given that trading and industrial handicap, we need to be careful about how we are seen—and not so much how we have been seen in the past but how we are seen in the future—as a trader in a difficult and competitive industrial climate. We need to be seen as flexible, reasonable and willing to bend over backwards to provide service without industrial hiccup in the workplace, in the field generally or at the waterfront. It is against that background that we need to be careful about considering a Bill of this kind as it shows us up for what we have been for so long—for too long—as an industrially suffocated community.

For too long—indeed for much longer than we can now afford—we have been developing a 'them' and 'us' attitude between employer organisations and the trade union movement, and hence between employers and employees. We have a situation where, as members have already indicated, our industrial sites are signposted 'no ticket no job'. That is a frightening sign to the community at large, leave alone to someone who might not be a member of an organisation but who genuinely and sincerely seeks to be gainfully employed.

It is disturbing and sad that this country now 200 years old—South Australia itself more than 150 years old—has to stoop to these levels and introduce legislation into Parliament to dictate that industry shall give preference to union membership. We are at a sad and depressed level in industry. The member for Bragg, representing the Opposition in this matter, has shown qualities not only of leadership today but of an intense grasp of this important industrial matter.

Members interjecting:

The SPEAKER: Order!

The Hon. TED CHAPMAN: Members can mock my comment about leadership but members individually need to be leaders in every field of their activity in a political team. The member for Bragg has indeed shown the lead as to how industry should perform and how the trade union movement should apply itself responsibly in Australia. So, it is with the benefit of having heard his remarks that I rise proudly to indicate my support for his amendments, which will be debated later.

I proudly support the view that has been expressed by the member for Hayward. It was quite surprising for a little bloke like that to be able to rise in his place. Some of us do not know whether he is standing or sitting because he is so short. However, his vigour and capacity to grapple with this subject was absolutely amazing. I am proud, too, to be a member of a Party with members of that calibre and with members who are able to so capably demonstrate their grasp of a piece of legislation. The honourable member has been in this place for only five minutes.

The SPEAKER: Order! The honourable member will draw his remarks back to the Bill before the House.

The Hon. TED CHAPMAN: With respect, Sir, it was the remarks so relevantly made by the member for Hayward about which I was so impressed.

The SPEAKER: With respect to the honourable member, I think his physical stature has nothing to do with the Bill before the House. I ask the honourable member to relate his remarks to the subject of the Bill.

The Hon. TED CHAPMAN: I wholeheartedly agree. It is even more remarkable that the honourable member was able to perform in that way—that he was able to reach over the desk, as it were. Be that as it may, and I take the point you make, Mr Speaker, it is not with any reflection on the character or, indeed, on the stature of the man. That is not the point I am making. The fact is that he has a grasp of the subject that many of us would like to have, especially so early in one's political career. He has to be admired for the homework that he has done in this instance and for the grasp that he has of the subject.

We need to recognise that it is difficult enough to compete with our trading partners around the world without the burden or the tag that we have in industry. We are seen by those in the United Kingdom, the United States and across Europe as an unwanted participant in the European Economic Community arrangements. We are seen by those people to be immature. Indeed, we are seen as incapable of properly running our own affairs in industrial Australia, and South Australia is no exception.

Our widely displayed unemployment figures demonstrate that we are seriously on the wrong track; we really are not genuine about our desire to employ all or the great majority of our work force; we pick and choose too much; and we demonstrate our respective independence possibly sometimes at the employer level as well as the employee level, far too much for our own good. The quicker we settle down and follow the lead that has been set by, for example, those in Japan—where there is no preference to unionists and no requirement for people to be members of an organisation, as is the case in Australia—and provide an incentive to work and to negotiate to work the better.

A member on the other side of the House representing the West Lakes area—a member with a railways union background—was cynical enough this afternoon to criticise the employer/employee relationship—'the master/servant relationship' I think he called it. He said that it ought not be condoned or, indeed, tolerated anymore. With due respect, our workers compensation system in this country—WorkCover as it now applies in South Australia—requires the parties, particularly the injured employees, to demonstrate that there is a master/servant relationship, otherwise the employee does not qualify under our workers compensation legislation for compensation in the event of injury. Likewise, the rest of our legislative framework in relation to the industrial scene in this country is founded on that principle. We cannot use it and we cannot require it for those purposes that I have cited and then forget it exists, or in this instance, brush it under the carpet. We are stuck with that system, and I do not see anything wrong with it.

With respect, Mr Speaker, a master/servant relationship does not mean a dictatorship over the activities or the performance of employees; it does not have to mean that. I have had a master/servant relationship with a great many of my employees over a long period. It does not mean that one must, needs to, or does dictate in those circumstances and stands over one's employees. It is a relationship that can be developed as in a partnership, a marriage or in the workplace where employees work together with their employer and not in the context of working for their employer. When one is really serious about the subject of industrial success and industrial results, that is the climate that needs to be cultivated. One does not need sledgehammer-type legislation to make that arrangement work, to make it stick and to make it successful in the industrial workplace.

As I said before in this debate, I am absolutely saddened, that the Minister and the Labor Party in South Australia—clearly in an industrial, political panic—have stooped to this level to introduce legislation insisting on preference to unionists. I concentrate on this particular clause because I believe that it is the most obnoxious part of the whole Bill as presented to us. It is not workable; it is not saleable and

it is not justifiable in our Australian industrial climate. I urge the Minister, before he gets too far locked into an apparent arrangement with the trade union movement, to reconsider the Government's position on this issue. I do not believe that in the longer term, up front—and I do not mean historically—that it will do the Minister, the Labor Party or this institution of Parliament any good at all to pursue this line of industrial action.

We have seen it all before on industrial sites, and I do not want to refer back in history to demonstrate my point. We have only to take a hop, step and jump across North Terrace to the Remm site—the site of the Myer development—to see just what damage the trade union movement can do if it is given too much power and authority—too much power within its own institution and/or too much legislative support. We have only to look down the road a little, to the west of Parliament on North Terrace, to see the Hyatt Hotel. The demonstration of the BLF on that site in recent years reminds us just what damage an over-powerful, over-zealous and over-legislatively protected union movement can cause on an industrial site.

We have only to look a little further to the west, to the port of Adelaide, to see the sort of difficulties that have occurred there over the years. As I said, we are not dealing with an historical matter: we are dealing with a Bill that is designed to set the pattern for a better industrial climate in Australia and in South Australia in particular in this instance. I believe that it needs to be thought through much more carefully than it has been thus far for it to be successful or in our industrial interests as a trading country.

In conclusion, when referring to a trading country, we should all remind ourselves that we are almost totally reliant for our national income on the returns for export goods. It is not hard to survive in the production of secondary or primary industrial produce for domestic use. We can all do that and we can measure the amount required by counting the consumers. However, it is very difficult to establish an industrial trading arrangement for the dispatch and disposal of Australia's products overseas and therefore rely on export income. I appreciate the opportunity to debate this issue.

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

The Hon. JENNIFER CASHMORE (Coles): This Bill to amend the Industrial Conciliation and Arbitration Act is contentious. Therefore, it is perhaps appropriate that I should commence by identifying that part of the Bill that the Opposition supports. I refer to the provisions in clause 42 which allow State and Federal industrial commissioners and inspectors to exercise power under State and Federal Acts, which align the State Act with the Federal Act and which abolish special State tribunals and transfer functions to the State Commission. Essentially, those are the aspects of clause 42 which are acceptable to the Opposition. We believe that they will lead to a more rational and integrated approach to industrial relations within South Australia.

The aspects of the Bill to which the Opposition objects most strongly have already been canvassed. Many speakers on the Government side have denigrated the Liberal Party's approach, they have denigrated the sources which the Liberal Party has used as its authority for information and they have denigrated our motives in opposing several of the clauses, notably clause 15, which provides preference for unionists.

I want to establish at the outset that, like many members of this State Parliament from all Parties, I am a member of an organisation called Amnesty International. The principal function of that organisation is to fight for the rights of prisoners of conscience. Many of those for whom Amnesty International fights and for whom we, as individual members, work are prisoners of conscience because they are fighting for the right to belong to a trade union. Over my past 13 years' membership of that organisation I have often written to international authorities in support of prisoners of conscience who are imprisoned because of their commitment to trade unionism.

I stand by every individual's right to join a trade union. I believe that such membership not only strengthens the industrial base of society and provides a counter balance between the power of employers and that of employees but strengthens democracy by giving individuals yet another avenue of participation. Many members on this side of the House believe that they are the tenets which we should strongly support. However, I find quite obnoxious the suggestion that anyone should be forced to join an association against his or her will or even an association to which that person is indifferent simply because the law of the land requires it.

In order to ensure that no-one on the Government benches can denigrate my sources, I propose to use sources which I believe would be regarded by members of the Labor Party as impeccable. I commence by quoting from a paper written by the Prime Minister of Australia, R.J. Hawke, entitled, 'The Changing Role of Trade Unions: Past Struggles and Future Directions.' It is part of an essay published in 1981 under the heading, 'Labor Essays.' In that essay Mr Hawke, referring to the International Labour Organisation, says:

> The ILO is the only international organisation to survive from the establishment of the League of Nations in 1919. It has had a continuous history from that time, and one of the reasons why it remains one of the central instruments of the total United Nations apparatus is because it is uniquely a tripartite organisation: all the nations—themselves—

those which are signatories—

> all the central employer organisations of these nations and all the trade union movements, are represented in the one body.

Mr Hawke goes on to say;

> The ILO has as one of its centrally functioning mechanisms the Freedom of Association Committee which is, like the organisation itself, composed in a tripartite way. The purpose of that committee is to monitor whether the basic conventions of the ILO concerning the freedom of association are in fact being observed by member countries.

Let us look at that convention of the International Labour Organisation. It is convention No. 87 and its date of coming into force was 4 July 1950. Article 2 states:

> Workers and employers without distinction whatsoever shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

In the opinion of the Liberal Party, this Government is breaching article 2 of the ILO convention to which Australia is a signatory. It is certainly breaching the spirit of that convention and, in my opinion, it is also breaching the letter of that convention. The International Labour Office in Geneva publishes sundry publications which explain the conventions of the organisation. One, entitled 'The Right to Organise' by Jay A. Erstling, published in 1977, states:

> The principle of freedom of association is an integral part of the basic human rights which the International Labour Organisation has undertaken to uphold by fostering respect for them among the nations of the world. It was in pursuance of that undertaking that the International Labour Conference adopted in 1948 the Freedom of Association and Protection of the Right to Organise Convention (No. 87), a principal purpose of which is to guarantee for workers and employers, 'without distinction whatsoever, the right to establish and to join the organisations of their own choosing'.

Implicit in that convention is not only the right to choose to join but the right to choose not to join.

Members interjecting:

The Hon. JENNIFER CASHMORE: This has a great deal to do with the Bill. Indeed, it has everything to do with clause 15. It also has plenty to do with clause 16, which establishes a minimum membership. The reason for establishing the minimum membership was not foreseen by the ILO. The ILO publication states:

> Legislation which sets the minimum membership requirement at a reasonable rate is not considered by the ILO supervisory bodies to be inconsistent with Convention No. 87. Often, however, the legal provisions fix the requirement at too high a figure. As a consequence thereof, the establishment of a trade union, particularly in small undertakings, may be considerably hindered or even rendered impossible, thereby restricting the right of workers to establish organisations of their own choosing.

That is precisely why the Opposition opposes clause 16, which seeks to amend the principal Act by increasing the minimum membership of associations from 20 to 200 for both employers and employees in line with the Federal movement to recognise larger unions. This of course will restrict access of small firms and associations to the freedom that is identified under article 2 of convention 87 of the ILO. In other words, the Labor Party in this State is content to fly in the face of the spirit of an internationally recognised convention to which Australia is a signatory.

I do not hear that members of the Government are now challenging my sources, nor do I believe that they could challenge the logic of the argument that this Bill is in contravention of those provisions. On page 60, the ILO paper 'The right to organise' goes on to state:

> Furthermore, systems of union security, such as the closed shop, union shop, agency shop or preference agreements have been deliberately excluded from the province of the Freedom of Association Convention.

Of course, there is a very good reason for that; it is simply because they contravene the spirit of the convention and, therefore, are anathema to those who support the principles of the ILO. The publication also states:

> The right of workers to establish and join the organisations of their own choosing may be affected not only by the applicable labour legislation but also by the attitude adopted and displayed by public authorities. Such authorities, by their very nature, have the power to influence and coerce; those who do use it either to favour one union or to discriminate against another may seriously impair the right of free trade union choice.

Again, that is precisely what is happening in this legislation. The publication goes on to state:

> Thus, it is not enough that the relevant legislation permits free trade union choice. What is also necessary is that the attitude adopted by public authorities shall not hinder the exercise of the right to that choice.

I think that publication says it all in terms of condemnation of the purpose of this Bill. We must ask why the Government is doing this and, of course, the answer lies in the fact that trade unions in Australia have fallen on hard times as they battle to retain membership and as they battle to retain relevance in the face of the changing industrial environment. Again, that is not my opinion; it is the opinion of the Minister for Industrial Relations in the present Federal Labor Government, Senator Peter Cook. Senator Cook believes that unions need a radical overhaul of their structure better to serve their members under the new system, and he says that, for unions to be relevant to the 1990s, they will have to be based on internal working democracies at the workplace. How that will be possible under the structure of this Bill is impossible to say, but if anyone wants to identify the source of Senator Cook's comments, they can find them in an article entitled, 'The decline and fall of the unions', printed in the *Advertiser* on Wednesday 6 March 1991.

Again, I quote an eminent unionist, Ms Jenny George, who is the former head of the New South Wales Teachers Federation. Ms George claims that few women enter the trade union movement, because they choose to spend time on their careers and families, and the struggle to break down rigid male structures requires a full-time effort. Ms George was quoted in the *Australian* of 7 March this year as saying:

> Women found it difficult to attend meetings and to negotiate in a traditionally male culture. And, unlike their male colleagues, most female unionists were from white collar industries.

She said:

> The history of the union movement in Australia has been centred on the interests of male blue-collar workers.

We see a link between that reality and the reality as reported in the *Weekend Australian* of the weekend before last, in an article by John Black, Chris Puplick and Michael Macklin. John Black is a former Labor Senator. The article states:

> Declining affiliated blue-collar union membership during the '80s has concentrated this fixed voting strength among a much smaller and less representative group of older male unionists. The new union membership growth has been mainly in the younger, more female, public sector, white-collar unions, and their officials have been joining the Democrats, not the Labor Party.

However, the sustentation fees of their union membership do not go to the Australian Democrats; they go to the Australian Labor Party, and that is something that many Australian unionists, regardless of their political affiliation, find abhorrent. Why should the membership of their industrial organisations automatically give support to a political Party which they do not necessarily support? Again—

Members interjecting:

The Hon. JENNIFER CASHMORE: Members of the Labor Party just do not like it when they hear their own members criticising their own structure. Listen to Mr Bob Hogg, the ALP National Secretary, who refers to 'power hungry sections of the union movement trying to take control of the Labor Party, unless the structure is reformed'. Mr Hogg is quoted in the *Advertiser* of 25 February this year making statements to that effect. I note a stillness on the part of members of the Government, but for the member for Hartley, who of course can talk under water, regardless of whether or not he believes what he is saying. I want to—

Members interjecting:

The Hon. JENNIFER CASHMORE: Really, I would not have thought my wardrobe was of such great interest to members of the Government.

The SPEAKER: Order! I ask the member for Coles to address her remarks through the Chair, and I ask other members to cease interjecting.

The Hon. JENNIFER CASHMORE: The removal of an employer's right to sue a union for damages in the Supreme Court, following an industrial dispute, is another cause of the Liberal Party's complete opposition to the Bill. Similarly, limiting access under clause 17 of this Bill to wrongful dismissal provisions by excluding employees who are not covered by an award and whose salary package exceeds $65 000 is in our opinion discriminatory in the extreme. I regard that as being one of the most unjust, obnoxious and discriminatory aspects of this legislation. It implies that a person's worth is determined not by their individual worth but by their take-home salary. Their dignity as a human being suddenly cuts off when they earn more than $65 000 a year. That is something which I find politically, personally and socially repugnant and which I cannot possibly accept.

Other clauses of the Bill relating to eligibility for registration, the numbers of employees in an employee association before it can become registered, the notion that associations for registration and de-registration have to consult the UTLC

in the event of registration and de-registration are again highly discriminatory, completely unjust and totally inequitable. As I said, and I repeat, those aspects of clause 42 which lead to a more integrated and co-ordinated approach to industrial relations in this State are supported by the Liberal Party. Those other aspects which deny the dignity of human beings by forcing them to comply with membership of associations that they do not choose to join and limit rights under common law and industrial law are aspects of the legislation that we cannot and will never support.

Mr FERGUSON (Henley Beach): The member for Coles is probably one of the most talented persons on the other side of the House. Indeed, she should be recognised by her Party and should be a member of the front bench. Despite the fact that she is so talented, I am afraid that on this occasion I cannot agree with the argument that she has just put to the House because she spent more than three-quarters of the time allotted to her trying to connect up the clause that provides preference to unionists with forced unionism, and nothing could be so false. This is not about forced unionism or about forcing anybody into a union: it is about giving preference to a unionist when all other things are equal. More than half the work force in South Australia works under Federal awards and those Federal awards have contained preference to unionist clauses since 1947.

We heard the weak excuse from the member for Bragg, regarding opposition to the clause, that so far as Federal awards are concerned there have been a lot of demarcation disputes in South Australia and, therefore, this House should not be supporting preference to unionists. He did not give a shred of evidence or mention one dispute where demarcation was the result of the preference clause in the award. If he knew anything about demarcation disputes (I do not think he has ever been in a workshop in his life) he would know that preference to unionists has very little to do with demarcation disputes that reach the Industrial Court. Regardless of demarcation disputes or any other disputes, South Australia has the best record so far as industrial disputes are concerned. The Opposition is opposing this legislation on a false premise. I sincerely hope that this Bill passes, because this is part of a package involving the unions and micro-economic reform. Micro-economic reform is agreed to by the industrial people concerned and part of that package was the proviso that we introduce in South Australia the same provisions as apply in the Federal award.

We have heard plenty from the Opposition about micro-economic reform and why we are not getting into it. Here is a very practical proposition of micro-economic reform, and members opposite are not prepared to come to the party. The Opposition should note in the Federal experience that the longer version of preference to unionists in Federal awards relating to engagement, retention and promotion was granted only by the Full Bench of the Arbitration Commission and is therefore very rare in those awards. If we are successful in passing this legislation, whichever union is applying for preference in its award has to convince the Industrial Commission that it is correct. From the speeches we have heard tonight one would have thought that the passing of this proposition would mean automatically that every State award in South Australia would contain a preference clause, but that is not so. The union still has to prove its case before the Industrial Commission.

Employment under this clause can be granted under this provision only if the employee is suitable for the job. Several tests are involved in this provision. Preference can be granted only in the case of an award coverage for the employee concerned. Every time there is a discussion on union matters in this House we hear about the building sites and the builders labourers, as well as the furnishing trade union on this occasion. If those people are not covered by this award, the provisions we are discussing here tonight do not apply to them. The examples put up by the Opposition are simply red herrings.

One of the excuses for not supporting these provisions is that unionists are inflexible, that they are not prepared to change with modern times. That is absolute nonsense. The member for Alexandra alluded to rival countries in regard to exports of our goods; many of those countries, including West Germany and Japan, insist on people in their work force being trade unionists. Members would be surprised at the number of unionists in Japan and, likewise, in The Netherlands, countries that are supposed to be the industrialists that members opposite claim to be. They can create wealth through a marriage with the trade unions. Why are members opposite opposed to trade unionism?

I have had more than 20 years experience as a union official and have had discussions with such exalted people as Sir Lloyd Dumas of the *Advertiser*, members of the Chamber of Commerce, Rupert Murdoch, and so on. We got on all right and, further, every person in their employ was a member of a union. Those companies were successful, were making money and got on with the unions. I cannot see why members opposite are so intent on keeping trade unions out of their factories and away from the people they represent.

The closed shop was mentioned by members opposite with great abhorrence. The closed shop comes about by agreement between the managers and the unions. It is not forced on employers but is the result of agreement. I have had negotiations with the Chamber of Manufactures wherein agreement has been reached with that august body, which I assume allegedly opposes this proposition. Negotiations resulted in our reaching agreement, and the shops I was representing would always be members of my union.

The member for Bragg quoted the Chamber of Manufactures. Sir Thomas Playford, the most revered conservative that this State has ever seen—and some members opposite would not be fit to stand in his shadow—reached agreement with the Australian Workers' Union that all workers on the Leigh Creek coalfields would be members of the AWU. Further, he sent prospective employees around to see Clyde Cameron, the then Secretary of the AWU, to ensure that they were fit people to work on that site. There is nothing wrong with a closed shop.

Sir Simon Fraser, the father of Malcolm Fraser, was responsible for unionising the Murrumbidgee. When the AWU organisers went out to his wool stores he sought permission of the union to address the workers first and he was granted that permission. Sir Simon Fraser, an absolutely arch conservative, did not force them—he advised them that, if he was in their position, he would join a union. The AWU unionised that part of the Murrumbidgee and that was the start of the unionisation of every shop in that area.

It is no wonder that South Australia has such problems with its manufacturing base if the people on the other side of the House, particularly the member for Bragg (a person who purports to represent that part of industry), are spending so much time fighting unionists. If they took more time to go out and start earning more money, South Australia would be in a far better position. What they must do is be able to reach agreement with the unions. I will tell you this—you will never get rid of unions. The unions have been here for more than 150 years—

Dr Armitage interjecting:

Mr FERGUSON: You have not been listening to the previous speeches. The member for Adelaide has been upstairs writing out his medical prescriptions. If he had been listening, he would understand that the intention of members opposite who have spoken in this debate was to get rid of the unions. What they said was that they want to take on the builders labourers on the building sites and, my goodness, I hope they do! I hope they take them head on because, every time there is a conflict between the unions and management, we get more members, and the more conflicts there are, the better.

Do not think that the trade unions are worried about section 45 *(d)*. The member for Bragg informed us about the use of that provision. On the one hand, he says that he wants deregulation; he wants to be able to negotiate their wages and working conditions with his own employees without union assistance. He threw us a little carrot: he told us that he would guarantee that the minimum wages would be paid. Big deal! As far as the history of industrial relations is concerned, the minimum wages are exactly that—minimum wages—and there should be room for negotiation for wages over and above the minimum wages. But we do not have time to run into that argument at the moment.

The member for Bragg told us that he would keep minimum wages. Big deal! If he can get rid of all the unionists in his establishment, he will guarantee minimum wages. He then told us that he will attack holiday pay; that he will attack every other condition that has been won by the trade union movement. Provided that he can get rid of the trade unions and can reach agreement in his own establishment, he will attack every other condition that has been won over the years, and that is the logic of what he put to us.

Now, let us get down to this negotiation: imagine an 18-year-old typist who commences employment in the pharmacy of the member for Bragg; a typist who has never had a job in her life, and who is not allowed to join the union. She enters into the employ of the member for Bragg. Here is the member for Bragg—he is all powerful, he has the right to hire and fire, he has the right to promote and demote, he has the right to increase or decrease her pay and, if he has his way, he has the right to give her holidays or no holidays. He is the person who is going to negotiate with that 18-year-old woman when she seeks employment in his establishment. No wonder he does not want preference for unionists or freedom of contract. No wonder the member for Adelaide, who comes from the Adelaide establishment, is opposing this as hard as he can. I know that the honourable member worked very hard on the roads, because he told us. He was a labourer, working on the roads, and had a terrible life while putting himself through university. One would have thought that, with a background like that, he would be prepared to negotiate with trade unions, and he would be able to see what trade unions have been able to do over the years. Most of what the trade unions gain is by negotiation and not by coercion.

The argument that preference of employment will limit an employer's choice is nonsense. There has never been any trouble in filling vacancies in better paid unionised industries. If there is a vacancy in the advertising industry, the paint industry, the maritime industry or the building industry, the fact that an employee joins a union has not stopped employers gaining top class employees. In fact, I have never heard an employer in any one of those industries complain about the fact that he cannot get the employee that he wants despite the fact that, so far as those industries are concerned, preference for employment is part and parcel of their award structure. This is an absolute nonsense that members opposite are putting up—an absolute camouflage.

Then there is the matter of forced trade unionism. There is an opportunity under both the Federal and State awards for any person who has a conscientious objection to being a trade unionist to apply to those august bodies to have an exemption from being a unionist granted to them. The real reason for non-unionism is that those people who receive the benefits provided by unionism are not prepared to pay. It has nothing to do with people being inflexible; it has nothing to do with overseas competition; and it has nothing to do with contracts between employer and employee. In fact, contracts between an employer and an employee are quite possible under the present arrangements. All the employer has to do is provide the minimum wage and he has bags of room to negotiate a higher rate of pay with the employee.

At this point the unions are only looking to ensure that workers receive the minimum payments, and that the minimum amount of protection is available to them. Let us not look at this in a stupid way. I know that it is great to catch the newspaper headlines by saying that it is forced unionism. It is not forced unionism in any way, shape or form. This provision will assist the commission in the rationalisation of awards in any industry. The commission will have the power to direct which unions cover which particular industry.

The member for Bragg referred to demarcation disputes. If he wants to have demarcation disputes, he should vote to defeat this provision before us tonight, and he will ensure that, for ever more, so far as South Australia is concerned, there will be demarcation disputes. This legislation will give the commission the power to direct which people will belong to which union. In reality, the experience so far in the Federal commission, where preference is given, is that it is difficult to win preference to unionists, because each industry needs to have each award tailored to suit that particular industry. We are not giving *carte blanche* to forced unionism. If this legislation passes tonight, each union will have to argue its case before the commission, and that is the right and sensible way to do it. I hope that the Liberal Party comes to its senses and that our fine record in South Australia with respect to industrial matters continues.

Mr OSWALD (Morphett): I was interested to hear the member for Henley Beach, during his presentation, say that there was nothing wrong with closed shops. He was referring to the fact that there is nothing wrong with a shop that has 100 per cent union membership. I could have taken it another way, in that his statement 'there is nothing wrong with closed shops' could refer to the countless number of shops around this city and State that are in fact closed because, over the years, union pressure has been such that the cost structure of those businesses has reached the point of collapse. If one looks at this whole question historically, that is what happened in many cases. Admittedly, over recent years, interest rates have come into the equation.

Mr Atkinson: Just a bit.

Mr OSWALD: Certainly just a bit, and they have been sponsored by the union backed Government. In reality, the reason we have closed shops is that, historically, through increases in costs and wage structures, the unions have put those shops out of business. The reason only two footwear manufacturers survive in this country is that they cannot compete with the Asian market. The Asian market has grown recently and, fortunately, their costs have grown also and we have become a bit more competitive, but we will never be competitive if we have compulsory unionism.

We have survived in this State with the present system, and we have been an attractive State to come to. Our costs

have always been a little higher because of transportation, but we have been able to attract potential investors to this State because, up until now, we have had a reasonably good industrial relations record. In the current economic climate in Australia, a compulsory closed shop system cannot be brought in with the expectation that investors will come to this State. It just will not happen. Let us be realistic. We are in a depression, a depression brought upon us by the union representatives in Canberra. We are being asked to agree to compulsory unionism.

An honourable member interjecting:

Mr OSWALD: The honourable member laughs. Let me once again remind the House of the historical arrangements of the Labor Party. There is the industrial wing and the political wing. The industrial wing is down on South Terrace, whilst the political wing is in here. You cannot tell me that this legislation would have been brought before the House tonight if it were not for the advantage of the industrial wing of the Labor Party, giving its orders through Trades Hall to the political wing here on North Terrace, those orders being: get compulsory membership in.

I might even question the motives behind bringing in compulsory membership. Is it because union membership is falling? Is it because unions are in financial trouble? Is it because, historically, within a few years, many unions will fall off their perch because members are walking away in droves? Trades Hall has instructed its counterpart down here, the political wing, to get behind this piece of legislation while it has the numbers left on the floor of the House to get it through. A fortnight ago the Minister stated that he was not going to proceed with this legislation. We now have the Bill before us. Deals are made behind closed doors. Motives and industrial matters originate in Trades Hall by resolution, and they are imposed here. It has happened over and over again, and I am not surprised to hear the spirited speeches coming from the Government benches tonight.

The Hon. Jennifer Cashmore interjecting:

Mr OSWALD: The honourable member is right in that respect, but I would have been disappointed if members opposite had not stood up because almost every member opposite has been put here by the trade union movement. They have been brought here with only one purpose: to press the demands, aims and objectives of the trade union movement. The primary aim and objective of the trade union movement in this State is to tie up all industry and commerce with a 'no ticket-no start' label. As the member for Henley Beach says, there is nothing wrong with closed shops, and to hell with the impact it will have on future investment in this State. Every member opposite is committed because, when he came into this Chamber, he signed the pledge that he would vote for compulsory unionism, to tie up industry and commerce and the finances of this State.

If members opposite genuinely had the interests of their electorate and those they seek to represent at heart—indeed if they had the job potential of those they seek to represent in this place and their own interests at heart—they would not support this legislation. However, we know the arrangement: they have signed a document in order to come here and they cannot survive unless they go along with what their masters at Trades Hall tell them.

Let us look at it from the employer's point of view. An employer must put up the risk capital in order to open a business, perhaps having to go to a bank and mortgage a property. That employer ultimately must have some say in respect of the people he employs. In a time of depression, surely the employer should have some say about who is taken off. He might have recently hired an extremely productive person and there might be someone on the shop floor who everyone agrees has not been pulling their weight but who has been there for years. There is no logical reason why the person who has been employed for some years and who has not been pulling their weight should not be the first person to go.

The first on last off policy to which the Labor Party sticks is a policy with which I do not agree—I have never agreed with it and I think that it is wrong. The member for Bragg has put down our position well and I do not intend to speak any further, other than to emphasise the fact that this legislation will create a situation in South Australia of 'no ticket no start', and it will create a situation in this State where we will have closed shops. From that base it will generate more industrial turmoil as businesses without a closed shop are played off against those with a closed shop. Such a situation can bring an atmosphere of tension, and we will see a continued rise in industrial strife in this State. Certainly, I support the remarks of the member for Bragg and, without repeating everything that he included in his speech, I hope all other members support what he had to say.

Mr HERON (Peake): I have been listening to the Opposition slamming into unions today, which is nothing new. However, it does turn the clock back for me to a time when I was proudly an official with the Federated Miscellaneous Workers Union. Listening to some of the comments put by the Opposition reminds me of when I used to negotiate with the Employers' Federation and the Chamber of Commerce and Industry. All they did was slam unions and workers and try to take away their working conditions and rights. The only group who could achieve those things was the trade union movement.

What we have heard today and tonight from the Opposition is nothing more than union bashing. I was interested to hear the member for Hayward say that he was disappointed about some of the remarks coming from the Government side. I am not disappointed in what he said, because those are the only of words he would use. I expected Opposition members to say that they were disappointed about what Government members were saying on this issue.

Although I have heard some members mention it, one must experience a demarcation dispute to know that there is no worse dispute on any work site. This Bill seeks to do something to rectify that problem. A demarcation dispute does not help workers or employers. A demarcation dispute helps no-one, and in that regard this Bill can only assist in doing away with problems that we have experienced over many years. I was interested to hear the member for Bragg say that this debate was all about membership.

Mr S.J. Baker interjecting:

Mr HERON: Of course membership is an issue, but it still gets back to what I said initially: the Opposition is taking the opportunity to again belt workers and unions. It has been doing that for years, and we know that it will continue to bash unions and workers. That is the Liberal philosophy. The Bill seeks to bring us into line with national industrial legislation. The member for Coles said that she was in agreement with that, and that is important. The Bill enables the South Australian industrial umpire to have the same scope concerning any case of preference to unionists that has applied in our national system since 1940.

Half the work force in South Australia operates under State awards and the other half operates under Federal awards. Preference to unionists relates to the ability of the Industrial Commission to make an award after hearing argument and exercising a discretion that allows preference

to unionists in specific instances in respect of employment, dismissal, promotion or other factors over non-unionists.

Awards for preference have been made only on the grounds where employers have actively discriminated against trade unionists. Where there are constant disputes over the issues and there is a need for industrial peace, where it is recognised that unionists fight for better wages, conditions and protection for their members, those workers who do not contribute to the organisation—the non-unionists—should not get preferential treatment in employment or redundancy.

What is really behind this attack is an attempt to make sure that workers do not have effective and viable organisations through which to protect and advance their working conditions. The Liberals want to increase the power of employers and management to have an unfettered right to push workers around and exploit them. The union shop is clearly a freely arrived at agreement between unions and employers to ensure that new starters, as one of the many conditions of employment, join the relevant union. Like agreeing to obey health and safety laws and company orders, being part of an organisation is no threat to freedom but is a reasonable way to conduct industrial relations and business. It exists and causes no problems.

Whatever one may think about these agreements, every review—even the 1982 Cawthorne report initiated by the then Liberal Government—showed that, even if legislation were brought in to attempt to outlaw the practice, it would not have any impact. When the last Liberal review was undertaken in South Australia (in 1982) the custom and practice of such agreements was found to be widespread and supported by the employers. In his review Cawthorne concluded:

> It has much more committed support from the employers' side than expected. In brief, many employers with whom I spoke were enthusiastic about the enhanced industrial relationships which resulted from the practice of the closed shop in their plants. Given that degree of acceptance and the entrenched nature of such agreements, any law outlawing the closed shop will have little or no general impact.

That was the view of Mr Cawthorne in his 1982 review, initiated by the then Minister of Industrial Affairs (Hon. Dean Brown). Earlier today the member for Albert Park said that the Liberals threw that report in the wastepaper bin because it did not give the result that the Liberal Party wanted. The member for Bragg claimed that I made submissions to Mr Cawthorne, as did many other union officials and employers.

Members interjecting:

Mr HERON: That is correct—the Liberals have not asked for a review since then. One is coming up now, but things have not changed in respect of the trade union movement, which is still looking after the rights and conditions of workers. As the member for Henley Beach said, trade unions are not going away and they will get stronger and stronger, especially if employers want to take them on. As I said, I have been listening to the same old arguments tonight that I heard from the Chamber of Commerce and Industry and the Employers' Federation previously. About 10 or 15 years ago I was involved in a heavy dispute involving a large company. Originally known as South Australian Rubber Mills, the company was purchased by the American Uniroyal organisation but it has subsequently been taken over by the Japanese Bridgestone company.

Going back some 12 or 14 years, the then Secretary of the Miscellaneous Workers' Union was in discussion with the industrial officer at the Salisbury plant of the then Uniroyal company. At the same time the employer sent the foreman to the shop floor to sack 52 people while the secretary was negotiating health and safety issues in the office. That created one of the biggest disputes and one of the longest running industrial court cases ever held in Australia, let alone South Australia. It occurred because the employers tried to get rid of one union and to create a bosses' union. They wanted to create their own union on the site of the two Uniroyal plants—one at Salisbury and one at Edwardstown.

The membership and the union were not going to accept a bosses' union because they knew what such a union would do to the workers. So, the members on the floor of the plant took on the employer, as did the union—we took them on through the courts. After 10 years, thousands and thousands of pages of litigation and hundreds of thousands of dollars—I think it was close to $1 million (the company employed the late Sir Billy Snedden QC to conduct its case)—eventually the Miscellaneous Workers' Union won the case. The management of Uniroyal was disappointed and the shareholders could not believe the amount of money that had been spent on the case. The union then had the preference for unionists clause in the Federal award and it was abided by. Since then, the Japanese company—Bridgestone—has abided by the closed shop arrangement. Everyone is in the union and the incidence of industrial disputation in that factory has fallen by more than 50 per cent. In conclusion, I support all the amendments, which can lead only to better industrial relations in South Australia.

Mr D.S. BAKER (Leader of the Opposition): I will make a short contribution to this debate, which has been very ably led by the member for Bragg and by the Deputy Leader, and my colleagues supported his remarks. It is significant that the Premier is not making a contribution to this debate. I will quote what he said 12 days ago when making a statement to South Australians about industrial development in this State. He said:

> We have talked much in recent years in Australia about the need to build a much more productive, wealth-creating economy. We must sell more successfully into world markets against global competition in our local markets. We must expand and make more efficient the traded goods and services sector.

I agree with that statement. They are good words and they sound tremendous as they roll off the tongue. However, the problem is that they are words and not actions. I challenge the Premier to enter this debate. I do not know what he knows about industrial relations, but I hope it is more than he knows about finance.

The Premier should have an input after mouthing those magnificent words to South Australians about what he would do to get industry off its knees and to make South Australia more productive and, more importantly, competitive not only in the Australian market. One of our greatest problems and one of the greatest problems for this Minister is comparing South Australia with other States. But he should try comparing South Australia with the rest of the world; he will see how badly off we are. Of course, that is the problem: we must have a more flexible, not a less flexible, labour market. This legislation enshrines rigidity into our labour market and gives power to one section of our community, the aim being not international competitiveness or greater efficiency or productivity but to put that section above the law, allowing preference above the law under the preference to unionists clause.

I can understand, as was pointed out by one of the previous speakers, how difficult it is for members opposite because, quite frankly, it is because of the union movement that most of them are here. Not many of them have done much productive work in their life: they have spent all their time trying to incite strikes and encouraging people to be

less productive. They do not talk about unit cost of production or about being competitive: they talk about minimum wages, which bring the least productive people up to a certain level. They are not talking about giving people the incentive to be more effective for their employers in an employer/employee relationship, thereby achieving greater competitiveness throughout Australia.

Members opposite know only the doctrine of compulsion, the union method whereby workers will join the union or the shop will be shut down; workers will join up or the union will ensure that they will not get on. Of course, section 45 *(d)* has helped quite a bit, because the secondary boycotts, the blackmail, has gone on for years. Those people call it 'union bashing'. We have managed to stop the blackmail that has gone on in Australia for years under section 45 *(d)*. We have managed to achieve a more even playing field. That is all these people know. If we let them out of their cage, they do not know where to go. They do not know what it is for employers and employees to get together and to talk.

Members should consider what the Minister has done with the Department of Marine and Harbors. That is the greatest fiasco ever seen. In 10 years the department has gone from having 800 blue-collar workers—decent working folk—down to 400, while the number of those who sit in air-conditioned offices—the white-collar workers—has remained the same. The Minister has not gone down to the wharf and said, 'Listen fellows, we have to talk about productivity; we have to talk about competitiveness, about unit costs, about saving your jobs and about becoming efficient.' It is amazing that when I go down and talk to these people and ask them what is going on, they say, 'Thank God you are here to talk to us. We have not seen the Minister. We did not even invite him to the Christmas party. But it was a hell of a good Christmas party. We all had a lot of fun.'

I asked where was the Minister, but apparently he was too busy in his air-conditioned office—and he probably had a white collar on at the time—sending people down to kick me out of the Christmas party, to kick me off the wharf, because I had the temerity to go down and talk to these good, decent working folk who are pleading for some leadership. Those workers do not want people of the ilk of the Minister coming out of the trade union movement and sitting in here, getting pay increase after pay increase and not looking after the good, decent people.

I will deal with what some members on the other side said and the effect of what they are really talking about. However, let us understand some facts. What members opposite are talking about is everyone having to be in a union. They are talking about compulsion. Only 44 per cent of working people in South Australia are in a union, and that figure has been going down quite dramatically over the past 10 or 15 years. That has occurred because the union movement is not looking after the jobs of those people, and that is the most important thing: it is trying to achieve unreal conditions of work which, quite frankly, do not interest the workers. They are interested in a cooperative society of employers and employees.

I and my Party support the ability of employers and employees to get together to work out agreements so that they can achieve a better place for the workers of South Australia and greater profitability. Consequently, South Australia will be more competitive with the rest of the world. Members opposite who have lived in the union cage all their life dish up statements about our having less industrial trouble in South Australia than in other States. Suddenly we see today that we have the worst situation for 10 years. However, the real problem is that we are No. 9 684 in the world. We might be the best in Australia, but we have to be competitive with the rest of the world. That is the fact that members opposite have all missed. The fundamentals are that we have to make this nation competitive; we cannot afford the standard of living that we enjoy because of the work practices and the lack of cooperation between the employers and employees of this country.

Only 44 per cent of people are in a union, at any rate. A Morgan Gallup poll, taken about five months ago, showed that 80 per cent of Australians do not want to belong to unions. They do not believe in compulsory unionism. However, we have the social experiment of the 1980s for the Labor Party, not only in this State but federally—and it has been the greatest disaster in this nation's history—whereby we must now have closed shops. It is absolutely unbelievable.

I will refer to the contributions of a couple of members opposite. I must pay a tremendous tribute to the member for Albert Park, who gave a passionate and no doubt well researched speech on the Cawthorne report, on the preference to unionists clause, and on how we cannot have these scabs going around and not taking part in the unions. A couple of members more recently said we cannot have this because they are getting benefits which no-one else is getting. It is not compulsory to join an employers organisation, and it should not be. I would fight to the death to give any working person in South Australia the absolute right to join a union, but I would fight to the death to give him the absolute right not to join if he does not want to do so, as I would for the employers.

Members interjecting:

Mr D.S. BAKER: Of course they have the right to strike, and you must have the right to hire and fire as well. It has to be a level playing field. The member for Bragg quite rightly says that all of those things have to be up for grabs and have to be negotiated. The great problem with you people is that employers—

Members interjecting:

Mr D.S. BAKER: Of course you have the right to strike—a fundamental principle—as you must have the right to hire and fire. That is the problem in the cage you have been in in the union movement. You cannot see what is going on in the real world and you come up with ideological nonsense which you expect the public of South Australia to believe. It is an absolute joke, and people will not believe it and will not take it any longer. The problem is that employers and employees want to get together and work out wages and conditions, and they want to do it under their own aegis; they want to be able to make that part of an agreement which is enforceable by law.

Mr Ferguson: We do it now.

Mr D.S. BAKER: Of course we do it now, and when we are in power you will be able to enforce those agreements by law, and I agree with that; but it is absolutely nothing to do with the union provided minimum conditions are complied with. The greatest problem is that you people who have been living in the darkened world out there are trying to interfere in what is rightly the province of the employer and the employee.

Mr Ferguson interjecting:

Mr D.S. BAKER: I will deal with the member for Henley Beach in a minute. I will make sure you are included, but I have only 10 minutes. However, I will save two or three minutes for the member for Henley Beach.

Mr Ferguson interjecting:

Mr D.S. BAKER: No, you will not be shaken; I might praise you. The member for Albert Park, as I said, did a fantastic job in telling us that there should not be scabs,

that the unions must be involved in everything and that we must have closed shops. He then got into attacking the Liberal Party about this master/servant attitude in the 1990s—master/servant going up to the year 2000. We have equal opportunity and all the other wonderful things going on such as the discussions between employers and employees—yet we have this master/servant attitude!

As I said, the member for Albert Park made the most fantastic speech that I have heard for a long time. I went back to *Hansard* and got out one of the old ones from the 1920s, and that was what was being said in the 1920s. I think that he probably copied his speech from *Hansard* of the 1920s. He has not progressed one day since the 1920s. We are now living in a different era. All the sweat-shop nonsense that we hear from over there is rubbish and it cannot and will not be countenanced by the Liberal Party. They are the days of the past.

The Hon. R.J. Gregory interjecting:

Mr D.S. BAKER: Is the Minister interjecting out of his seat, Mr Speaker?

The SPEAKER: Order! The Leader will resume his seat. Yes, the Minister is interjecting out of his seat. Both points are out of order. I would draw the Leader's attention to some of the terminology being used to refer to members on the other side of the Chamber. I ask him to modify his language slightly in his references to the other side.

Mr D.S. BAKER: I am sorry if I have misaddressed the honourable members of the Labor Party in some way. The great problem in industrial relations in Australia is that people do not realise that we have moved on from those dark days. We are moving forward. I am quite frank in my contribution. I have been involved in employing many people in the businesses in which I am involved and we have never had an industrial dispute.

Mr Ferguson: Are we allowed to mention them?

Mr D.S. BAKER: You are allowed to mention them, but it is at your peril. Industrial relations are about people talking to one another, working for their own betterment and for their job satisfaction, and having a thriving company, wherever and whatever it is, not only for the benefit of the people involved and the fellow who has put up his hand and risked his money, but in the interests of being internationally competitive. Because of this 1920s attitude that we have throughout the Labor movement—the 'them' and 'us' attitude of the people over there—Australia has a downturn in its economy and it is no longer competitive.

The attitude of the people over there is saddening, because they cannot see that society has moved on dramatically from preference to unionists, compulsion and all those archaic things. These people have been left behind. Goodness only knows, Mr Speaker, we can see how far they have been left behind in the past four or five years in industrial relations. All over Australia we have employers and employees getting together and signing enterprise agreements between themselves without the interference of the unions, and those agreements are for the betterment of this nation and they will make us more competitive in the future.

Another great thing that I noted in the magnificent speech by the member for Bragg was when he quoted from the Secretary of the Clerks Union. The Secretary of the Clerks Union clearly said, 'We are not really fussed about this compulsion to unionism, but you really have got to do it, Mr Minister, because it is all about recruitment. Because our membership numbers are dropping dramatically, we have got to get the jackboot out and try to have these closed shops. We have to get this enshrined in legislation so that we can get some dollars.' When the union says, 'Mr Minister, we really have to get compulsion enshrined in our legislation,' the Minister does not ask, 'Will I jump?'; he asks, 'How high?' It depends how many more they can jackboot into the unions by closed shops or whatever as to how much goes into Labor Party funds. Would it not be marvellous if we could have legislation which provided that no employer can deduct union dues? What right has an employer to deduct money from one of his workers? Let the union do it. I am sure Mr Speaker would agree with that. He has spent a long time in the union movement and he understands what it is all about. I am glad that he has seen the problems in the union movement and that is why he has gone Independent. He is doing a tremendous job, too. I only hope that he will have a contribution to make to the debate later.

The SPEAKER: Order! I would draw the Leader's attention to the fact that my particular political stance is not a subject of the Bill before the House and therefore is not relevant to the debate. I would ask the Leader to make his comments relevant to the Bill.

Mr D.S. BAKER: Thank you, Mr Speaker. You are most important to this debate. I want to turn for a moment to the member for Henley Beach, but unfortunately he has gone. I was going to say—

Members interjecting:

Mr D.S. BAKER: Oh, he is hiding under the bench. Never mind. He started talking about people enjoying the benefits of the hard slog of unions and used the word 'scabs'. There are many good people out there who are working very hard for their families and for the community and who are not members of a union. In fact, it is the minority who are members of unions. Are we to think from what the member for Henley Beach said that 55 per cent of South Australians in the work force are scabs? I think it is outrageous. I know that we have to keep listening to minorities, but let the member for Henley Beach start thinking about majorities, because it is most important that their views are heard. This compulsion to unionism will not wash with the majority, because 80 per cent of the people out there say that they do not want to belong to a union anyway. So, it is pretty important stuff.

The honourable member went on to talk about the minimum wage, saying that the union has to be involved in the minimum wages. The union has nothing to do with minimum wages, nor should it. The employers have nothing to do with the minimum wages, and nor should they. The Arbitration Commission sets minimum wages and conditions independently; quite rightly so. That is what it is all about. The unions should have nothing to do with it, and neither should employers, when minimum wages and conditions are set.

The sooner members opposite get out and talk to their constituents (although, from the latest polls, there are not too many of them), the sooner they get a feeling about what is going on in the real world, the sooner they will be able to represent faithfully in this House the people they purport to represent. I am afraid that this legislation is out of kilter; it is 50 years behind the times and does not recognise the obvious. In the short time left to me I quote the editorial in the *News* today:

Compulsory strikes

The Bannon Government should today be feeling severely embarrassed. In addition to its embarrassment about State financial institutions comes the news that last year South Australia had its worst industrial dispute figures for a decade. Yet on the same day it forges ahead with legislation which would strengthen preference to trade unionists and so almost inevitably increase the likelihood of disputes. Like all Labor Governments, allied with and relying on trade union support, this Administration fails to acknowledge changing times. It would be interesting to discover how many of the 125 000 working days lost in 1990 were the result of genuine workplace conflict and how many were ordered

by the union bosses with the membership complying most unhappily.

I think that this sums up this whole debate.

The Hon. E.R. Goldsworthy interjecting:

Mr D.S. BAKER: It hits a raw nerve in the community, and it is about time members opposite understood. If they want to see some forward legislation, they should look at the Employment Contracts Bill that is just coming into force in New Zealand. Members opposite should look at what that does: it frees up the workplace; it gives employers rights; and it gives employees rights. It is time the Minister looked at that legislation.

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

Mr GROOM (Hartley): That was a very disappointing contribution from the Leader of the Opposition; disappointing because nothing new comes out of the Leader of the Opposition's speech. This is nothing more than a re-run of the debate of 1983, when we dealt with preference to unionists. Having spoken in that debate, I looked at the speeches of members opposite, and they are exactly the same as they are today. They have learnt nothing in that time about industrial relations. The dark side—

Members interjecting:

Mr GROOM: It is true; it is a fact; members opposite have their tails in the air at present and, when that occurs, the dark side—the conservative nature—of the Liberal Party comes out. Because there is some form of campaign in the *Advertiser*, arguments of the employer groups are trotted out. I have been an industrial advocate, I have worked with them all, and I know that their hearts are not in this debate. They know it is not a true and honest debate, because this does nothing more than mirror the principles and provisions which have been in the Federal legislation since 1947, and make no mistake about it: since 1947 successive Liberal Governments, including the Menzies Government, have supported preference to unionists.

The courts have always drawn a distinction between compulsory unionism and preference to unionists and have divided preference into two categories: absolute preference and qualified preference. We have seen examples of absolute preference in New South Wales. This is nothing more than a mild form of qualified preference—very lukewarm, I might add. Successive Liberal Governments have supported this type of legislation at State and Federal level; why not in South Australia? Quite simply, it is because the Liberal Party wants to take advantage of an issue for nothing more than short-term gain, and hang the industrial consequences—hang the good of South Australia—because it is not interested in the good of South Australia or in maintaining the good industrial record we have in this State. It is simply after short-term political gain.

I want to illustrate two areas where the Liberal Party speaks with a forked tongue, and I will connect the relevance up with this. Small retailers were required to join merchants associations of a lessor's choice. When the Liberal Party was in government between 1979 and 1982 it commissioned a report and looked at that area of compulsion where small retailers were compelled to join a merchants association formed and chosen by the lessor. They were given no option to join any other association. What did the Liberal Government say when it was in power between 1979 and 1982? It said that this form of compulsion was all right; retailers should be compelled to join an association of the lessor's choice, because when it comes to a choice between big business and small business the Liberal Party will support big business an every occasion—and hang the proper working of society! It whitewashed small business when it was in office, and a report is on file in this Parliament to show that. They said, 'Let small business be exploited by big business. Let small business be compelled to join an association of the lessor's choice in shopping centres and elsewhere.' Members opposite who were members of that Government between 1979 and 1982 know that to be a fact.

So, how can they throw stones when unions properly want to encourage union membership? How can they throw stones at something which is not compulsion, which they support against small retailers but which is nothing more than qualified preference; in other words, seeking to recognise the realities of the industrial scene and to ensure that proper industrial relations prevail for the benefit of South Australia, not for their short term political objectives?

In another area members opposite criticise trade unions for making donations to the Labor Party against (they say) the wishes of some people who might belong to another political Party and who join a union and, through some indirect means, money is channelled to the Labor Party. What happens with public companies that they have been supporting for generations? Against the wishes of their shareholders, public companies give donations to political Parties, and the Liberal Party has never seen anything wrong with public companies not going to their shareholders and asking whether it is all right to give money to the Liberal Party. That is why members opposite do not want to disclose political donations in this country: it is against the wishes of shareholders.

Mr BRINDAL: Mr Speaker, I would ask you to rule on the relevance of these comments to the debate.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The member for Henley Beach is out of order. The point of relevance is valid, and I was considering intervening on the member for Hartley at the time. Although he did give an assurance at the start of his contribution that he would link his comments to the Bill, I would ask the honourable member to do so now.

Mr GROOM: Thank you, Mr. Speaker. I know it is painful for members opposite to have their poor record illustrated to them in this way. I know it is very difficult for them to have pointed out to them in black and white what is nothing more than short term political gain on their part, and hang the good industrial record of South Australia (because that is their motive). They will downgrade South Australia at every opportunity in the industrial relations area, in the economic area and in any area they can, for nothing more than short-term political gain.

As I agreed not to speak very long in this debate, I will not delay the House any longer. The speeches from members opposite are nothing more than reruns that I have heard in this Parliament in days gone by. Make no mistake about it: when the time comes, the people of South Australia will reject the Liberal Party as they have done consistently in the past 20 years.

Members interjecting:

The SPEAKER: Order! The member for Bragg is out of his seat and out of order.

Members interjecting:

The SPEAKER: Order! The honourable member for Newland.

Mrs KOTZ (Newland): I rise to speak on the Bill tonight and commend the member for Bragg on his presentation of the views of the Opposition on this matter. I also congratulate the Leader of the Opposition on his contribution, which put back into perspective some of the hypocrisy we

have heard emanating from Government members in this Chamber. In his second reading explanation the Minister stated:

> Australia is currently undergoing a period of fundamental change.

In the context of the amending Bill it is an appropriate and indeed correct statement but, to take it a step further, the Bill introduced by the Minister is an attempt to pervert the process of fundamental change. In terms of industrial relations the Bill can only inflame industrial disputes. Make no mistake, this Bill is totally out of step with the new fundamental approach to industrial fairness and harmony, namely, enterprise bargaining. We have in this Bill another step by this Government to shore up declining union membership and enforce compulsory unionism on every individual in this State.

Through this Bill the State Industrial Commission would have the power to give preference to unionists in industrial disputes. The Bill seeks to promote an abhorrent travesty of an individual's democratic rights. Any laws enacted through legislation should seek to present an equality for all individuals before the law. Every person in this country should be equal before the law. Any attempt to introduce a bias in favour of certain groups or individuals cuts across the very spirit of democracy and should therefore be resisted vigorously.

The Minister presents this Bill allegedly as a means of 'complementing the Federal Act, particularly in respect of the greater coordination of the State and Federal arbitral authorities and the rationalisation of the union structure in this country'. I suggest that the Minister has missed a perfect opportunity to enhance the South Australian Labor Party's claims that it is indeed the leader of reform in this country and, instead of kowtowing to Canberra, insist that Canberra recognise the change taking place in modern industrial relations.

I thank the member for Hartley for reminding this House that the legislation was enacted in 1947, which only stands as evidence once again that the legislation is 44 years out of date. The Minister does this State, its employers and employees a disservice of immense proportions. Social justice is not served by compulsory unionism. Anti-discrimination laws are abused by compulsory unionism, and industrial efficiency will remain what it has become over the past years—something to strive for but something for ever out of reach.

The competence and abilities of workers would for ever lack credibility if union membership became the only criterion upon which to determine merit. Industrial efficiencies would never be attained if decisions to hire, fire or promote were determined by a union membership ticket. The Minister of Education, on behalf of the Labor Government, recently introduced into schools an anti-racist policy to discourage attitudes of discrimination in our young. This Bill is contrary to that very principle. It is my belief that this union preference clause is equally as odious and as democratically incomprehensible as any discrimination based on sex, race, religion or age.

The most blatant aspect of the Bill is the attempt by this Government to shore up by inducement, by the proverbial dangling of the carrot, drastically diminishing union membership. Young men and women in this State are resisting the efforts of union officials to sign up new memberships. An increasing number of casual workers have had an impact on decreasing union membership. Only 53 per cent of Australia's work force are paid up members of a trade union. Inevitably this has meant a reduction in union funds, which also means that the Australian Labor Party suffers a reduction of fees received—fees which are a compulsory payment to the Labor Party by the unions.

The intention of this clause is to promote membership of the unions, to increase funds into the depleted coffers of State and Federal Labor Parties and to move backwards into the past. Every invididual should have the right to choose whether they become a member of a union and should not have any penalty by way of discrimination meted out to them because they choose not to become a member. I do not support discrimination. I do not support a step backwards in industrial relations and I do not support this Bill.

Dr ARMITAGE (Adelaide): I am pleased to address the Bill which, despite all the ins and outs from members opposite, is about declining union numbers. We know the facts and figures which, for those statistically minded, show that quite clearly the percentage of people interested in joining unions is rapidly declining. The effect of this around Australia is that the Labor Party is broke, according to the media. Like many small businesses which policies of various Labor Governments around Australia have sent to the wall, when you are broke you do one of two things: you try either to increase your income or to cut your expenditure.

Federally the ALP is trying to get around the problem of lack of funds by cutting costs. It is saying that it will not allow political advertising. As an interesting aside the unions that the Government vaunts as the saviours of Australian industry will not be allowed to advertise. Surely, if they are such marvellous components and players in the industrial game, the Federal Labor Government would have no fear of what the unions might say. However, the State Labor Government tackles the problem of lack of money by attempting to increase income by making it compulsory to join a union; hence it gets more campaign contributions from the union movement. In his second reading explanation the Minister states:

> South Australia's outstanding industrial performance is on the record.

How unfortunate for the Minister, in making his speech on 21 February 1991, that he did not have before him the Australian Bureau of Statistics figures issued yesterday. The figures for 1990 show that strike days in South Australia amounted to 124 600, up from 35 000 in 1989 and 46 900 in 1988. It means that South Australia lost 234 working days for every 1 000 employees last year behind only New South Wales, which lost 280 working days per 1 000 employees.

To juxtapose the Minister's statement, I quote again from his second reading explanation:

> South Australia's outstanding industrial relations performance is on the record.

Well, Minister, it certainly is on the record. In the article in this morning's *Advertiser*, the General Manager of the Chamber of Commerce and Industry, Mr Lindsay Thompson, in talking about these figures said:

> . . . the jump is extraordinary and one can only put it down to a deteriorating industrial relations climate.

Again, I juxtapose the Minister's statement:

> South Australia's outstanding industrial relations performance is on the record.

What is quite clear is that the Minister is being rhetorical and has no substance in his argument. The people who are out there employing, working hard and trying to create dollars for Australian and South Australian industry, are telling the Minister that our industrial record is disastrous.

The Minister was asked for a quote about those figures, and in the article a spokesman for the Minister is quoted

as saying that the figures were an 'aberration'. There is a name for what the Minister did there—it is called 'shooting the messenger'. In his second reading explanation the Minister goes on:

> It is essential that Government, employers and workers be partners in achieving that reform quickly, fairly and with the minimum of industrial friction.

Let us look at a case which was, indeed, a landmark in Australia a few years ago. I refer to the Dollar Sweets case. The case involved employees who wished to change their hours of work so that, quite legitimately (most of them being females), they could get home in time to look after their children when they got home from school. Everyone on the shop floor thought it was a good idea and they said, 'Let us go to the employer.' The employer said, 'That is fine. If you do a decent day's work and if you work a certain number of hours and achieve a certain production level, that is fine. You work whatever hours you want.' Given the state of Victoria at that time, I am absolutely certain that the Victorian Government would have been keen for the Dollar Sweets case to be resolved.

So, quoting the Minister, we had the Government, employers and workers trying desperately to be partners in achieving a reform 'quickly, fairly and with the minimum of industrial friction.' What went wrong? Where was the nigger in the woodpile? The unions! The unions refused those people. The Government, the employers and the workers were happy with what they had organised, but the unions would not allow it. How can members opposite, without putting their tongue completely in their cheek, say that they honestly believe that Government, employers and workers should be partners in achieving any reform 'quickly, fairly and with the minimum of industrial friction' when, quite clearly, they are empowering unions who have been proven time and again to be niggers in the industrial woodpile?

Mr Ferguson: I object to that racist remark.

Dr ARMITAGE: To be niggardly. The member for Henley Beach, in a derisory tone, indicated earlier that he knew that I had been a member of a trade union—and I have been. For those members who were not here when he so kindly reminded the House, I point out that at one stage in my university career I applied for a holiday job laying hot bitumen with a company called Spraypave, a subsidiary of the Shell Company. I worked very hard and earned a lot of money. One of the first things that happened to me when I went on to the Spraypave area was that an official of the Transport Workers' Union came up to me, and I felt quite proud that it was not just an ordinary worker in the area. The official must have been doing a site visit or whatever they do. In any event, this big boffin came up to me and made it quite clear that, as I was a humble university student, without any membership of the Transport Workers' Union, there would be no job.

I needed money to get through my university career, so I and the other university students were forced to join the union. This pertained when there was no preference to unionists in the statutes similar to that provided in this Bill. I may add that, because I joined the Transport Workers' Union, for many years afterwards I received letters addressed 'Dear comrade' and signed 'Yours fraternally'. Even in those days, as a university student who paid a proportionate amount of union fees, I did not think that was very good usage of union fees for years later after I ceased my membership. Despite what members opposite say, clause 15 quite clearly will lead to a situation where there is compulsion to join a union to get a job, and I believe that is an offence in a free society.

I am also particularly annoyed about clause 16, which deals with applications to the commission. This clause provides that the minimum membership of associations applying to have disputes heard in front of the commission will be lifted from 20 to 200. This comes from a Party that trumpets, on a daily basis, support for small business. What will a small business person do with any dispute if they do not employ 200 people? Quite clearly, it is a direct way of dealing with small business. Members opposite belong to a Party which has illusory claims for small business, yet when it comes to the wire, they do not want small business to have any power. No wonder small business is in such a disastrous state!

Clause 16 also sees the complete end to any enterprise agreements, and by that I mean such things as the Dollar Sweets example as I indicated before. Enterprise agreements are just that: enterprise agreements. Where people get together as employers and employees and work out what is best for an enterprise, Australia is better off. However, that will stop with the passage of this Bill. Earlier the member for Henley Beach gave some heart-rending examples of companies with fully unionised work forces when he was a union official. He said that those companies were profitable and that they were good companies. I do not dispute that for one moment.

Mr Ferguson: I will show you the balance sheets.

Dr ARMITAGE: I will be pleased to look at the balance sheets. I have no difficulty with that for one moment. However, the member for Henley Beach would agree, as an intelligent person, that it is a complete *non sequitur* to draw the conclusion that, because there is a fully unionised work force, that does not necessarily mean that a company will be profitable or successful. I am not saying that it is not the reason, but it is not proof.

Mr Ferguson: Good management.

Dr ARMITAGE: I do not dispute that. It is a good company. The honourable member said that, and I agree with him. The fact it has a fully unionised work force is fine by me and it is fine by members on this side of the House. What the honourable member said in his speech is that the management got on with the unions. What we on this side of the House say is: good luck to management that does that; good luck to unions that have full membership in their shops and in their enterprises. In fact, I fully support such a position, provided there is freedom of choice. Quite clearly, that is not a pertinent fact in this legislation.

The member for Peake said that members on this side of the House do nothing but union bash. I would like to put on the record my personal position and, I believe, that of other members on this side of the House. Unions have a distinct place. If someone of their own volition wishes to join a union, they have my full support. I have no dilemma or problem whatsoever with someone joining a union—not a single problem—provided there is no compulsion to do it. Why do I say that? I say that because freedom of association, which carries with it the freedom not to associate, is one of the four basic political freedoms. When researching this matter I looked at a book entitled *The Politics of Australian Democracy* written by a man named Emy. In chapter 6, entitled 'The meaning of democracy', he states the following:

> We can only consider that a man is free if he is given as much control over the conduct of his affairs as possible.

In today's society, quite clearly that means a man or woman, to have control over the conduct of their own affairs, is categorically contravened by compulsory unionism. There is no freedom of association where it is compulsory to join a union to get a job.

I mentioned earlier the four basic political rights. The first is the freedom of religion—and this Bill does not necessarily tackle that. However, there is some religious fervour with which members opposite seem to be attacking the problem of compulsory unionism. Secondly, there is the freedom of speech, and I cannot see anything against that in this Bill. Thirdly, there is the freedom of the individual, and quite clearly that is grossly offended by legislation which forces someone to join a union to perhaps feed their family or whatever. Fourthly, and perhaps in this instance the most important basic political freedom for which we are ostensibly fighting in this Parliament, and certainly as a democratic institution for which we are fighting, is the freedom of association. As I indicated before, any freedom of association carries with it the freedom of non-association.

Mr Ferguson: Does that apply to non-unionists?

Dr ARMITAGE: That applies to people who do not wish to join an association. They should be free not to do so. As long as we on this side of the House are in this Parliament, we will continue to uphold those four basic freedoms, despite attempts by the Government to clearly offend at least two of the four. This Bill ought to be rejected.

Mr VENNING (Custance): As a new member, I cannot believe that the Government is pursuing this issue tonight. Considering the state of the country and the state of the economy, with 80 per cent of the people against this issue, why does the Government turn around and try to wallop this Bill through in the dying days of the Parliament at all hours of the night?

I think it is just to placate their union buddies. Government members do not have that conviction themselves but are supporting this to keep the unions happy. The Bill is couched in reasonable language; it is all about bringing the State system into line with the Federal system and to eliminate duplication. As we heard tonight, the Bill's sting is its intention to support and encourage the reform and realisation of the union movement at a national level.

What business is it of State Governments to be helping the trade union movement to rationalise its structure and get its act together? I will tell the House: the most contentious proposal contained in the Bill is in respect of preference to unionists. I refer to the power provided to the Industrial Commission to grant preferential treatment to a specified union in a dispute. In my book, that is known as compulsory unionism, and there is no other word for it. Preference results by compulsory unionism.

The Minister hops up and down claiming that it is not compulsory unionism. He says that that is a ridiculous suggestion. I suggest that unions are exerting pressure in respect of this issue. Unions have been experiencing declining membership across the board in this period of economic recession. Fewer people employed means fewer members, which means more part-time, non-unionised jobs.

Unions are threatened by declining power, status and financial independence. This provision reflects the last grasp of the union movement to retain some power which it is losing across the board. That is the crux of this matter, and that is without reference to the minor detail of levies and membership which flow directly from the trade union movement to the ALP. That flow is useful at election time, although it will depend in future on whether we are allowed to have television advertising.

Compulsory union membership will shore up the fortunes not only of the trade union movement but also of the ALP, and that has been well documented tonight. The Bill reeks of cosy deals, cosy corporatism, protective self interest and the preclusion of non-members of the labour club. How can the Government justify such preferential treatment being enshrined in legislation? Also of great concern is the requirement to register as an association with the commission. Membership must be 200 instead of 20, as previously applied. As the member for Adelaide said, this Government is always talking about small business, yet it seeks to implement this measure to increase the size of associations from 20 to 200.

The Government is hypocritical as it seeks to protect larger unions, which is paternalistic. It certainly cuts out smaller organisations in individual workplaces or in small industries. Does not the Government recognise the moves towards enterprise bargaining? Apparently not. The Government knows about the SPC deal, where employees took a cut in hours and therefore wages, but at least they all still have their jobs and have the incentive of making their firm profitable. SPC is still trading.

Ardmona is another wellknown company where employees negotiated the security of their jobs for at least 12 months in exchange for the guarantee of no industrial action. Those are just two of many examples I could cite where employees have got together with bosses to strike a deal for their common good. With the State's economy in such dire straits, the last thing we need is an exclusive labour club.

Such a situation would be most unattractive to prospective investors. Who would be investing money in a company employing heavily unionised labour? Such laws deny the rights of employers to deal with employees on the basis of performance, ability and merit. Those ideas have gone out the window in Australian industry over the past 10 or 15 years. The ideas of performance, ability and merit no longer seem to work. Instead, it depends where one is in the union pecking order.

Another disturbing provision limits common law actions that an employer may take in seeking damages for loss caused by industrial action. Members saw what happened in the Mudginberri and other disputes. They go on and on, but still the Government does not learn and it comes in here today trying to further the problem. The Government proposes that, once a dispute is settled, the employer should accept the settlement and not take any common law action to cover any loss caused during the dispute.

What sort of law is that? How fair is it? Can we blame anyone for not wishing to start a business in this country today? Would members opposite invest money in a business trying to trade against those odds? Certainly I would not. Such a provision denies an employer—a citizen of our country—the right to the protection afforded under common law. Effectively, unions would be above the law, and that is just not good enough.

Members opposite do not believe me, but why is small business in the position it is in today? The impact of unions is just one reason. Being in business involves trading uphill all the way. The Government claims that it wants to protect unionists and non-unionists from being underpaid, but this legislation opens the gate for anyone under contract to take a dispute to the commission. The Government also maintains that these people are disadvantaged. The Bill seeks to restrict many common law rights of individuals and employers.

The sole justification is to revitalise the union movement and the fortunes of the ALP. What is the position in respect of the UF&S, whose membership at present is particularly low? The UF&S will get out of its problem by performing and attracting people to join and pay their levies, which have just increased to a high level. Certainly, UF&S fees do not go to the Liberal Party or the National Party. The UF&S has a job to do; it is a union. I could be asking—

Mr Groom interjecting:

Mr VENNING: I am sure that the UF&S would love to impose compulsory membership and we could have a nice scrape off as well, but that is not the case. The UF&S has to perform to attract membership. If it does not, it will not survive. As I said, the subscriptions would be handy for the Liberal Party but it has never asked for, nor does it expect, any funds from that sphere. I wish the Government could make the same claim.

As to all the rhetoric I have heard tonight, Government members should visit the John Shearer factory and see what is going on. In my maiden speech I cited about 20 or 30 companies in Australia which were the world's best but which have gone. Members opposite should visit John Shearer. I do not know in whose electorate it is sited, but all members should look at it. What is left of John Shearer? Do members opposite know what has happened to that company?

Mr Holloway interjecting:

Mr VENNING: That is total rubbish; if that is the way the honourable member thinks, I hope the plant is in his electorate and that the workers read this speech and the honourable member's interjection. That is totally ridiculous. I bought a John Shearer cultivator bar six or eight months ago and paid at least 40 per cent more for it. It is a world quality product but, if something is not done in the foreseeable future, there will not be any Shearer cultivators. Instead, they will be American made. They will be brought out here and painted green.

How many other industries have gone the same way? Government members know full well what is wrong. How can John Shearer compete against the Americans and Europeans who do not have the hangups that we impose on industry? Members opposite want to reinforce that situation through this measure. Soon we will have no industry left. Government members know the companies that we used to have which were world class right across the board. Who invented the harvester in this country? It was H.V. McKay in Sunshine, Melbourne. What does that company do now? It sells class headers made in Europe.

Mr Groom: What's your policy?

Mr VENNING: My policy is to put incentive back into industry and not pass legislation like this. We should reverse it. Government members sit there smugly but they have been here long enough to know how this place ought to work, and the way they are carrying on is making Parliament almost expendable. Indeed, Government members ought to know better. The runs are on the board. I have heard all the rhetoric tonight. Their views go straight over the top.

Government members should go out the front door and turn on their radio and television sets and learn how it really is. This sort of legislation is just what we do not want. Today's *News* editorial says the same thing. I cannot understand the Minister or the Government going along with this Bill. Perhaps this is the payola for the buddies to placate the union movement, which supports the Government with moneys and membership. That can be the only reason for it. I am sure that members opposite know what this legislation does. They know, but they do not wish to do anything about it because in the dying days of the Parliament it is time to thank the mates of their Party.

Australian industry is battling, and this is ridiculous. What Australian made products can we still buy? This situation is all to do with this sort of legislation. I support industry wherever I can. I drive an Australian made motor car and I am proud of that; I will be mentioning that in every speech I make in this place. It is about time we all grasped the situation. What has happened to our industries? What has happened to our shipbuilding and tractor building industry?

Members on the other side laugh and they wonder why people have contempt for us in this place. It is quite ridiculous. They are living in a different world. They must be; they have lost control of the people. I could not believe what the member for Albert Park said this afternoon about union bashing and the outside influence of the Liberal Party. I reject that, as a person who has worked with his hands. I have had no outside influence; I have always believed in free enterprise and free bargaining, and I am naturally opposed to a Bill like this. The member for Albert Park says that this is what we have heard before, that it is the same old rhetoric. Members cannot read my speeches in previous *Hansards*, because this is my first speech on this subject. Let us hope that I do not have to do this again, or to recycle this speech in 10 years, because we will be in government and we certainly will not be bringing in this sort of legislation. No way!

The member for Albert Park was boss bashing. That does not do anyone any good. It is time for the bosses and the workers to get together. I do not think that the honourable member really believes in this Bill. In fact, I do not think any members opposite believe in it. It is just a pay off. The Government sneaks it in in the dying days of the session. I ask again: who wants this Bill? About 80 per cent of the community do not want this Bill. As the Leader said, 'You do not read it in the media. Isn't the Government in touch with the electorate?' Today's *News* editorial says it all.

As I said in my maiden speech—and I said again last week—the Government has got it wrong. If members opposite do not believe that, they should just listen and have a look wherever they go. It is a serious problem and we will get out of it only with a bipartisan approach. This country is now in the worst position it has been in since the 1930s. When one considers our trading partners, one sees that we are probably even worse off, because we really should not be in this position, given that we have not had droughts or any serious problems, catastrophies or anything else. It is legislation such as this that has caused the problem. We will get out of this situation with personal initiative, incentive and hard work. Unions have been smothering work practices in this State and in this country. They have taken away the need for individuals to be proud of their efforts, they have killed off the employer/employee relationship.

I work with my employees and I work with my hands. That is the way it should be. There should be a good relationship with the workers and that is happening more and more all the time. Many white collar workers are putting on a blue shirt to go to work with the men. Likewise, the blue collar workers are getting more and more frequently into the board rooms. Members opposite know that. It is called cooperation. There is no compulsion, and I wish that the Government would remember that when it brings in legislation such as this.

I am not union bashing. I am not a union basher. I often talk to Mr John Crossing of the Railways Union about many issues. He has a responsible job to do and he respects the job that I must do here. It is talk, talk, talk. It is rhetoric and it is jolly cheap in this place. I ask members to consider the effect of a Bill such as this. Anyone should be performance tested. Members opposite should check the effects of this sort of legislation: it is getting them nowhere. I think they know that, but once again they are paying off their old mates. The Government and its Federal colleagues have done this to a proud country. Members opposite should consider what has happened, and a lot of the blame rests with bad, poorly drafted legislation that gives the wrong

direction. Yet the Government brings in this Bill. It will be thrown out of office when South Australians are next asked to decide. There is no doubt about that: the Government will be defeated and this is the sort of legislation that has brought it on. Surely the Government must have learnt a thing or two from the economic crisis. As it is, this Bill must not be allowed to pass.

The Hon. R.J. GREGORY (Minister of Labour): I move:

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

Motion carried.

Mr BLACKER (Flinders): I oppose this Bill, because I think it is time that we, as a Parliament, took a long, hard look at where we stand in terms of our performance in production in this State. We must assess the role that all parties play—for the employees, the employers, the unions and all other participants—in relation to the productive capacity of our State. This afternoon and tonight we have listened to a number of speeches and some of them have been emotional and it could be said that some have been one-sided and took a personal view.

The speech to which I give most recognition is that of the member for Newland. The honourable member's speech was very well researched and I believe the House should take a lot of notice of it. I have no qualms with the general principle of the union movement. From time to time I have referred various of my constituents to their respective unions where an employer has been totally unfair and irresponsible in the employment of labour. Unions have a role and should have that ability. However, the whole principle should be that that right to join a union or an association should be based on the wish of the employee—whether he or she wishes to join the union.

I could cite many examples within my electorate, and I have no doubt that every member here, if they were honest, could cite many examples, where industries have been lost. Many reasons will be given as to why those industries have gone. I could go back a few years when we had a thriving live sheep trade out of Port Lincoln. There were literally tens of thousands of bales of hay produced locally. Local farmers were cutting, baling, delivering to Port Lincoln and loading on the ships feed for the stock that was being shipped, in the main, to the Middle East. The tragedy of the situation is that we no longer have that business. There are two reasons for that: first, it was too costly to provide hay and to load it on the ships at Port Lincoln.

It was about that time that the shipping agents and those chartering the vessels decided that they could not pay the tremendous costs involved. They decided to use pellets. For a while they carted the pellets by semi-trailer from Adelaide to Port Lincoln and loaded them onto the ships, because in that way they could avoid the high waterside costs. After a while that practice petered out. Now, if the producers want to avail themselves of the opportunity of a live sheep market (if they can), they have to come to Adelaide. As a result, there is no profit in it.

I refer back to the baled hay situation. A farmer at Cummins could contract to grow the hay and provide the paddock, plant the crop, cut it, rake it, bale it, mature it, cart it, deliver it to Port Lincoln and put it in a stack for $2.40 a bale. It was part of a year's work to do that. Yet it was costing $10 a bale to lift it off the railway truck and put it on board the boat. Every one of those farmers would have gladly gone down and lumped every bale on board that boat for $10, for half or even for a quarter of that price. The simple operation of lifting the hay from the railway truck, which was alongside the boat, onto the boat was four times the price of the total production costs of that bale of hay.

Such situations have created tremendous problems for all our industries, because they provide the employment opportunities for the unionists. What I see happening with this legislation is that we will have everyone in the union, but very few jobs for them. The Government must take stock of the position and see which factors have meant the loss of jobs. Thousands of jobs have been lost in this State in recent times.

Another classic example of what I am saying involves the waterside workers. I do not wish to concentrate on that one, but it was an example which came to pass in relation to Continental Grains. They were shipping bagged grain out of Port Lincoln. Good contracts were being sent out. The manager called me round one day and said, 'Peter, would you come and talk through some of these situations?' For the benefit of members, I point out that the grain was loaded out of the bagging works into hoppers—roughly five to eight tonnes per hopper. The bags were loosely filled, machine sewn, and the hoppers were taken round to the ship's side, lifted on by crane and dumped into the hold of the ship.

The dilemma for Continental Grains was that the Port Lincoln waterside workers were much more efficient than the Whyalla or Port Adelaide waterside workers. Because there was only one waterside workers gang in Port Lincoln, it was more cost efficient for Continental Grains to pay double demurrage for that vessel to stay in port for 21 days instead of the normal 10, run a single shift and use Port Lincoln wharfies because they knew that their jobs were on the line if they lost that industry.

What happened? Waterside workers from outside found out that that was taking place and it was stopped. The waterside workers at Port Lincoln were five bins an hour faster than Whyalla waterside workers who, in turn, were five bins an hour faster than those at Port Adelaide. There were other complicating factors, such as bringing in gangs from other areas adding to the on-port costs in just that industry.

The member for Custance and other members have spoken about other industries. I do not believe that there is a tractor manufacturer left in Australia now. Why? Because we are just not cost efficient in terms of our labour opportunities. Even a little Australian flag is made overseas and brought here. It has 'Made in Taiwan' stamped on the back of it. That is hardly anything of which to be proud.

Many of our fishing industries are moving offshore now, much to my disgust and regret. But it is all getting back to the cost of labour and the ability of the Australian work force to compete in other areas. Every time a further restriction is placed on the cost of labour, it is at the expense of jobs and of industries. Therefore, we must take a long hard look. The bottom line is: what has it done for this country and this State? I think that many of us would have to question where we are and why we are at such a low stage of recession or depression, whichever way we might like to put it.

Freedom of choice is great, but, if one does not have a job, where does one stand? There is a disturbing statement in the editorial in today's *News*. I think that parts of it have been quoted before, but I should like to quote part of it because it epitomises the thoughts of many. Referring to compulsory strikes, it states:

The Bannon Government should today be feeling severely embarrassed. In addition to its embarrassment about State financial institutions comes the news that last year South Australia had its worst industrial dispute figures for a decade. Yet on the same day it forges ahead with legislation which would strengthen preference to trade unionists and so almost inevitably increase the likelihood of disputes. Like all Labor Governments, allied

with and relying on trade union support, this administration fails to acknowledge changing times. It would be interesting to discover how many of the 125 000 working days lost in 1990 were the result of genuine workplace conflict and how many were ordered by the union bosses with the membership complying most unhappily.

Probably the last three lines come to the point: how many of the disputes that have cost this State 125 000 lost working days were because of work-related problems and how many were at the wishes or demands of the union bosses, expecting the union membership to follow suit?

As I mentioned at the start, there is a place in our community for unions. On a number of occasions I have referred constituents to union organisations and to various Government instrumentalities where I and my constituents believed an injustice had been done. However, we must weigh up the costs of all of this. We must consider what it is costing in jobs and opportunities for people to gain employment. After all, there is no point in having tens of thousands of people as members of unions if they do not have jobs. That is really the crunch point. Let us take a good long hard look at where we stand, look at the cost of labour and make sure that we are making constructive moves to remedy that situation and not further making it more difficult for employers to create employment opportunities.

I will leave it at that. No doubt other questions will come up in Committee. However, I must indicate my opposition to the Bill. I do not believe that it can serve any useful purpose at present, because some of the best and most efficient places of which I know have that open workshop opportunity for employers and employees to agree to a set of conditions by which both parties are prepared to abide, and they seem to be the most harmonious and productive.

Mr LEWIS (Murray-Mallee): The way that this legislation is written will lead us into a situation in which some of our emerging export industries will be destroyed instantly. Many of those existing industries will have their opportunities further eroded and the capacity for import substitution industries to get established in the kind of industrial relations environment envisaged by the substance of this legislation will also be destroyed. Australia in general and this State in particular will be the poorer if this measure passes in its present form.

Nobody can deny that there is a place in the world for trade unions or for other associations of like-minded people who wish collectively to put a point of view in the interests, as they see them, of the members of that group. Such associations have served society well in the past. However, to give associations, which have some role in determining the price of labour, the kind of power which this measure provides over other interests in society will enable those associations to destroy not only the enterprises and the employees of those enterprises that they seek to serve but also the associations themselves. They are parasitic.

So be it; if that is what the Labor Party wants, that is what it will get if it uses its crude number crunching mechanism to introduce these kinds of provisions. It will not serve its interests as a political Party, the interests of the associations into whose hands these powers will be placed, or the interests of the people it claims to represent. The bottom line is that it will not serve our interests as a society. Compulsory anything does not help, because it antagonises many people who believe that what they do should be at their own discretion. Indeed, that is the way in which the United Nations Charter sees it, and that is the way in which the International Labour Organisation sees it. Therefore, I do not see the wisdom of this Government's view, which is in direct contravention of that view.

The last time in European history that it was compulsory to join anything at all, it did not produce the kind of prosperity and stability that the advocate believed; it did not produce the kind of society that the advocate believed would be achieved by his insisting on it. Charlemagne created an empire by compelling people to join the Christian church, of which he was the constitutional head, or otherwise they would be put to the sword. This legislation is no different from that. It provides that people will either join the union or be without a job and, if their employer does not insist that they join a union and pay the dues the way the union wants them paid, the employer, too, will be out of business.

I put to members opposite that, if there were 100 citizens who cooperatively decided to contribute $1 000 or more each to a fund and then form a company of which they were all shareholders, to go into business of one kind or another, they would have to join a union under the terms of this legislation, if a union approached them and required them to do so, even though they were in effect self-employed. There would be no means by which they could be their own employers, taking wages as employees of the enterprise they all owned collectively. They would have to join the union, whether they were furniture manufacturers or clerks, and to my mind that is retrograde. It does not help anybody.

In this age, as we approach the turn of the century, we should be encouraging people to invest their savings—not necessarily all of them, but some of them—in the enterprises from which they derive employment. More and more people ought to become greater owners of the equity—the capital—of the enterprises in which they work. I am not advocating collective State ownership of everything, where nobody owns anything but everybody owns everything. That is the way it is in Eastern Europe; nobody owns anything but everybody owns everything. That is the way it has been in the USSR, and it is about to change.

It does not help in any circumstances if we compel people to join an association against their will and in so doing pay themselves a wage that will drive their enterprise to the wall. How ridiculous can a law be that does that? Yet that is what this law will do. It is no more or less relevant than the opinions and policies advocated by religious despots in the dark ages, the middle ages and a few centuries ago, until the beginning of this century. That is where this legislation comes from. To give the Minister credit, the legislation does mirror the legislation at the Federal level in many instances. It goes further than that, but we will not go into the detail; we will simply accept the generality of the claim he made recently in the public arena.

It adds a warp to the weft in the cloth that is being woven, and completely closes the means by which any citizen can choose to belong to an organisation or not, choose a career or change to another career if they find unsatisfactory, in one way or another, the kinds of enterprises in which they set out to work at the beginning of their career. The way in which they belong to one union will mean that they are unable to find employment in a job that requires them to belong to another. They will not have employment experience and, indeed, be unable to get it.

The majority do not want this legislation; that is clear. Public surveys clearly indicate that the majority of people who have employment certainly do not wish to belong to a trade union. That does not mean that trade unions are bad; it simply means that they are seen by the majority as irrelevant. That being so, I do not for the life of me see why we should compel people to join against their will and,

as I said, against the provisions of the United Nations Charter and the International Labour Organisation's views on these matters. Indeed, there is less support for the ALP than there are members of the trade unions at present, if recent polls are to be believed, yet the Minister persists in compelling that majority to belong and to pay against its will. I wonder why. I think it is quite simply that not only does the ALP derive some benefit from the sustentation fund but also any members of the Labor Party who did not vote in this place in favour of such legislation would smartly find themselves disfranchised. They would not be endorsed next time around; they would be out on their ear. That is what it amounts to for people in the Labor Party. So, they cannot, regardless of their conscience—

Mr MATTHEW: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr LEWIS: No matter what, members of the Labor Party know that if they do not support this legislation they will lose their endorsement the next time around. They are compelled to support it. They also see further self interest in that they can derive benefit for their Party from people who are not members of that Party by compelling them to contribute to the union which in turn contributes to the Labor Party's re-election campaign funds and further distributes propaganda for the ALP. That extends not only to people in industry outside but even bastardises this place. Members who work for this Parliament under this law the way it is written must join a union.

Mr QUIRKE: On a point of order, Sir, that language is unparliamentary.

The SPEAKER: I missed what the honourable member said.

Mr QUIRKE: He suggested that the Parliament did not have a proper father.

The SPEAKER: The point of order is not taken. In general terms the word could be considered obnoxious. However, in the context in which it was used it was correct, so there is no point of order.

Mr LEWIS: My point is that the people who serve this Parliament will be compelled through their contributions, after having been forced to join a union whether or not they wish to, to support the Labor Party. That is what the legislation will do. There is no question about the fact that the right to choose to be independent of political taint in any way, shape or form is not present. This legislation compels people employed in this institution to join a union, whether or not they like it, and accordingly directly or indirectly subscribe to the Labor Party.

Mr Atkinson: Not all unions are affiliated with the ALP.

Mr LEWIS: This legislation envisages that they will be. Notwithstanding that point, which members opposite go to great pains to deny (and, as Shakespeare said, methinks that they protest too much), the Minister at the table knows that it is so, as do all members opposite.

The Hon. R.J. Gregory: You are a fool.

Mr LEWIS: I point out to the Minister that I take exception to his view that I am a fool and invite him to consider the point that, if I am, it takes one to find one. This legislation will do nothing to solve the country's current economic problems. We already know that to a large extent much of the problem we have is a consequence of there being no relationship whatever between the rate of pay of our labour force and the productive output (that is, the value of the work done by that labour force). We obtain disposable income which in no way reflects the productive contribution we make. Too often it in no way reflects the productive contribution we make to the common welfare of ourselves and our citizens.

It is seen by members of the Labor Party that unions can simply insist that their employers pay them more and, if the employers do not, there is a dispute. Following procedures existing in law and further elaborated in this measure, the dispute will be resolved to the satisfaction of the employer and employee (that is, the employer organisation and the union) without regard whatever to the value of the work being performed. The consumption ability of the wages so obtained is in no way proportional to the contribution made by the people getting them to the common welfare of the State, country or society. That is why we are in the trouble that we are in now—it has not only given greater consumption power to the work force but in the process has destroyed the viability of export industries and import substitution industries which could solve the malaise from which we suffer. We have an imbalance of trade and cannot compete on world markets.

This legislation goes no way—indeed it goes in quite the opposite direction in every instance—towards providing the political direction needed for this country at this time. This legislation does not help the country solve its problems and get the unemployed back to work or enable us to do the things that we can do well and do best in respect of the products we can sell to the rest of the world. It destroys the viability of business and will destroy the viability of the country. Before we reach the time for the scheduled holding of the next election, we will, I fear, be engaged at least in civil disobedience and perhaps in civil disturbance. That worries me.

I have been to meetings back and forth, north and south across the length and breadth of this State in the past few months and I have found people willing to engage in that sort of activity. They are not members of unions but are fed up with the way that their prosperity is being destroyed as a consequence of the greed demonstrated by such power as is presently in the hands of the trade union movement. Nothing is being done to address that problem and, as a consequence, those people are going to the wall, some more so than others. There is no understanding in the union movement of the need for a correlation or connection between the value of productive output of the work and the wages paid for it.

It is therefore germane—indeed, more important than that—that, if we care one iota about ourselves, our children and those of our neighbours as well as the future of this country, we do not accept that this approach will in any way enhance the prospects of a better tomorrow. It will most certainly be worse. It is therefore bad law. It may be part of the ideological commitment of members of the Government, but I remind them that it is a minority Government imposing this measure on a majority of citizens, and the Government has no mandate to do so.

Mr MATTHEW (Bright): Without doubt this legislation would have to be one of the most draconian measures ever put before this Parliament. It was interesting to note the way that the Minister for Labour lauded its introduction in his second reading explanation, wherein he stated:

> Australia is currently undergoing a period of fundamental change. At the centre of those changes are the major reforms occurring in our industrial relations system at the national level.

Let us see what sort of reforms the Minister wants to introduce into this State through this legislation. He wants to remove employers' rights to sue a union for damages in the Supreme Court following an industrial dispute; to abolish special State tribunals and transfer functions to the State Commission; to limit access to wrongful dismissal provi-

sions by excluding employees not covered by an award and whose salary package exceeds $65 000; and also to provide power to grant preference to members of registered associations. In other words, it gives preference to trade unionists. This aspect is one on which I want to concentrate at some length.

It is important to look at exactly what the term 'preference to unionists' means. It means nothing other than compulsory unionism. That term has been defended and denied on the other side of this House tonight, but it is important to look at what will occur in this State if this legislation is successful in its present form. We will see a company wanting to hire staff, finding itself obliged to offer a job to a union member to meet the requirements of the legislation even if a better prospect for the job exists but is a non-unionist. The legislation hampers work force skilling and it is inefficient. If that is not compulsory unionism, what is? I refer to a situation where two or more existing employees compete for a promotion. One is a unionist who meets the requirements of the job, and the other is a non-unionist but is better qualified. Under this legislation, the job must be given to the trade unionist. Once again, if that is not compulsory trade unionism, what is?

A company that is union free, by having to apply preference provisions, may unwillingly engage a union 'plant' who causes trouble and disruption designed to force union membership through the whole company. A company having to retrench staff in a time of recession (and this is a most important point because the State finds itself in this situation at the moment) will be forced to get rid of non-unionists first. It does not matter how good an employee the non-unionist may be: under legislation this company will have to give preference to the trade unionist.

Mr Ferguson: Hear, hear!

Mr MATTHEW: The honourable member opposite says, 'Hear, hear'. Is he saying that that is the sort of thing he wants to happen? No matter how much effort an employee puts into a company, if he is a non-unionist he is first out the door. Is that the sort of line the honourable member wants to see applied? Will the honourable member stand up and support that?

Mr Ferguson: Hear, hear!

Mr MATTHEW: You must be kidding. If that is the sort of draconian legislation he wants to impose on this State, the honourable member really must have rocks in his head. When overtime becomes available once again we will see a situation where it must be awarded to trade unionists before it can be awarded to anyone else. In a situation where two employees apply to go on leave at the same time, once again preference must be given to the trade unionist over the non-unionist.

Effectively, these provisions imposed by this Government will ensure that employers lose control of some of their company and their investment to win the trade unionist. It does not matter that they are putting their hard-earned dollars into the betterment of this State to try to prosper this State and provide jobs. According to the Government, that does not count—it is thrown out the window. All that seems to count is jobs for trade unionists and perks for trade unionists. It does not matter how hard the employee works.

I think it is interesting to look at how this sham is being received by the newspapers in this State. I would like to quote brief extracts from each of the three main newspapers in this State. First, I quote from the editorial in the *Sunday Mail* of 14 October 1990. Headed 'Back off, Mr Bannon', the editorial states:

> If anyone had any lingering doubts that Labor had totally lost its marbles, actions in the past week must surely have seen those doubts dissolved.
>
> Amid the start of a sudden and catastrophic economic collapse, the South Australian Government unveiled plans to create a huge sheltered workshop for its longtime supporter, the trade union movement.

I now turn to an editorial in the *Advertiser* of 15 October 1990. Headed 'The way of the dinosaur', the editorial states:

> The Bannon Government's proposal for compulsory unionism—a sort of ambit claim for intended legislation—might seem like a bit of a giggle in 1990. But it is not just a joke, certainly not to the United Trades and Labor Council which still believes it has a right to run society through a puppet Government. These people are serious.

It goes on further to say:

> We have as a society sought a fair measure of equality, of opportunity with sex, age, religion, race and so on. It would be reactionary now to discriminate against non-unionists in employment, promotion, regrading, retention in employment, annual leave, overtime and training. It would be out of tune . . .

The article goes on further to say:

> Freedom of association, which must include freedom not to associate, remains a fundamental human right. It is also economically irresponsible to insist on the promotion of workers belonging to some association rather than on merit.

That particular paper has been running a very intelligent campaign against this draconian legislation. On 3 December 1990 it published another editorial featuring the legislation. Headed 'Government must drop union plans', the editorial, in part, states:

> South Australian business is hurting. The country is now officially in recession; on 1 December corporate tax payments are due, followed by post-Christmas holiday pay with its unnecessary 17.5 per cent loading, land tax assessments will start going out and interest rates remain high despite a period of low cash flow. It is no time for social workshop experiments. It is a time for hard, pragmatic business decisions.

Lastly, I quote from the 'Opinion' section of tonight's *News* headed 'Compulsory strikes'. It states:

> The Bannon Government should today be feeling severely embarrassed.
>
> In addition to its embarrassemnt about State financial institutions comes the news that last year SA had its worst industrial dispute figures for a decade.
>
> Yet on the same day it forges ahead with legislation which would strengthen preference to trade unionists and so almost inevitably increases the likelihood of disputes.
>
> Like all Labor governments allied with and relying on trade union support this administration fails to acknowledge changing times.
>
> It would be interesting to discover how many of the 125 000 working days lost in 1990 were the result of genuine workplace conflict and how many were ordered by the union bosses with the membership complying most unhappily.

There is no doubt that the editorials of those three newspapers reflect a majority of community opinion in this State today. There is no doubt at all, and we need only turn to a survey conducted by the Roy Morgan Research Centre published on 8 November 1989. Interestingly, that survey indicated that 87 per cent of the general population believes that union membership should be voluntary and 82 per cent of union members hold exactly the same view. Despite all of that, this Government seems hell-bent on putting forward this irrational legislation.

'Why is it doing it?' South Australians are asking. Quite clearly the answer lies in union membership and the sorry state in which it finds itself at the moment. Unions are finding it more and more difficult to entice women and young people into their ranks. The increasing number of casual workers, particularly in the service industries, is also eroding union numbers. The union movement is the lifeblood of the ALP. That is something that members opposite do not deny. We all know it is, and we all know that the ALP is facing ailing political fortunes.

Is it any wonder they want to force people to try to join a union, to try to force an increase in the numbers who have contact with their Party, and to try to force extra contributions to their Party's campaign fund? They know that over the past five years the proportion of people in the work force belonging to a union has fallen, and they know it has fallen from about 46 per cent to about 41 per cent—at the rate of 1 per cent per year. Union membership is declining at a rate that they cannot afford, and they cannot afford it as they come up toward the next State and Federal elections.

We then need to look at what life has been like under a Labor Government as it moves towards this draconian implementation in this State. I found an interesting article in the *Advertiser* of 17 October 1990, written by political writer Rex Jory, who said, in part:

> Three months ago a small manufacturing plant in the south-western suburbs ran into hard times. Orders dropped. There was not enough work for the staff of seven. The boss had no choice. Someone had to be sacked. He decided to retrench a long-serving staff member who was not really pulling her weight. The union stepped in and insisted the last person taken on had to go. That person happened to be a good worker with a high rate of productivity, an impeccable record of punctuality and attendance.
>
> The union insisted. The good worker was dismissed, the favoured one remained. It is a simple case history from the records of an employer group. The boss had rung asking for protection but in the end there was nothing that could be done. The union decision won the day. The favoured one was protected.

Now they seek to protect those people further through this sort of legislation. As I have already said, it does not matter how well someone works; that will go out the window. It will be preference to unionists at all costs, preference in order to force people to join trade unions in this State. This is nothing short of a slap in the face for freedom of the individual. It goes hand in hand with other moves made by the Labor Party at the Federal level.

We see now the debate emerging on the ban on political advertising. That is also part of the scheme, the underlying plan, that the Party at both Federal and State levels wants to see implemented. First, they cut out the medium whereby people can tell the public and keep them informed of what is happening; then they start soaking up more funds to the membership base by this sort of draconian legislation. There is no doubt that they see it as necessary to support their ailing political fortunes. This legislation is being introduced for no other reason than the decline in union membership and the need to support campaign funds.

Further provisions in this Bill make it impossible for unions to be sued in the civil courts for the economic consequences of their actions. There is no doubt that the Labor Party seeks to protect union officials and seeks to put them beyond the law through the provisions of this Bill. As with compulsory unionism, this is a fundamental matter of rights and responsibilities. The Liberal Party, as has been put forward by many members on this side (and particularly by the member for Bragg), has stated that, in Committee, we will be putting forward a number of amendments to ensure that, amongst other things, union officials are held fairly and squarely accountable for their actions. The provisions of the Bill relating to preference of unionists and the right to take civil action against unreasonable union behaviour are also undemocratic and unnecessary. They seek to give unions a privileged position in our society. They do not require union officials to have to earn their membership and they do not require union officials to have to act responsibly.

They seek to enshrine and extend the excesses of the past at a time when the future demands new decisions and new solutions, not turning back to the old draconian ways of many years gone by. Any responsible union official does not need the protection offered by this legislation. I am sure that the Minister would have found that many unions have no doubt put forward that point to him. Only the Labor Party needs this protection, and it needs it to protect its own political base. It needs it to survive and, by heck, members opposite will not get away with it if members on this side of the Chamber have anything to do with it.

I encourage members opposite, if they have any guts, if they have any conviction, and if they believe they are here to support their electorates, the people who elected them and not just the Party machine, to listen very carefully and closely to the amendments put forward by this side and act appropriately and support those amendments to ensure that this legislation becomes something workable and not the draconian piece of trash that presently sits before us.

The Hon. R.J. GREGORY (Minister of Labour): In listening to the contributions of members opposite tonight, I wondered what sort of a Bill I have introduced. They referred in the main only to an aspect of clause 15, which refers to section 29 of the Act, which provides for some preference to unionists. They also seem to have forgotten that an amendment to that clause, which I will move at a suitable stage in Committee, was distributed today. I am currently reading for my own amusement a book entitled 'Religion and the Decline of Magic'. In that book, a whole number of things are blamed for the cause of plague, pestilence, death and everything else you can think of. Tonight, we have seen—

Mr INGERSON: On a point of order, Mr Speaker, whilst I am amused at the fact that the Minister has been enjoying reading a book during this debate, I am quite sure that we would like to have his remarks brought back to the Bill before us.

The SPEAKER: I do not uphold the point of order at this time, because many members in this House who have been involved in the debate have taken time to develop an argument. The Chair has been fairly relaxed in its attitude generally in the initial stages to enable members to build their argument. However, if there is no relevance in what the Minister has to say, the Chair will take the necessary action at that time.

The Hon. R.J. GREGORY: Thank you, Mr Speaker. I always knew that the member for Bragg was very impatient, and he demonstrated that again tonight. As I was saying, this book states that a number of things are blamed for all sorts of occurrences in the Middle Ages. Here tonight we have had paraded before us from the other side of the House that all the ills in the economy in South Australia and Australia will be caused by the inclusion of clause 15 in this Bill which provides:

> (1) Where, in the opinion of the commission, it would be appropriate to make an order under this section—
>
> *(a)* to prevent or settle a demarcation dispute;
>
> *(b)* to further the objective of achieving a coherent national framework of employee associations, or to achieve consistency with any award or decision of the Commonwealth commission directed at achieving that objective;
>
> *(c)* to protect persons who are members of a registered association from discrimination in employment;
>
> or
>
> *(d)* to facilitate the proper representation of a particular class or group of employees in respect of their

rights or interests under this Act, an award, industrial agreement or contract of employment.

the commission may, by award, direct that, in relation to the engagement or retention of persons in employment, preference be given, in such manner and subject to such conditions as are specified in the award to persons who are, or who have undertaken to become within a reasonable period, members of a registered association specified in the award.

We find that that is going to bring economic ruin upon Australia. It is even blamed for the demise of fishing in the Great Australian Bight. Certainly, I thought the problem of fishing in Gulf St Vincent was a lack of prawns, because most of the people—

Mr Ingerson interjecting:

The Hon. R.J. GREGORY: They are mostly on the honourable member's side and he knows them all. We have been told that it caused the demise of the fishing fleet. Do members opposite know how people are engaged on fishing vessels? They take a share of the catch and are not engaged under award provisions. Let me lay that one to rest. Tonight that was seriously suggested by the member for Flinders, for whom I have respect, but I could not believe it.

It seems that if we had an eclipse tomorrow or if Halley's comet turned up, the same argument would be advanced—that an evil thing will result from providing the commission with power to award some preference. I suggest that the attitude of and statements made by members opposite are as intelligent as some of the things I have been reading in the book about what was said by people in the year 1500. There is about as much relevance today as there was then.

Certainly, there is great paranoia of members opposite which demonstrates their hatred for workers and their desire to turn back the clock. I was interested to hear the member for Bragg and the member for Victoria agree that workers have the right to strike, yet a number of members opposite indicated that they do not support the provision suggested by our Party to limit the right of employers to recover losses under action of tort in the Supreme Court after an industrial dispute has been settled.

In effect, they are saying that they want to wreak revenge after an industrial dispute has been settled. Opposition members do not understand, despite their quoting freely ILO regulations and conventions that, if unions go on strike and are then persecuted by employers through tortious actions in the Supreme Court or any other court, they do not have the freedom to strike, and the ILO has stated that. The ILO made that clear in respect of the pilots strike. The actions of employers by taking action under tort against the Pilots Federation denied the federation the right to strike. That was against the ILO convention. Where does the Opposition stand on that?

I hope that, when we deal with the clause that seeks to stop employers from seeking revenge, if there is a division and Liberal Party members want to deny that amendment, the member for Bragg and the Leader will come across to this side of the House. By doing that, they will let people have the right to strike. I remind the House that the history of the right of unions and workers to organise into unions and take industrial action is long steeped in Australian industrial law. Indeed, it springs out of the anti-combination Acts of the 1830s in the United Kingdom.

Many people came to Australia to escape the persecution that they were suffering as workers in that country. It is true that members on this side of the House belong to unions. Some of us have belonged to them for a long time. As members of unions, we also understand a little about the struggles and the history of unions that have continuously operated in this country since 1851. I am a member of a union that has been in existence since that time.

I know also that, if workers do not have the right to strike, they are not free. Being able to strike means that one can do so without fear of losing one's house and all other wordly goods. Tortious actions can take away all possessions from workers who undertake that course of action.

The concept of enterprise agreements has been advanced today. I do not know whether Opposition members understand those agreements. If they want to go down the route of people organising themselves and reaching enterprise agreements with employers, with unfettered rights, they have also to expect, as the member for Victoria said, that people have the right to strike if they want to. People should have the right to do that without fear of being persecuted later by a vengeful employer.

Mr Ingerson interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: I do not know why the member for Bragg interjects: he does not know what he is talking about.

Mr Ingerson interjecting:

The Hon. R.J. GREGORY: I think I know more about it than the honourable member does, because I have been there and done that. In America, where these agreements are enforced by the courts, there are some pretty decent strikes. Certainly, I remember reading of a judgment in a civil court in America which restricted the people on strike and those at work because they were using firearms. The judge ordered that they were to use shotguns and not rifles and that they were to be stationed far enough apart from each other because they might hurt each other.

Those are the industrial agreements that members opposite are talking about; they are binding for two or three years and then, when it comes to negotiation, if the employees do not receive what they want from the employer, they go on strike. Some strikes have run for 18 months. However, we have a system here that works well. Certainly, it works extremely well in comparison with those situations. Our system assists many people and ensures that all the little people in South Australia and Australia get adequate wages and are not placed in the position of going to work for $3 and $4 an hour as an adult.

One only has to read about the conditions of black people in the major cities of America to know what can result. White people are not game to walk in these areas where most blacks cannot get work. We have the ridiculous situation of people suggesting that welfare should be reduced in order to force people to work when the hourly rate is $3.75. That is not a fanciful claim.

One need only read *Time Magazine* or the insert in *News Week/Bulletin* to understand that that is the sort of situation that members opposite want to create. Their Federal counterparts have also said that they would reduce the amount of money that people will get through social services in order to force people back to work. In other words, they want to force people back to work on starvation wages. However, in Australia we have a system that solves disputes reasonably well.

A number of members have made great play of the recent strike figures in South Australia, particularly those relating to the latter part of 1990. What they did not say was that no time was lost in December 1990. They also did not refer to the fact that a number of industrial disputes were of a Federal nature. The union movement, under the leadership of people elected by the whole rank and file, was responsible for establishing criteria for wage increases which, incidentally, union members will be receiving soon. Those nationally led strikes have had a significant effect on South Australia, because we have a much higher proportion of

workers in the metal manufacturing area than other States have.

However, if one looks at the underlying trend in this matter, one sees that this State has a low level of industrial disputes. That is one of the reasons why a considerable proportion of this Bill is designed to change the South Australian Act to reflect, as near as possible, the Federal Act and to provide for the dual appointment of Commissioners, Deputy Presidents and the President, so that there can be a unification of the two systems and rational decision making in relation to disputes that cover the State and Federal award areas.

The Government believes that that is the right way to go and that we will see an enhancement of dispute settling procedures in this State. We do not seem to have long-running disputes where the commission is used in the settlement process. We frequently see sessions arranged very quickly by the commission to assist in that process and I am confident that the measures that we are implementing here will assist in that area. The amendment will also ensure that people entitled to superannuation will now be able to sue to get it. I refer again to preference to unionists. At no stage did members opposite refer to the attitude of the Liberal Party in the national Parliament. That Party did not vigorously oppose amendments to the Industrial Relations Act. I wonder whether members opposite will support the amendments to this Bill in the same way that their counterparts supported the Federal measure. They hardly raised a squeak.

In 1947 provisions were inserted in the old Conciliation and Arbitration Act which allowed for a form of preference, and those provisions have applied for nearly 44 years. During that time in South Australia we have seen the greatest expansion of manufacturing industry that could possibly have occurred and most of that happened under the Federal awards of the old Conciliation and Arbitration Commission, which was provided for in that Act. It did not stop overseas entrepreneurs and international and national companies from investing in South Australia.

I challenge members opposite to refer to court cases where preference was granted by the commission that resulted in compulsory unionism, because they either do not know or they deliberately choose to mislead this House and everyone they talk to by saying that the amendments in clause 15 of the Bill will create compulsory unionism. As a Party, we have never said that we supported compulsory unionism, nor would we ever introduce it in this Parliament. I am on the record as saying that for as long as I have been a union official. We do not have legislative requirements for compulsory unionism, and members opposite know that. Let us go through some of the facts so that members opposite who are inexperienced in and know little or nothing about industrial relations will know what compulsory unionism means. It is a legislative requirement that, if one goes to work in a particular place, one joins a particular union. If one does not join the union, one is fined. That is compulsory unionism and that will not be the effect of this legislation.

Mr Ingerson interjecting:

The Hon. R.J. GREGORY: The member for Bragg says, 'You just don't get a job.' What the honourable member is saying is that all workplaces in South Australia have compulsory unionism, but in his contribution he said that union membership is so low that it does not matter, anyway. He cannot have it both ways. In certain industries, through their unions, workers have negotiated with employers and have arranged that they will not work with people who are not members of the union. Employers have actively assisted in that because an industrial agreement has been reached.

Mr Ingerson interjecting:

The Hon. R.J. GREGORY: The member for Bragg is suggesting that people cannot freely reach agreement.

Mr Ingerson interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: I take a point of order. I am the member for Florey and the Minister of Labour. I am not 'Robert' in this place. Those agreements are freely reached between the unions and the employers. If a union negotiates with an employer a set of working arrangements that establishes how work will be performed, which classes of employees will be employed, what they will be paid, their hours of work, their breaks, the conditions that apply if they are sick, whether they have to move around, and the myriad of other things that happen in a workplace, and if the agreement reached states that the company will not employ workers who are not members of the appropriate union, I think that that is a freely reached agreement and should be honoured.

I am reminded of the contribution of the member for Mitcham tonight. He said that he likes being a member of the RAA and does not mind paying the contribution each year because he knows that he will get a service. People who do not pay the RAA do not get a service from that organisation. If they contact the RAA and a service is provided, they are charged accordingly.

Mr Ingerson interjecting:

The Hon. R.J. GREGORY: The member for Bragg interjects that they ought to pay. Workers are saying that on a site where they may have an agreement with their employer that employer will not employ non-unionists; those people who want to work in the industry and who want all the benefits that have been negotiated, but who do not want to belong to the union, will not be employed at that workplace. That is what the agreement says and it cannot be denied. What is the difference between the RAA situation and, say, the arrangement reached between the Amalgamated Engineering Union, Australasian Society of Engineers, Electrical Trades Union and Vehicles Builders Union and General Motors Holden's at the Woodville, Elizabeth and other plants throughout Australia? What is the difference? None whatsoever.

Members opposite have been making great play about the arrangement of unions and their affiliation to the Australian Labor Party. One could be led to believe that the hundred-odd unions affiliated to the United Trades and Labor Council are all affiliated to the ALP. I suggest that members opposite, who have had a far better education than some of us, ought to use their ability to read the English language in order to check some records. They will find that the ALP has about 40 unions affiliated to it, not about 100. It is not an uncommon mistake to make.

I can recall a lecturer in politics at Adelaide University writing to the Royal Australian Nursing Federation, as it then was, advising it that the United Trades and Labor Council was affiliated to the ALP. When I pointed out to him that it was not—I was the secretary at the time and I had some idea where its money was being spent—he said, 'I thought it was.' I said, 'Will you write and tell that organisation that you made a mistake?' But he declined to do that. He was one of those people who shoot off their mouths and do not want to acknowledge that they do not know what they are talking about.

I suggest that the contributions by members opposite with regard to the ALP's affiliations with the unions are wrong. Not only are they wrong, but they are dramatically wrong. If they persist in what they were saying, they will be misleading this House and the public at large. If they want to check up, they should go and do so. I do not mind having

arguments with people about philosophical differences on whether one should or should not be in a union or whether somebody wants to freeload on the work that the unions do, but I do mind when they blatantly mislead people and then say that what they are telling people is the truth.

Mr Ingerson interjecting:

The SPEAKER: Order! I draw the attention of the member for Bragg to Standing Order 142. The honourable Minister.

The Hon. R.J. GREGORY: I think that this Bill will enhance the industrial relations system in South Australia. It will ensure that our system, as it changes and grows in future, will work closely with the Federal system. It will also enhance the settling of disputes in South Australia and ensure that we are on the road to recovery. I support the Bill.

Bill read a second time.

The Hon. T.H. HEMMINGS: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr INGERSON (Bragg): I move:

That Standing Orders be so far suspended as to enable me to move an instruction without notice.

Motion carried.

Mr INGERSON: I move:

That it be an instruction to the Committee of the whole House on the Bill that it have power to consider a new clause relating to harassment.

Motion carried.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Interpretation.'

Mr INGERSON: I move:

Page 2, line 6—Leave out paragraph *(b)*.

I should point out that all the relevant amendments have an asterisk against them. If we should lose this amendment, it will flow throughout the rest of the amendments. This is a very significant amendment for the retail industry, which strongly opposes the clause. The retail industry is the largest industry operating under the State industrial relations system. Its major award is a shop conciliation committee award which binds approximately 5 000 employers and 30 000 to 40 000 employees. The lift attendants conciliation committee award also operates in the retail industry. Conciliation committees are therefore central to the current industrial relation structures in the retail industry. They have existed for many years, formerly being known as wages boards.

One of the significant advantages that the retail industry has ascribed to the conciliation committee is that members of the committee can vary its award by consent without interference from the commission or the presiding officer. In this way the industrial relations outcomes are able to be determined directly by representatives of employers and employees, not the commission *per se*. The best example was the recent change involving the retail award when it was looked at in relation to the extension of shopping hours. This committee has over the years contributed to a stable industrial relations climate in the retail industry and to that extent to the South Australian industry as a whole.

The Minister's second reading explanation refers to South Australia's outstanding industrial relations record, yet the Bill seeks to abolish an important feature of the industrial relations structure which helped to create this stability. This clause will abolish conciliation committees from the South Australian industrial system. Whilst there may be grounds for the abolition of individual conciliation committees in some industry sectors—the system is accepted as not being totally perfect—it is not appropriate to achieve this result with a broad-brush legislative initiative of this type. The issue should be approached on a case by case basis with implications for each industry sector fully considered prior to such far-reaching change being implemented. There are powers in the Industrial Act, as I mentioned in my second reading speech, for this case by case analysis to be undertaken.

The second reading explanation argues that conciliation committees should be abolished to bring the State system into line with the Commonwealth system. The Commonwealth has never had conciliation committees as such and they were not abolished from the Federal system as such. Therefore, it seems to me that the Minister's second reading explanation has not been corrected by the Minister, who is an expert in this area, or he has been poorly advised.

In any event the Federal system has many faults and should not be followed simply for the sake of it. It is to be noted that the conciliation committees, known as conciliation boards, remain in the Victorian industrial system. It is peculiar that the Bill seeks to abolish conciliation committees yet proposes to establish, in clause 45, industry consultative councils. In the event of conciliation committees being abolished, the transition arrangements in clause 56 will apply. They need to be proclaimed to operate at different times if the Minister is prepared to consider that alternative to this amendment.

The Opposition strongly supports the argument put forward by the Retail Traders' Association and is supported by the Chamber of Commerce and Industry. The Employers' Federation opposes that stance and asks for that to be noted at this stage. We oppose the clause.

The Hon. R.J. GREGORY: I wonder who talks to whom. My understanding of how employers feel about conciliation committees is that they are of the view that their time has come, they no longer have relevance and that we ought to be moving into the same method of dealing with awards as in the Federal area. I had a letter from the Chamber of Commerce and Industry some time ago asking me to do something about one of the conciliation committees because it had a restrictive membership. One of the arguments put to us tonight by the member for Bragg demonstrates his lack of understanding of how the conciliation and arbitration system works in this State.

The arrangement was reached between the Shop Distributive and Allied Industry Employees' Association and the Retail Traders' Association in South Australia. It could easily have been reached if it was an award of the commission or if it was a conciliation committee award or an agreement registered in the commission. Each is a different way of doing it: they all involve negotiations and the only time that the Chairman makes decisions is when there is a lack of agreement between employer and employee organisations.

In an award situation the two parties confer. Under the direction of the Chairman matters agreed upon are set out and matters not agreed upon are argued. That has been happening in award matters for as long as I can remember. In the Federal area the metal industry award, which was a significant departure from the metal trades award and heralded a new relationship between the metal unions and the metal employers in the Commonwealth area, came simply from that. A whole series of private negotiations and discussions with the Deputy President of the Arbitration Commission settled matters upon which agreement could not be reached.

The Government does not accept this amendment, as it strikes at the very heart of what we are trying to do. We

are trying to ensure that our industrial relations system is as close as possible to the Federal system so that when we have joint sittings the commissioners and deputy presidents are not confused and we can move as Australians and not as a small sector of the Australian community.

Mr INGERSON: It is a pity that the Minister tends on all occasions to put a distorted viewpoint, and that always concerns me when we get into the industrial area. The Opposition strongly supports the retention of conciliation committees because, in essence, they represent an enterprise bargaining exercise. Employers and employees sit around a table and agree on issues. They come up with an agreed position which is then ratified—it is that simple. It occurred with the extension of shopping hours and the wages to be paid as a result of that extension. It is a request from the RTA, which is specifically involved.

The measure is strongly supported by the Chamber of Commerce and Industry as it relates to the retail trade conciliation committee and any other committee deemed to be relevant at this time. In my first presentation, supported by the RTA, I made clear to the Minister that not all committees should be accepted. It was also made very clear that within the existing Act an opportunity exists for the Government to remove or change any conciliation committees as they currently exist. We insist on our amendment.

The Committee divided on the amendment:

Ayes (23)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson (teller), Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton.

Noes (23)—Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins, Crafter, De Laine, Ferguson, R.J. Gregory (teller), Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Mayes, Peterson, Quirke, Rann and Trainer.

The CHAIRMAN: There being an equality of votes, I give my casting vote to the Noes.

Amendment thus negatived.

Mr INGERSON: I move:

Page 2, lines 7 and 8—Leave out paragraph *(c)*.

Members of the business community generally are concerned that the definition of 'business', including part of that business, in essence would enable all subsidiary companies to be included under this definition. They believe that to include all those subsidiaries as well as the business itself in any industrial action makes the legislation unreasonable and, in fact, unworkable. Essentially, they are saying that, if a company is carrying out its business and one of the subsidiaries is in breach of the Act, the major company itself could be held responsible for any such breach. They believe that, whilst this definition is in the Federal Act, it is very ambiguous, it serves no purpose and should be removed. The reason they say that is that if a company or a business is in breach it can and would be automatically liable under this or any other legislation it may have breached, and this definition simply clouds that position. Its inclusion does not achieve anything.

The Hon. R.J. GREGORY: My advice is that this corrects an oversight—a mistake—that was made in drafting the previous Bill in relation to transmittal businesses being bound by agreements and awards. Parliamentary Counsel picked this up and advises that it should be included.

Mr INGERSON: The business community would argue (and, I think fairly) that, if we are to hold all subsidiaries responsible, it is just not fair or reasonable for action to be taken in respect of one breach by a particular company, and I just do not accept the explanation from the Minister. I think that it was a horribly wishy-washy reply. There is no question that the definition covers subsidiaries. It is not on that we could hold other companies responsible for actions at another workplace. In essence, that is what this is saying, namely, that if I breach the award in Trinity Crescent, where I have my pharmacy, the other pharmacies I own in the main street and on Anzac Highway—even though they are under different ownership but are part of the business as a subsidiary—would be responsible for breaches of the Act in the Trinity Crescent pharmacy. That is just nonsense, and shows up again the inadequate and sloppy drafting that we have seen many times in this labour area.

The Hon. R.J. GREGORY: I do not know what the argument is about. This was included only because Parliamentary Counsel forgot to take it out. What is the problem? The matter has changed in respect of transmittals, and it is a matter of taking it out.

Members interjecting:

The CHAIRMAN: Order!

Mr S.J. BAKER: I am a bit concerned. I am not sure whether the Minister wants paragraph *(c)* in or out or what he thinks it achieves. He said it was supposed to come out, yet paragraph *(c)* inserts a new definition of 'business' as including part of a business. The member for Bragg has explained that this has ramifications further in the Bill, because businesses will be held responsible for certain acts, so a request was made for clarification on this matter. In fact, the Minister said quite the opposite of what he seems to want to achieve in this provision. Can the Minister please explain why this has been included in the Bill, so that we can clarify this matter, because it seems to us that it should come out?

The Hon. R.J. GREGORY: I have received further advice and I have been persuaded by the eloquence and the sense of the argument of the member for Mitcham.

Amendment carried.

Mr INGERSON: I move:

Page 3, lines 13 to 17—Leave out paragraph *(l)*.

This amendment relates to peak councils. As I said in my second reading speech, not one of the employer associations supports the introduction of peak councils. In particular, they are opposed to the UTLC's being placed in industrial legislation for the first time. The UTLC does not represent any particular group of employees; it is in fact an association that brings together all of the registered employee associations, or all those that wish to belong to it. From the Liberal point of view, we do not see any justification for the Chamber of Commerce and Industry or the Employers' Federation, neither of which represents the totality of employers' associations, to be part of it either. As a consequence, we would like this provision relating to peak councils removed from the definitions clause. We believe that the legislation suitably caters for a situation where a dispute or a question in respect of an award arises between the individual employee or their registered association, whether it be an employer or an employee. We cannot see any point whatsoever in extending it to peak councils.

The Hon. R.J. GREGORY: We oppose the amendment. There is a major philosophical difference; the member for Bragg is parading the Liberal Party's attitude of hatred towards the trade union movement. That is precisely what it is. Members opposite want to stop the peak body of the trade union movement from being consulted, and referred to in the Bill as an organisation with some rights.

Mr Ingerson interjecting:

The Hon. R.J. GREGORY: A lot of things have not been in there before and, again, that demonstrates conservatism: if it has not been in there before, do not put it in. They should be included, and I am also of the view that any of the employer organisations that want to get together in a peak body, and call it such, ought to be able to be included. It should be prescribed so that they can do that.

In that way we can get some consensus among employers when we talk to them about things so that, when the commission is dealing with matters of importance to workers and employers in this State, it can consult all the people involved, people who have some say in the matter.

Mr INGERSON: There is no question that there is a philosophical difference between the two sides. I think the point that we want to make is that, in today's economic environment, there is no justification for having big unions, big employer groups and the Industrial Commission. All we are talking about is the 'industrial club Act' all over again. Everywhere—in Australia, New Zealand, America and England—people are moving away from this 'big is beautiful' nonsense. What the Minister is suggesting is that the employer associations would have to get together to form another body so that they could be arm in arm with the UTLC and the commission at their club dinners every Friday afternoon to make their arrangements. That is what has been going on for years at a Federal level and that is the sort of nonsense that the Minister is now asking us to accept at State level.

At State level, we want to get back to the position of having the best economy in this country. The only way we will get back to that situation is if we rid ourselves of this nonsense that 'big is beautiful'. We need to get back to the stage where individuals, as employers and employees, can sit down and make their arrangements, and make them work at enterprise level. We do not need this nonsense of the Minister being too frightened to go out and talk at the one only enterprise. He would sooner sit down at the table with his big unions, his big employer groups, and his industrial presidents and make some lovely, happy decisions that, hopefully, will flow through to the rest of the industry. That sort of nonsense went out in 1940. We are now in 1991 and we need to go ahead from here.

The Hon. R.J. GREGORY: I am disappointed with the comments that the member for Bragg has made, because what he wants to do is turn Australia back in time and not accept that there are better and different ways of doing things. One only has to look at the standards of living of people in America, Germany, Scandinavia and some other European countries. It is no wonder that the German economy is the powerhouse of Europe, and economists predict that the European Economic Community will be the powerhouse of the future.

There is a small number of unions in Germany. There are very large employers and very small employers. There are arrangements between employers and the trade union movement whereby people are able to reach agreements, and those arrangements are able to stick. When the conservative Government members travel the world promoting their country they take with them as joint leaders of the delegations trade union officials and employers. People have continued in a joint enterprise in that country to promote Germany and the wellbeing of all German people.

Members opposite are wanting to divide our community. They suggest that small is beautiful and they want these little things running around not contributing to the whole of Australia. They want to turn areas of Australia into wastelands like America. That is the way they want to treat people. They want to create a situation where, if people go to work, they are paid $3.75 an hour, but they realise they could make more money by being involved in criminal enterprises. Whole classes of people never go to work and have no work ethic because they do not experience work. There are cities where half the people never work but live in poverty. By passing this legislation, we will change those things and bring about a more cooperative effort in South Australia and Australia.

The trade union movement has led that change. It was the ACTU, with Government people, that went overseas and came back with proposals for award restructuring. The only employers who really understand it are those in the metal industry. They are the ones who work very hard with the union movement on their initiatives, and we are seeing changes taking place so that those industries and companies can meet the challenges of the future. They are the ones who are planning for the future. They are the ones who will be building Australia. If we go down the route that the honourable member is talking about, all we will do is go into oblivion.

Mr INGERSON: I find it incredible that every time the Minister—

Members interjecting:

The CHAIRMAN: Order!

Mr INGERSON: Every time the Minister stands up, he likes to mislead the Committee by saying that the Opposition is opposed to trade unions. I have never said that in this debate since I have been shadow Minister. It is just not true that we do not support trade unions. What we are saying is that we object to three people sitting around a table every now and again inviting the Minister along for a cup of tea and making decisions that affect the whole industrial community of this State. That is what this is all about. It is an easy road for the Minister and for the Government of the day, with the introduction of the peak council. We do not see that as being the way to go, and we strongly oppose that direction.

That has nothing to do with whether or not we support the trade union movement. It is purely and simply that we do not believe that four people—one from the employers, one from the employees representing the two peak councils, one from the commission and every now and again the Minister—should meet in this way. That is just not on in today's industrial relations situation. We need to get back to the workplace. We need to have conditions and directions that can be decided at the workplace by those people. It just seems to me that the Government is just not prepared to accept the direction that industrial relations is going in the southern hemisphere, and I feel sorry for it, because it will happen.

Mr S.J. BAKER: The problem with the Minister is that he does not tell the whole truth. He does not actually say that this is part of a sort of Swedish experiment. He does not tell us that many of the pre-conditions necessary for peak bodies to operate do not actually exist in Australia today. He does not tell us that the system upon which he has embarked in this form—and it has been embarked upon on a number of occasions in the past few years—has been a total disaster. That is what he does not tell us. He does not tell us that some decisions have been made at the Federal level by people getting together and so-called representing the interests of their industry, but we find that all the small employers have finished up bankrupt.

We have seen this. We have seen people making decisions on behalf of others, and I can say that the Australian population at large totally rejects the proposition, because Australia really has not grown up very much, and we do not have these fine minded people who will suddenly make

decisions that will cover the industry. We find that employer bodies who represent, say, one or two majors are out of step with the vast majority of people, in fact the life blood, the small people, the entrepreneurial people who do not have the wit or will to represent these bodies. They are almost like the trade unions themselves, or paid public servants in some ways, at that level.

I have said the same thing to these bodies. I have said, 'Get real; get with it; get down there and find out what some of your members are doing in South Australia, for example.' Importantly, we do not have the intelligence of decision making from either the trade union movement or the so-called highest of employer bodies, which actually takes in the whole spectrum of activity in the workplace. We just do not have it. We do not believe that there should be a body up there making a deal on behalf of all those people in the industry. When the Minister says, 'Let us look at Germany, the powerhouse of Europe', he knows that that does not exist. He knows there are only about eight unions in Germany—

The Hon. R.J. Gregory: Twenty.

Mr S.J. BAKER: Okay, 20, and there is not the form to which the Minister referred.

The Hon. R.J. Gregory interjecting:

Mr S.J. BAKER: There is a structure that is totally different from the trade union movement, and decision making in terms of wages is different from decision making in relation to conditions of employment. The Minister should know that. If he wants to consider the German system, he should refer to it accurately. Let us not pick and choose our examples and pick and choose them wrongly. The Liberal Party does not believe there is one body called the UTLC on the one hand, and another body, yet to be named, the employer body, on the other hand, that should be making decisions on behalf of the constituency that is supposed to belong under those umbrellas.

In fact, the employer bodies have rejected the proposition, because they know that their members do not support it. They know that the diversity that makes up the Australian workplace cannot be catered for under existing circumstances. It may well be that, in 10 years, that will arise, when we will all get a little smarter and work together a little more than we are doing right at this moment. For the next five or 10 years, it does not seem to me that we will be getting anywhere, particularly with these amendments, which actually provide a priority or a prime place in the sun for two particular bodies. As far as we are concerned, that is the death knell of enterprise. We do not believe that those two bodies will represent the best interests of the people concerned, particularly the small employers. Fundamentally, we reject the proposition before the Committee.

The Committee divided on the amendment:

Ayes (23)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson (teller), Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton.

Noes (23)—Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins, Crafter, De Laine, Ferguson, Gregory (teller), Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Mayes, Peterson, Quirke, Rann and Trainer.

The CHAIRMAN: There being 23 Ayes and 23 Noes, I cast my vote for the Noes.

Amendment thus negatived; clause as amended passed.

Clause 6—'Jurisdiction of the Court.'

Mr INGERSON: I move:

Page 4, lines 12 and 13—Leave out 'under this Act, an award, industrial agreement or a contract of employment' and substitute 'under this Act or a contract that is governed by an award or industrial agreement'.

The Opposition is not willing to accept that employment contracts in respect of managers and executives should come under the jurisdiction of the court. This is a brand new concept so far as the Act is concerned and we see no justification for managers and executives to be included.

The Hon. R.J. GREGORY: The Government does not agree to the amendment.

Mr INGERSON: Can the Minister indicate why suddenly such contracts of employment are included within the jurisidiction of the court? We have never had it before. There is virtually no explanation in the second reading speech and the provision suddenly appears in the Bill. Managers and executives comprise the majority of people employed under contract and we cannot see any reason for this provision. They are not covered under award conditions, so why should they be included under the court's jurisdiction?

The Hon. R.J. GREGORY: Many people are employed under employment contracts and are award-free, as the member for Bragg knows. The honourable member also knows that, if such people are award-free and want to recover wages, they have to go to the Supreme Court. We are providing for them to go to the Industrial Court, which comprises people who are highly skilled and experienced in settling wages disputes. That ought to be done in the Industrial Commission. What is more, it is cheaper for both parties.

Is the member for Bragg suggesting that people should go to the Supreme Court for recovery of wages? If the sum is over $2 000, it goes to the District Court and people have to be represented by solicitors to appear in that court. The honourable member knows that workers with limited funds will not be able to appear before that court if they cannot afford a solicitor. Obviously, he wants to allow employer cheats who do not play the game to get away with it. People can represent themselves before the commission and do not have to suffer costs, or they can be represented by agents. People dealing with these matters are highly skilled and experienced. Why not have the matter dealt with there?

Mr INGERSON: In response to the Minister, all of the employer bodies have expressed concern about the inclusion of such contracts. They argue that the lack of payment of salary for managers and executives ought to be before the civil courts: they all argue that strongly. They argue also that it is inconsistent to enable their contracts to be put before the court when the unfair dismissal jurisdiction for senior management and executives has been limited at the same time. It seems ridiculous that the Minister would want to include contracts and then limit them in respect of unfair dismissal.

I would have thought that the two ought to go hand in hand. Perhaps that is a problem in the way the Bill has been put together, but it is an inconsistency and it is something that the Committee ought to note. Employer organisations also believe that the remedy should be limited to what the employee would have received had the contribution been made to the fund in accordance with legal award obligations, and they argue that quite strongly. They also argue that liability for parties in effective control is opposed on the ground that this expression is too distant from the employer/employee relationship.

All employer bodies have put those four points to me, so it is not simply the Opposition arguing the position that they should not be in this jurisdiction. All employee groups are arguing and recognising that there are times when the contracts are illegally broken. They argue strongly that to

have them before the court in this jurisdiction is unreasonable and inconsistent.

Mr FERGUSON: The remarks that have just been made by the member for Bragg puzzle me, because he is taking the advice of employer organisations, despite the remarks made earlier by the Deputy Leader. The Deputy Leader was most uncomplimentary about employer organisations. I do not agree with the interpretation put to us by the member for Bragg. It has been successfully argued that managers are caught up under award provisions in certain cases. It depends on how the awards are written. The difficulty is that the managers are caught up under the 'any other adult employee' classifications of the awards if they have such a classification. The difficulty then arising is the amount of money about which we are talking and the amount that can be claimed by managers. The Minister's proposition is a very proper one, namely, that these people can argue that they ought to be paid the correct amount of money in dispute from time to time in the Industrial Commission.

The other point is that there are literally thousands of people not caught up in the various classifications under the various awards. I have had them come to my office from time to time. I have spoken to people employed on erecting fences. I defy anyone to find a classification for such a person in any awards in the building industry. They are not covered. We can think of people in many other industries not covered by classifications in awards. Some awards have not been varied for years and some are collecting dust in union offices—they have never been altered. Where industries have changed over the years, the classifications have not moved and do not cover work taking place in many industries.

It is necessary that the Minister's proposition be supported. I am surprised that the member for Bragg is prepared to come in here and put forward an unresearched proposition and accept at face value material supplied to him by employer organisations. If he is the expert in this area for the Opposition he should do his own research and not merely accept what is researched for him by other organisations. I feel sorry for these people who are not covered specifically by classifications in the various awards. They are not always managers and some of them are amongst the poorest people in our society. They ought to be protected and this principle ought to be supported by all members of the Opposition.

Mr INGERSON: I am always amused when the member for Henley Beach makes a contribution, because he always likes to imply that he is the expert in the field and that no-one else is capable of doing any research. The fact that I said that all employer groups were in favour of my amendment does not in any way suggest that I have not done any research or that I am not capable of doing it. It is unacceptable that the honourable member continues to denigrate and to deride any comments made by other members. I find that unacceptable but usual from the member for Henley Beach. I reiterate to the Committee that all employer associations believe that there are other ways to solve this problem. They argue that there are appropriate facilities in the civil courts for this exercise to continue. The Opposition supports their argument.

The Hon. R.J. GREGORY: We are now seeing the wheel turn its full circle. Tonight the Liberal Party has argued that we should be moving towards enterprise agreements.

Mr S.J. Baker interjecting:

The Hon. R.J. GREGORY: The member for Mitcham will obviously get the call when I sit down. He can then parade his ignorance.

The CHAIRMAN: The Deputy Leader is out of order.

The Hon. R.J. GREGORY: The provision the member for Bragg wants to delete ensures that thousands of people who work in award-free areas—and I assure him that there are tens of thousands of people in South Australia working in award-free areas—

Mr Ingerson interjecting:

The Hon. R.J. GREGORY: By interjection, the member for Bragg indicates that he agrees with that. Agreements are reached on a *laissez faire* basis about conditions and wages, and the honourable member agrees that that is good. However, within this provision we are providing for the situation when the employer does not honour the agreement. In that case, employees can go to court to seek redress without having to go to the Supreme Court. As I said, the court has experience in the area of dealing with wages. It is an inexpensive forum for the employer and the employee, compared with the costs involved in appearing in the Supreme Court.

If the Liberal Party is saying that breaches of enterprise agreements will be settled in the Supreme Court, it is saddling these working people—who, in many instances have very little money to seek legal assistance—with recourse only to the Supreme Court. We all know that, if one goes to the Industrial Commission or to the Industrial Court to settle a dispute, no cost is incurred. If the court does not find in favour of the worker, that worker is not then saddled with huge costs, as can occur if the matter goes to the Supreme Court. There is the possibility that these disputes will be settled. What is wrong with that?

Amendment negatived.

Mr INGERSON: I move:

Page 4, lines 35 to 37—Leave out all words in these lines after 'payable' in line 35.

In essence, this amendment limits the claim that can be made under superannuation to six years and it removes the rest of the clause that places no limitation. We believe that, in terms of any claim, going back six years is fair and reasonable; that is what it ought to be.

The Hon. R.J. GREGORY: I never thought I would see the day when the Liberal Party would support shonks. The six year limit on wages has been reached as a standard, and people understand and know that. Workers receive wages once a week, once a fortnight or once a month. If there is any problem in relation to wages, those matters usually come to light within several years. However, one could work for an employer for 20 or 30 years and have no real knowledge of one's superannuation contributions. Workers find out about that only when they retire.

It is not a good going away present to find on retirement that the marvellous bloke one has been working for has been doing a shonk and has not been making the proper superannuation contributions. The worker may have thought that, according to the award superannuation and everything else, he or she may have received a few thousand dollars, but that is gone. By limiting this, the Liberal Party is saying that workers can go back only six years in relation to superannuation. Workers receive superannuation only when leaving a job or possibly on retirement and they ought to have the opportunity to go back beyond six years. If that is not the case, it is a joke.

Mr INGERSON: Again, I find the Minister's language objectionable and unacceptable as far as the Opposition is concerned. I cannot see in today's market, where we have superannuation as a part of award conditions—and in the future it will almost certainly be a part of all award conditions—that this six year limit is not reasonable, because any person employed in the future (and this legislation is not

retrospective) will understand clearly what are their superannuation payments.

I get a little sick and tired of constantly hearing from the Government that the employers are always the bad boys in this exercise. I know that there are bad people on both sides. But as far as the Government is concerned, it is always the employers—they are always the bad boys in this particular instance. That is unacceptable. It is about time we started to implement reasonable requirements. We are not attempting in any way to disagree with the first part of the clause. The Minister is clearly saying that in the case of wages it is acceptable to go to six years. Given that wages and superannuation are now—and in the future are more likely to be—linked together, why is it unreasonable to have exactly the same period? It seems to me that our amendment is consistent and that it is more logical.

The Hon. R.J. GREGORY: If the employer is doing the right thing, he or she has nothing to fear. The people who should be fearful are those who are not doing the right thing. I know from personal experience, and all members of this place would know, that most of the people working for a living have no real idea exactly what they earn each week or each year—it is only an approximation. Workers would have no real idea of what they are entitled to in relation to superannuation until they collect it. As I said earlier, the business of collecting superannuation does not happen once a week, once a fortnight or once a month. It is collected on the termination of employment, when it is either invested or paid to the employee because he or she is retiring.

There could be 20 or 30 years of contributions by the employer into this fund. If the employer has not been putting in the right contributions or has been doing something with the fund, the employee, who has been banking on having a reasonable sum of money for his or her retirement, will suddenly find that all he or she can go for is six years instead of whatever it might have been. The employers who are doing the right thing have nothing to fear. It is only those employers who are not doing the right thing who have anything to fear. That is why supporting that sort of amendment is supporting employers who do not do the right thing.

Amendment negatived.

Mr INGERSON: I move:

Page 5, lines 14 to 16—Leave out all words in these lines after 'fund' in line 14 and substitute:

—

(i) the amount of the award cannot exceed the amount that should have been paid to the fund plus interest at a rate (not exceeding the prime bank rate), and as from a date, determined by the court; and

(ii) the court may (subject to any relevant law of the Commonwealth) direct that the amount awarded be paid to the claimant or to a superannuation fund on the claimant's behalf;.

In effect, we are saying that, where there is a claim for compensation for non-payment of contributions, the amount of the award payment should be the amount that is paid in compensation, plus any interest, and that that should be paid at a rate not exceeding the prime bank rate at a date determined by the court into a super fund or direct to the superannuant. We move this amendment because we believe that paragraph *(f)*, to which this refers, is not as clear as it should be.

The Hon. J.P. TRAINER: Mr Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

The Hon. R.J. GREGORY (Minister of Labour): I move:

That Standing Orders be so far suspended as to enable the House to sit beyond midnight.

Motion carried.

The Hon. R.J. GREGORY: We oppose the Opposition's proposal in this matter. Where superannuation has not been paid, the court ought to be the appropriate body to determine the amount of money and what ought to be paid in addition. The amendment limits the court. From my knowledge, the courts will make the appropriate decisions to ensure that the employee receives what he would have received if that amount of money had been paid by the employer. The amendment attempts to limit the jurisdiction of the court in making an award. If the employer had been making the contributions into the appropriate fund, the amount of money that should have been invested for the employee would have been greater than the limitation proposed in the amendment. That is why we oppose it. If the employer had been doing the right thing in this area, he would have nothing to worry about. This relates only to those who have not been doing the right thing.

Amendment negatived.

Mr INGERSON: I move:

Page 5, line 35—After 'cover' insert 'reasonable'.

The reason for this amendment is that it seems fair and reasonable. Expenses would have been incurred by the claimant in order to establish the value of his or her loss. This is really further clarification. The word is also being used quite significantly in present drafting procedures and I think it would improve the clause.

The Hon. R.J. GREGORY: We do not oppose this amendment, although we do not think it is necessary.

Amendment carried; clause as amended passed.

Clause 7—'Commissioners.'

Mr INGERSON: This clause appoints commissioners on a part-time basis. Can the Minister advise the Committee how many commissioners may be necessary to keep up with the increased work load that will occur now that we shall have the jurisdiction of both the State and Federal arena carried out by these commissioners?

The Hon. R.J. GREGORY: I have no idea how many I will appoint, when I will appoint them or how they will be appointed. All I know is that once the provision is there, if the opportunity presents itself and there is a need, part-time commissioners will be appointed to deal with a number of matters. It seems a sensible thing to do. It is working extremely well in the Supreme Court, which has the power to appoint part-time judges. Usually retired judges have been asked to carry out a particular spot of work, and they have done it and acquitted themselves very well. We think that the appointment of part-time commissioners would enhance the role of the commission in particular areas of work, such as section 31d.

Mr INGERSON: New section 23a suggests that a member who holds concurrent appointments may apply for other areas in the commission. Can the Minister advise the Committee what payment will be made for these concurrent appointments, who will make the payment, how these salaries will be set and by whom?

The Hon. R.J. GREGORY: I would think salaries would be set based on what the Remuneration Tribunal does in respect of salaries.

Mr INGERSON: Perhaps the Minister did not hear the first part of the question. Who will make these payments? Is it a State or Federal matter—is it a switchback arrangement, or what is it?

The Hon. R.J. GREGORY: It is an arrangement that we reach with the Federal people as to who pays whom at the appropriate time. As the honourable member is aware, at the moment there are differences in wages between full-time commissioners in the Federal and State commissions. If

they were considering a State matter, we would be paying and, if they were considering a Federal matter, the Federal Government would be paying, but some problems are associated with that, and that is why it has to be provided for in the legislation.

Clause passed.

Clauses 8 and 9 passed.

Clause 10—'Jurisdiction of the commission.'

Mr INGERSON: I move:

Page 8—

Lines 4 to 6—Leave out paragraph *(b)*.

Line 7—Leave out all words in this line and substitute 'by inserting after subsection (3) the following subsections'.

Line 8—Leave out '(3)' and substitute '(4)'.

I note that there is specific reference in this clause to the Equal Opportunity Act. I have made a public statement in relation to my belief that the Equal Opportunity Act clearly states that there can be and should be no discrimination in respect of employment. I hold the opinion, and many of my legal colleagues also have the same opinion, that any introduction of preference into this award is a breach of the Equal Opportunity Act.

Having made that statement, I was telephoned by the Commissioner for Equal Opportunity; she wrote a letter to me, one paragraph of which states:

> You will be aware that at present in South Australia, the Equal Opportunity Act 1984 does not proscribe either political belief or trade union activities as a ground of discrimination under the Act. However, any criteria for employment selection which is not based on merit would, in my view, contravene the spirit if not the intention of the legislation.

The Commissioner goes on to say that, in her opinion, in essence, this clause does not breach the Act. I have spent some time discussing it with some legal friends of mine, and they have a view that is contrary to that of the Commissioner. I would like to put to the Committee and to the Minister that the Government should get legal advice as to what is the correct position as it relates to the Equal Opportunity Act, because there is a very specific clause in that Act that provides that there should be no discrimination at all in relation to employment and, whilst the Commissioner has clearly put forward her opinion in relation to political belief and trade union activities, I do not believe that the preference is absolutely specific, as it relates to trade unions. I ask the Minister whether, if not now then at some later time, he can give me an opinion or get some advice, because I believe that there will be future difficulties in relation to the Equal Opportunity and Industrial Relations Acts.

The Hon. R.J. GREGORY: There are several reasons why this provision is included; it is also contained in the Federal Act.

Mr Ingerson interjecting:

The CHAIRMAN: Order! The Minister of Labour.

The Hon. R.J. GREGORY: The Federal Industrial Relations Act has a similar sort of provision. As we are amending this Act so that it is in line with the Commonwealth Act, we are providing for that. My advice is that the honourable member has been advised by the Commissioner for Equal Opportunity that the preference provision does not contravene the Equal Opportunity Act. I also have advice in this matter and my advice is that it does not contravene that Act.

Mr INGERSON: I move:

Page 8, lines 12 to 14—Leave out paragraph *(a)* and substitute:

(a) must consider whether it should consult with—

(i) the Chamber of Commerce and Industry, South Australia, Incorporated;

(ii) the South Australian Employers' Federation Incorporation;

(iii) the United Trades and Labor Council; or

(iv) any relevant registered association of employers or employees,

and may consult with any such organisations;.

This amendment is a substitute for the reference to peak councils, and provides that, in the area of demarcation disputes, the Chamber of Commerce and Industry, the South Australian Employers' Federation, the UTLC and any relevant registered association may be consulted by any person within the commission. It seems to the Opposition that, if we are to be consistent, we need to make sure not only that the groups that I have mentioned can be consulted in relation to demarcation disputes but also that all registered associations that apply in demarcation disputes ought to be consulted.

The Hon. R.J. GREGORY: We are opposed to that, because it is a very limiting suggestion. The member for Bragg mentioned just two peak councils. There are others around town that at times could and should be consulted in the settling of disputes.

Members interjecting:

The Hon. R.J. GREGORY: Any registered association of employers or employees, so what happens if there is not a registered association in the State Industrial Commission, and there are a number of employers associations in South Australia which are not registered with the State Industrial Commission but which could and probably should be consulted if it helps in settling a dispute?

Mr INGERSON: That has to be the most amazing statement the Minister has made all night. The amendment that the Minister has put forward provides:

> . . . must consider whether it should consult with appropriate peak councils . . .

There are only the UTLC and any other peak council that has not yet been prescribed under the Act. We have extended that provision and provided that, in essence, the Chamber of Commerce, the Employers' Federation, the UTLC or any other registered association is covered by the legislation. We have made the definition wider than the Minister has requested, but we have said that there should not be just these peak councils involved. We have opposed very strongly the setting up of peak councils because, in doing so, that provides for one employer peak council and one employee peak council. Because we are opposed to that in principle, we thought it was fair and reasonable to recognise that in demarcation disputes there should be a considerable number of people who could be consulted. If we stipulated any relevant registered association, whether an employee or an employer association, there would be a fairly wide ambit, instead of just stipulating peak councils, which the Minister is proposing we accept.

The Hon. R.J. GREGORY: That is another philosophical argument, is it not? A little while ago we were told that we should not have peak councils, but the amendment limits employers to two organisations, both of which are registered in the State Industrial Commission and are seeking registration in the Federal Commission. We all know that the United Trades and Labor Council cannot obtain registration because of its constitution, nor can the ACTU for that matter. The constitution refers to any relevant registered association of employers or employees that may consult with any such organisation. The settling of disputes of demarcation involves people having arguments about who shall do this and who shall do that.

Our amendment provides that the commission must consider whether it should consult with appropriate peak councils representing employer or employee organisations and may consult with any such council. The commission has to consider whether it will do that, remembering that it is dealing with a demarcation dispute at the heart of the matter

where the argument is between the protagonists. It has been going on a wider search, looking for people who can have influence on the protagonists. Quite often the unions themselves have been able to settle demarcation disputes. The Liberal Party would stop the formation of a peak council. I suppose that that is the philosophical difference, so let us vote on it and get on with the next clause.

Mr S.J. BAKER: I would like some clarification from the Minister. He talked about a number of peak councils. According to our previous discussion on this matter, there would be two peak councils: the UTLC and a peak council of employer associations. Now he is saying that this proposition being put forward by the Liberal Opposition under the circumstances of the Bill is a bit limiting. Can the Minister clarify whether we are to have a number of peak employer associations?

The Hon. R.J. GREGORY: I suggest that, as the Liberal Party seems to have a pipeline to employers, it asks them.

Mr S.J. BAKER: That is totally unsatisfactory. The Minister either knows what he is on about or he does not. He is either being ignorant or he simply does not know. We really should have an explanation; the House deserves an explanation as to whether we are talking about a number of peak councils (which is a strange terminology), because that is what the Minister inferred in his answer to the member for Bragg, or whether we are talking about one peak council. I would appreciate the Minister clarifying that matter. I think it is a very important and fundamental matter.

It may well be that the Minister said that we can have an employers association peak council, a Chamber of Commerce association peak council, an Australian Small Business Association peak council, and a rural industries peak council. We could have a number of peak councils. What is the Minister trying to achieve? He has given inconsistent answers in relation to this clause compared with previous answers.

The Committee divided on the amendments:

Ayes (22)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy and Ingerson (teller), Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton.

Noes (22)—Messrs L.M.F. Arnold, Atkinson, Bannon, Crafter, De Laine, Ferguson, Gregory (teller), Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Mayes, Peterson, Quirke, Rann and Trainer.

Pair—Aye—Mr Gunn. No—Mr Blevins.

The CHAIRMAN: There being an equality of votes, I give my casting vote for the Noes.

Amendment thus negatived.

Mr INGERSON: As the amendments to lines 22, 26 and 33 are all consequential, I will not be proceeding with them.

Clause passed.

Clauses 11 to 13 passed.

Clause 14—'Further powers of the commission.'

Mr INGERSON: I move:

Page 9, after line 23—Insert:

and

(b) by inserting after subsection (8) the following subsections:

(9) Without limiting the powers of the Commission in relation to demarcation disputes, the Commission may, for the purpose of preventing or settling a demarcation dispute, make one or more of the following orders:

(a) an order that an employee association will have the right, to the exclusion of another association or associations, to represent under this Act the industrial interest of a particular class or group of employers who are eligible for membership of the association;

(b) an order that an employee association that does not have the right to represent under this Act the industrial interests of a particular class or group of employees will have that right;

(c) an order that an employee association will not have the right to represent under this Act the industrial interests of a particular class or group of employees who are eligible for membership of the association.

(10) An order under subsection (9) may be of general application or expressed to be subject to specified conditions or limitations.

(11) The commission may order that the rules of an employee association be altered to reflect an order under subsection (9) from a day fixed by the Commission (and the Commission may make the required alteration by notation in its registers).

This is a suggested amendment from both the Chamber of Commerce and Industry and the Employers' Federation. It is a direct take from section 118 of the Commonwealth legislation and broadens the opportunity for the court and the commission to better handle demarcation disputes. I ask the Committee to accept the amendment.

The Hon. R.J. GREGORY: The Government opposes this amendment, which relates to provisions for settling disputes and has a lot to do with the constitutional coverage of unions. When we come to the provision involving the registration of unions, members will note that we have changed the whole concept of registration so that a union or employer organisation registered in the Federal commission automatically gains registration in the State commission. It provides for the merging particularly of unions and for classifications of employees, rules, etc., operating on a Federal basis to flow to the State.

If we were to have the same provisions in the State we could find ourselves in the situation where State branches could be making applications which would be contrary to what is happening in a Federal area. I give an example. Some years ago the Federated Moulders Union reached an arrangement with, I think, the then Amalgamated Metal Workers Union to merge. The South Australian branch of the Federated Moulders Union, for some reason best known to the secretary and the committee, decided that it did not want to be part of the Federal body merging with the Amalgamated Metal Workers Union and set about a scheme of arrangement which saw its State body merge with the Federated Ironworkers Association. Because of the peculiarities of the constitutional coverage of the FIA, and because of the way it merged, it could provide coverage for that union.

When the Federal merger took place, the Federated Moulders Union as a national body merged with the Amalgamated Metal Workers Union, but in South Australia the State Federated Moulders Union merged with the FIA. If we have the same provision in the South Australian Act we could have that aberration. We think that it is far better if the merging of unions occurs as a result of a Federal decision. Let us look at the waterfront, where the principal

maritime unions are looking to merge into two distinct union groups: one will be the white collar group and the other the blue collar group.

In the white collar group we have the Merchant Service Guild, the Institute of Power and Marine Engineers and the Association of Foremen Stevedores. In the other group, the waterside workers, the Professional Divers Association and the Seamen's Union will merge. At present the Professional Divers Association is merging with the Seamen's Union. They will merge into the blue collar stream. The blue and white collar streams will then form a confederation. However, as part of section 118, applications were undertaken by the WWF and supported by the ACTU.

Under section 118 we will see membership of 29 unions transferred to the WWF. That has been done on a national basis in accordance with nationally arranged and agreed decisions. If we were to have a similar provision in the South Australian Act it could possibly result in a mix up. We want to avoid that because we all agree with the idea of one union on the waterfront. It would be easier to have one award than a multitude of awards and it would be easier to deal with one union instead of heaps of unions.

Amendment negatived; clause passed.

Clause 15—'Power to grant preference to members of registered associations.'

The CHAIRMAN: In order to safeguard the Minister's foreshadowed amendment, the member for Bragg will have to move the first part of his amendment. If that is negatived the remainder of the honourable member's amendment cannot be put, but the Minister's amendment can then be put. If the amendment is carried, is approved, then the balance of the member for Bragg's amendment will prevail.

Mr INGERSON: I move:

Page 9, line 25—Leave out 'and the following section is substituted:'.

The Opposition is opposed totally to this preference clause. In the second reading debate a strong argument against the clause was put by many speakers from this side. We believe that this clause would see the beginning of compulsory unionism in our State and we are opposed to that. In responding to the second reading debate the Minister made several references to our stance on this clause. I would like to comment on his comments and then read a legal opinion that was recently given to me about this clause. First, the Minister took umbrage at our talking about the right of individuals to strike and how that fell in with this preference to unionists clause.

Mr Ferguson interjecting:

Mr INGERSON: The member for Henley Beach has a good memory. He knows that both the Leader and I agreed with that. But he knows that along with the right to strike goes the right to work, and with that right to work is the right to associate. One cannot have all these rights without also having some responsibilities.

The Minister said earlier that one should be able to demand the right to strike and to create difficulties for the employers in an economic sense. In other words, the right to strike and cause economic damage is okay and ought to be enshrined as a right. However, the responsibility of creating economic damage for that employer and his business ought not to be taken up. In other words, the right to also protect one's profitability, business and investment is not a right, and that the right to strike should override that. That is absolute nonsense! There must be responsibilities in relation to all these privileges. We would argue that tort action and the ability to go to a civil court if one has been wrongly treated by a union or by any employees ought to be part of this whole package of rights.

The other matter that never ceases to stagger me is that in all instances it is the employee who is always struggling; it is not the poor old employer, but it is always his or her fault. No difficulties are ever placed on them by their employees, and they never have any difficulties with unions. They do not have any difficulties at all: it is always the poor old employee. As I said earlier, I accept that, in some instances, it is the employee, but let us be honest and accept on the other side that the employer gets done in the eye in many instances by the union movement and by employees. It is our belief that a continuation and a perpetuation of preference will only make that position worse.

When talking about this preference clause in his second reading reply, the Minister made special mention of the fact that in Federal Parliament the Liberal Party did not strongly oppose the amendment to the Federal legislation. The Minister knows full well, given the method he used to answer the question, that no matter how strongly the Liberal Opposition opposed this clause it did not make, and would not have made, any difference, because it was supported by the Government and the Democrats. The vote could not have gone any other way than in favour of the Government.

Mr S.J. Baker: It was beaten by the time restriction: he knows that.

Mr INGERSON: It did not really matter how much the Opposition opposed the preference clause in the Upper House. It got done in the eye because the Democrats supported it. If the Minister took the time and effort to read the contribution that John Howard made in representing the Opposition, he would see clearly that we opposed very strongly this preference clause, and many other clauses in the Federal legislation.

As the Deputy Leader rightly put it, the whole exercise was guillotined through Federal Parliament. An argument has been put very strongly by the Retail Traders Association which shows the poor way this Bill has been put together. I have also sought legal advice on that submission.

Mr Ferguson: That is good.

Mr INGERSON: That is so: the member for Henley Beach realises that I have done my homework. I recognise that we need to check what has been said, and the advice has been the same. In its letter the association states:

One additional reason not mentioned in our submission, yet which is significant, is the impact which such a provision would have on employers, having regard to the current section 157 of the Industrial Conciliation and Arbitration Act (SA).

Put simply, an employer granting preference to a unionist in respect of an industrial matter under the proposed section 29a would be committing a criminal offence under section 157 (1) if the employer failed to grant equal industrial rights to a non-unionist in their work force. In other words, compliance with the preference to unionists section would be impossible because the act of compliance would be an offence under section 157 (1).

Section 157 in its current form was introduced in the 1989 amendments to the Industrial Conciliation and Arbitration Act. It is therefore a new section which was not in existence when the existing preference to unionists provision in section 29a of the Act was enacted. Section 157 creates a number of criminal offences with respect to certain conduct by employers. The criminal offences relate to circumstances where an employer discriminates against an employee for reasons set out in paragraphs *(d), (e), (f), (g)* and *(h)*. Two of the offences are relevant for current purposes. Under section 157 (1) *(e)* (ii) it is an offence for an employer to dismiss, injure or alter detrimentally the position of the employee because that employee 'is not a member, officer or delegate of an association' (i.e. trade union). A further offence is prescribed by section 157 (1) *(f)* (ii) in circumstances where an employer dismisses, injures or alters detrimentally the position of an employee because the employee 'proposes to cease to be a member, officer or delegate of an association'.

The proposed section 29a in the State Government's Bill before Parliament would grant the Industrial Commission jurisdiction and power to direct that preference be given by an award to trade union members. The proposed section goes on to require the

Industrial Commission to direct that preference be given where, in the Commission's opinion, certain conditions apply. In complying with the direction of the Commission under section 29a, an employer would be placed in the untenable position of committing a criminal offence under section 157 as soon as the employer discriminates against a non-unionist in their workforce. There is a clear tension between the proposed section 29a and the existing sections 157 (1) *(e)* (ii) and 157 (1) *(f)* (ii). In this context it should be noted that an offence under section 157 is a serious criminal offence. The penalty is a 'Division 8 fine', which the Acts Interpretation Act means a fine not exceeding $1 000.00. Furthermore, an employer convicted of an offence under section 157 may be required by the Industrial Court to award compensation to the employee against whom the offence was committed for loss resulting from commission of the offence.

The offences created by section 157 of the South Australian Act are different from the offences created by section 334 of the Commonwealth Act. Importantly, the Commonwealth Act does not prescribe an offence where an employer discriminates against an employee for not being a member of a trade union or for proposing to cease being a member of a trade union. The Commonwealth Act only creates an offence where an employer discriminates against an employee for being or proposing to become a member of a trade union. This important difference between the Commonwealth Act and the South Australian Act would defeat any suggestion that the above argument 'is not sound because it hasn't been a problem under the Commonwealth Act'. Put simply, the Commonwealth Act does not contain the offence which the South Australian Act does. The South Australian Act alone would give rise to the untenable position in which employers would be placed. This also illustrates the fact that there already exist important differences between the Commonwealth jurisdiction and the South Australian jurisdiction.

That is a submission from the RTA. It has also been discussed with other legal people. In essence, there is a contradiction between this clause and clause 157 of the South Australian Act. I ask the Minister, when discussing any preference, that this anomaly be looked at at the same time.

The Hon. R.J. GREGORY: I believe the letter quoted by the member for Bragg was sent to me at one time or another. It has been checked out by Parliamentary Counsel because, as the member for Bragg would know, in the formulation of the Bill an enormous amount of discussion took place between the two social partners involved.

On the one side was the United Trades and Labor Council and on the other side was the enormous plethora of employer organisations. The advice that we have is that the fears raised by the correspondents in the RTA are not valid and that the matters referred to there are groundless. So we can only go on the advice that we have. I know the person who wrote that opinion. If we were to stack my lawyer against your lawyer, I think I would take the experience of Parliamentary Counsel in this matter. If at a later date the situation is shown to be any different, we will have to consider amending the Act.

The CHAIRMAN: It might be now appropriate to have the Minister's amendment also before the Chair so that the two matters can be canvassed together. The appropriate amendment can be proceeded with according to how the Committee decides to deal with the member for Bragg's first amendment which has already been moved. I invite the Minister to now move his foreshadowed amendment. All the issues will be before the Chair in total. The member for Bragg of course will have licence to speak to the whole range of matters before the Committee.

The Hon. R.J. GREGORY: I move:

Page 9, lines 27 to 43—Leave out section 29a and insert new section as follows:

29a (1) Where, in the opinion of the commission, it would be appropriate to make an order under this section—

(a) to prevent or settle a demarcation dispute;

(b) to further the objective of achieving a coherent national framework of employee associations, or to achieve consistency with any award or decision of the Commonwealth Commission directed at achieving that objective;

(c) to protect persons who are members of a registered association from discrimination in employment;

or

(d) to facilitate the proper representation of a particular class or group of employees in respect of their rights or interests under this Act, an award, industrial agreement or contract of employment,

the Commission may, by award, direct that, in relation to the engagement or retention of persons in employment, preference be given, in such manner and subject to such conditions as are specified in the award, to persons who are, or who have undertaken to become within a reasonable period, members of a registered association specified in the award.

(2) Where the commission has made an award under subsection (1), an employer is not required by the award to give preference to a person who is within the terms of the award over a person in relation to whom a certificate under section 144 is in force.

Mr INGERSON: The Opposition does not support this amendment. It is a cook-up between the Government and the two Independent Labor members. As far as the Opposition is concerned, it has nothing to do with attempting to achieve a reasonable position. We believe that the amendment does not go far enough. The situation still remains where preference is given to members of a union, even though it is only engagement and retention as far as employment is concerned. A deal has been done. The reason we are debating this Bill some five weeks after it was introduced into the House is purely and simply because it has taken that long to do this deal. It is a pity that we have ended up with this half-baked deal, and we are totally opposed to it. I gave the reasons very clearly during the second reading debate and I will not repeat them now. The Opposition is totally opposed to this half-baked amendment.

Mr MEIER: As the member for Bragg has just indicated, this amendment does not appease our fears, and the basis still remains for preference to be given to unionists. I did not take the opportunity during the second reading debate to make a contribution. I felt that the Opposition speakers adequately expressed our views; but there are a few things I want to put on the record now. It is of great concern to me that this Government continues in the direction of seeking to give preference to unionists. The Minister is well aware, as are all members, that many positions now can be filled only if a person gives a commitment that he or she is prepared to join a union. In other words, a condition is tied to it before you can get your position. If one declines or refuses to agree to that condition, the chances of getting the position are almost nil.

Mr Atkinson: Give us an example.

Mr MEIER: In the teaching profession for a start, teachers have to give a commitment to join the South Australian Institute of Teachers. If one looks at the Public Service Association—

Mr Atkinson interjecting:

Mr MEIER: I am saying that if they wish to have a position they are required to sign a form indicating that they will. If some people have declined to sign and have managed to get through the net; that is their good luck. As a member who came here only at the last election, you may not remember that the Government made it very clear prior to that election that teachers and public servants in particular would not be assured of a position if they did not give such an undertaking. In this day and age that is completely uncalled for and makes a mockery of the so-called freedoms that we are supposed to have in our society. If members think of the many other areas where we have had our freedoms severely restricted, that is not surprising.

It concerns me, not only for people in the metropolitan area but for people in the rural areas, that preference to unionists should be given, because there seems to be something about rural living that makes people rely on their own

initiatives and endeavours much more than many people in the metropolitan area. It is a strange scenario. Perhaps the Government is pulling out family and community services from country areas because people are able to cope in a better way. Their close friends and neighbours tend to give them more support. They are generally well known in rural areas, and people who are suffering will be looked after by their neighbours or relatives.

Mr Atkinson: The Labor movement started it.

Mr MEIER: Yes, but if you want to consider how strong and popular the Labor movement is in the bush today, I suggest that you come for a visit. You will find that you will be unwelcome and that there is total disillusionment with the Labor movement and the way that it has been sidetracked and completely removed from its original foundations and intentions.

Mr Atkinson interjecting:

Mr MEIER: If the hour were not eight minutes to one o'clock, I would be happy to engage in further dissertation with the member opposite, but I will desist.

The CHAIRMAN: The Chair will not allow you to do that.

Mr MEIER: That is perfectly understandable, Mr Chairman. Certainly, there are people in rural areas who are happy to join unions. I believe that unions are an absolute necessity in our society, and I guess they always have been. They are essential to ensure that the conditions of employees are maintained, that abuses do not occur and that at least conditions are maintained which, hopefully, are conducive to employees. A union organisation—

Mr Atkinson interjecting:

The CHAIRMAN: The member for Spence is out of order.

Mr MEIER: A union organisation should be there in its own right; it should be able to provide a service to its members. If it does not provide a service members should have the right not to be members. It is probably the most effective way to get any organisation to adhere to principles with which the rank and file agree. We could relate this to the political Party system. Most of us are members of either the Liberal Party or the Labor Party. We are only too well aware that if we, as a Party organisation, do not take notice of the rank and file or what society seeks and wishes, we do so at our own peril. We could think of numerous examples over many years why political Parties have or have not succeeded at election time.

That is one of the very positive attributes of our democratic society. Unfortunately, it can lead to excesses where one Party can get carried away and make such enormous promises that the people are taken in by those promises, often to the peril of society generally. The Labor Party could exhibit many classic cases where it has made promises to the detriment of society as a whole. Perhaps the most recent one was the promise of free travel for students, 24 hours a day, seven days a week. It was not long before the Minister responsible (Hon. Frank Blevins) indicated that the Government had made a mistake and that it had to restrict free travel to certain hours. In this respect, the Government got in by false means in what was a very close election.

I am disturbed at some of the incidents that have been reported to me over the years where compulsory unionism has had a serious detrimental effect on organisations. I refer to an industry in my electorate that employs 30 people for most of the year and 50 or 60 people during the busy periods. This industry has for many years had a voluntary union policy where employees are allowed to choose whether they wish to be members of a union. That policy has worked remarkably well year after year with little or no industrial strife. In fact, any problems were always sorted out by the employers and the employees, until three or four years ago when a union organiser came to this industry and asked how many employees were members of the union. The answer was that fewer than a handful out of about 30 employees were members.

The union organiser said that this was totally unsatisfactory and that he wished to ensure that more employees became members of the union. The employer said 'No problems; if you want to speak with the employees that is your right, feel free to'—and that is exactly what occurred. A meeting was arranged by the employer for the union official to address the employees. Unfortunately, at that meeting the union official got into a huff because he sensed that the employees did not want him to intrude. In his anger he said, 'I am going to put a black ban on this industry; you will not move any goods forthwith.'

Members interjecting:

Mr MEIER: I hear criticism from the other side. The Minister of Labour at that stage was none other than the present Minister of Transport (Hon. Frank Blevins). Members opposite question the emotional angle of getting into a huff. It was their own Minister who at that stage said to me, 'John, be realistic; it is the emotional side that comes out in union disputes such as that and there is very little that can be done.' The net result was that there was a black ban on that industry and I had to approach, in the first instance, the Premier who, in the second instance, referred me to the Minister of Labour to seek to resolve the problem. The Minister of Labour to his credit undertook to speak with the union official saying, 'Can we please have some commonsense?'

The net result was that further discussions took place and it was agreed that from now on any new employee would be forced to join a union. That was the condition, and I was given to understand that $1 000 or $2 000 was placed under the carpet for the official so that he was satisfied. That was an absolutely disgraceful situation, which was of no credit to the union official, which brought disrespect to the union and which, unfortunately, the employer was not prepared to stand up to and take to court. That should have been done. I believe that this clause must be removed from the Bill. It is totally unsatisfactory, and I hope that the Minister will reconsider his thoughts on this matter.

Progress reported; Committee to sit again.

ADJOURNMENT

At 1.4 a.m. the House adjourned until Thursday 4 April at 11 a.m.

HOUSE OF ASSEMBLY

Wednesday 3 April 1991

QUESTIONS ON NOTICE

TOURISM STANDARDS

227. **Mr D.S. BAKER (Leader of the Opposition)** asked the Minister of Industry, Trade and Technology, representing the Minister of Tourism: What specific action has been taken to implement the commitment made in the press statement dated 3 November 1989 that the Government would 'develop, in consultation with the tourism industry, a voluntary, independent accreditation scheme to establish high standards for accommodation and other relevant tourism facilities'?

The Hon. LYNN ARNOLD: Since late 1987 Tourism SA has used the RAA accommodation gradings in its computerised information and reservation system, Atlas. The use of these gradings was extended into Tourism South Australia's accommodation brochures in mid 1989.

At this time gradings apply to hotels, motels and serviced apartments. Discussions are currently under way between the RAA, Tourism SA, the SA Host Farms Association and SA Homestyle Accommodation groups to extend the grading scheme to include bed and breakfast, homestay style accommodation. It is hoped that an expanded grading scheme could be in place by the end of 1991.

All properties listed by Tourism SA, for use by its Travel Centres, must be first inspected by the RAA and found to be of a minimum acceptable standard. The listing of grading classifications in Tourism SA brochures is voluntary, however, the vast majority of establishments find them advantageous in marketing and selling their properties.

The proposal for a broader accreditation system for accommodation premises in South Australia has been well accepted by those bodies representing the commercial accommodation industry. The expansion of this scheme will undoubtedly encourage an improvement in accommodation standards in this State.

TRAVEL CENTRES

229. **Mr D.S. BAKER (Leader of the Opposition)** asked the Minister of Industry, Trade and Technology, representing the Minister of Tourism: What specific action has been taken to implement the commitment made in the press statement dated 3 November 1989 that the Government would commission an immediate feasibility study into the establishment of a new office in Frankfurt and expansions of existing offices in Singapore, Tokyo and London and, if the study has been commissioned, when, who is undertaking it and at what cost and, if it has been completed, what were the recommendations, and will the Minister make the report available to the Opposition, and if no study has been commissioned, why not?

The Hon. LYNN ARNOLD: No study into the feasibility of establishing a new office in Frankfurt has yet been commissioned by the Government.

Changing economic circumstances and world events have lead to a postponement of this study until a more appropriate time. However, discussions have been held with other States regarding the possible sharing of resources to reduce the potential cost of such representation.

Tourism SA will open an office in Penang, Malaysia this month to capitalise on the potential growth in visitation from our Asian markets. The officer employed there will be responsible in the first instance to our Manager, South-East Asia, who is based in Singapore and will work cooperatively with him.

In addition, this year the Singapore office budget ($488 000) has been increased by 43 per cent over 1989-90. This will enable cooperative promotional activity with Malaysian Airlines, Thai Airways, Garuda and Cathay Pacific when each implements new services to Adelaide and to quadruple the number of wholesalers in South-East Asia carrying South Australian products.

For the Tokyo office, expected expenditure (excluding salaries) for this financial year will be $450 000—double last year's figure. This will allow the continuation of promotion of the hard-won direct flight and an increase and diversification in wholesale tour packages.

The London office budget has increased by 154 per cent in the last two years to $377 000. A cohesive marketing campaign in our primary European markets has been established and opportunities to continue and expand cooperative marketing with the ATC and other Australian States will be sought.

HEALTH EDUCATION PROGRAM

254. **Mr D.S. BAKER (Leader of the Opposition)** asked the Premier: Following his press statement from Stockholm on 25 October 1988 about the introduction in Sweden of 'an innovative health education program' designed in South Australia to promote physical fitness in schools, and the prediction that if the program was successful in Sweden it could be marketed worldwide, how many Swedish schools are using the program and in how many other countries has it been marketed?

The Hon. J.C. BANNON: There are currently eight Swedish schools using the primary prevention programs for cardiovascular disease and lifestyle related cancers developed by the Health Development Foundation. Health Development Foundation programs have also been marketed in New Zealand and the United Kingdom.

VIRGIN AIRLINES

259. **Mr D.S. BAKER (Leader of the Opposition)** asked the Premier: What has been the outcome of discussions with Virgin Airlines during his trade mission in October 1988 for direct flights between London and Adelaide?

The Hon. J.C. BANNON: No formal discussions took place between me and Virgin Airlnes during the 1988 trade mission. However, at a function hosted for British business leaders, informal discussions took place with representatives of Virgin Group Limited.

The outcome of these discussions has been an approach by Virgin Airlines for rights to operate to Australia. The success of its approach rests with the British Government to provide capacity on the route for Virgin to operate, and is dependent on the outcome of negotiations between the United Kingdom and Australia involving the complex issue of rights through Hong Kong.

GOVERNMENT AGENCIES REVIEW GROUP

370. **Mr BRINDAL (Hayward)** asked the Minister of Education: How is it anticipated that the Government Agen-

cies Review Group will affect the Education Department specifically with respect to the curriculum directorate and what will be the level of advisory/consultancy services available to schools following the review?

The Hon. G.J. CRAFTER: A submission is currently being prepared for the Government Agencies Review Group which will then require consultation with the appropriate unions and the work force. The outcomes of these consultations will determine the effect on the curriculum directorate and the level of advisory/consultancy services available to schools.

ASSISTANCE TO THE DISABLED

427. **Mrs KOTZ (Newland)** asked the Premier: Which Government departments or agencies are responsible for support and assistance to deaf or severely hearing impaired people and blind or severely visually impaired people, and particularly those who are aged or have additional disabilities, in the areas of—

(a) preschool education;
(b) elementary and further education;
(c) recreation and sport;
(d) vocational training;
(e) accommodation; and
(f) employment,

and what non-government organisations or agencies offer further support and assistance to such people?

The Hon. J.C. BANNON: The replies are as follows:

(a) The Children's Services office is responsible for preschool education.

(b) The Education Department is responsible for elementary education while the Department of TAFE is responsible for further education.

(c) The Department of Recreation and Sport is concerned with the integration of people with disabilities into sporting and recreation activities.

(d) The Department of Training and Further Education is responsible for vocational programs. In addition, the Commonwealth Department of Community Services and Health funds various vocational programs.

(e) The South Australian Health Commission funds accommodation for some people with multiple disbilities. The Home and Community Care program (administered by the Department of Family and Community Services) is a joint State and Commonwealth funded program which also provides support services to aged and younger disabled people to enable them to live independently.

(f) The Department of Labour has a responsibility for employment practices. The Commonwealth Department of Community Services and Health, through the Commonwealth Rehabilitation Service, is involved in the employment of disabled workers and the Commonwealth Employment Service is directly involved in assisting people with disabilities to gain employment.

(g) Many non-government agencies offer support and advocacy services to people with sensory and multiple disabilities. These organisations include:

- Accessing Community Recreation for People with Disabilities
- Aged and Invalid Pensioners Association of S.A. Inc.
- Alternative Lifestyles for the Disabled Inc.
- Arts Society for the Handicapped Inc.
- Association of S.A. Blind Sporting Clubs
- Australian Deafness Council
- Australian Deafness Council (S.A.) Inc.
- Australian National Council
- Australian National Council of and for the Blind S.A. Branch
- Better Hearing Australia (S.A. Branch) Inc.
- Blind Welfare Association of S.A. Inc.
- Braille Writing Association of S.A.
- Brighton Glenelg Community Action Group for Recreation for People with Disabilities
- Community Vocational Support
- Gestures Theatre for the Deaf
- Guide Dogs Association of S.A. & N.T. Inc.
- Ministry to the Deaf Assembly of God Church
- Parents of Hearing Impaired S.A. Inc.
- Parent Reference Committee for Special Needs Students
- Recreation Association for People with Disabilities S.A. Inc.
- Retinitis Pigmentosa Association of S.A.
- Royal Society for the Blind of S.A. Inc.
- Radio for the Print Handicapped Inc.
- Riding for the Disabled Association S.A. Inc.
- Royal South Australian Deaf Society Inc.
- Spastic Centre of S.A.
- Sport and Physical Education for Disabled Students
- S.A. Deaf Recreation Association
- S.A. Tandem Cycling for the Blind
- S.A. Association of and for Blind Citizens Inc.
- Technical Aid to the Disabled S.A. Inc.
- Talking Newspaper
- Townsend House—S.A. Institute for the Blind and Deaf Inc.
- Visually Impaired Computer Enthusiasts.

TEACHERS

430. **Mr BRINDAL (Hayward)** asked the Minister of Education:

1. What is the Education Department's policy regarding the placement of permanent teaching and administrative staff against temporary vacancies?

2. How long can an employee expect to be placed in a succession of acting appointments before being placed in a 'substantive' vacancy and, if the period is longer than a year, will the Minister address this matter as an equity issue and, if not, why not?

The Hon. G.J. CRAFTER: The replies are as follows:

1. With the introduction of the limited placement scheme, all permanent teachers may be placed against vacancies with tenures varying from one term to ten years. It is expected that the longer and shorter term placements will be shared by all teachers during their teaching careers.

In the case of teachers in band two and three positions they will in future be appointed for fixed periods as follows:

Principals and deputies up to seven years.

Band two leadership positions up to five years.

During the period of tenure of teachers in band two and three positions, temporary absences may occur. In appropriate circumstances, these positions may be held for up to two years.

2. Permanent teachers who are placed in short-term placements are given 0.5 transfer points loading for each year of such service to a maximum of ten years. Provided that their requests for placement are not too limited, they should be able to win a longer term placement after four to six years. If they are prepared to accept a country placement they would obtain a longer term placement after three years but would usually win them earlier than that if they were willing to accept a wide range of schools.

In the case of band two and three positions, teachers elect to apply for vacancies which could be tenured for up to seven years in the case of band three positions. These are usually won on merit.

Higher duties appointments, covering the temporary absence of a band two or three appointee, may range from six working days to two years in duration.

GOVERNMENT VEHICLES

454. **Mr BECKER (Hanson)** asked the Minister of Transport:

1. What Government business was the driver of the vehicle registered UQY 350 carrying out on Thursday 6 December 1990 at 11.50 a.m. at Penfield near the RAAF base?

2. Was the driver authorised to carry passengers in the vehicle and were the passengers the children of the driver?

3. Were the guidelines set out in the Public Service Circular No. 30 being adhered to by this driver?

The Hon. FRANK BLEVINS: The replies are as follows:

1. The driver of vehicle registered UQY 350 is a State Transport Authority bus operator who was en route between Elizabeth Bus Depot and his rostered bus crew changeover point.

2. As directed, the driver was transporting two other bus operators on similar duties.

3. Yes.

457. **Mr BECKER (Hanson)** asked the Minister of Transport: Is the Government vehicle registered UQU 045 normally housed overnight and at weekends at 38 King Street, Pennington and, if so, is the driver authorised to keep the vehicle at that address?

The Hon. FRANK BLEVINS: The departmental officer who is allocated vehicle registered UQU 045 is authorised to house the vehicle at his home address at 38 King Street, Pennington. This officer is rostered for after hours emergency calls and uses the vehicle for this purpose as required.

462. **Mr BECKER (Hanson)** asked the Minister of Transport: What Government business was the driver of the vehicle registered UQT-298 carrying out on Saturday 29 December 1990 in Blackwood, who were the children in the car and was the driver of the vehicle authorised to carry such passengers on that day?

The Hon. FRANK BLEVINS: The driver of vehicle UQT-298 on Saturday, 29 December 1990 was an officer from the Department of Marine and Harbors who was 'on call' over the Christmas period. On the day in question the Container Terminal was operating.

Department of Marine and Harbors staff are often 'on call' for shiploading and are allocated a vehicle. Being 'on call' requires the officer to carry a radio-pager and be available immediately, but the officer is not required to stay at home 'waiting for a call'. A general verbal approval had been given in the past by the Section Head for this officer to take his children with him on a 'call out', but only in an absolute emergency when no other reasonable options were available.

As the officer concerned was not on Government business as no 'call out' was required on 29 December 1990, the driver was not authorised to transport his children or other passengers at this time. This officer has been formally reprimanded by the department.

ADOPTION ACT

467. **Mr BECKER (Hanson)** asked the Minister of Family and Community Services: Further to the answer to Question on Notice No. 273, how many advertisements have been released concerning the Adoption Act 1988, how many pamphlets have been printed and when and what was the total cost of producing and displaying these advertisements and printing pamphlets?

The Hon. D.J. HOPGOOD: In answer to question on notice No. 273, advice was given that a public relations firm was engaged to publicise the provisions of section 27 of the Adoption Act. Just prior to the launch of the Family Information Service, 15 000 pamphlets, 3 000 booklets and 500 posters were printed and distributed widely through the community information networks—South Australia and interstate. Publicity was arranged in all States on radio, television and newspaper. Further publicity was arranged in June 1989 and August 1989. The total cost of producing the printed material, its distribution and the publicity campaign was $27 000.

Reprinting of brochures and booklets has cost in the vicinity of $3 000. Media publicity arranged from time to time has accessed avenues that have no cost attached, for example, radio, television interviews. The launch of the Aboriginal Link-up Service provided further publicity to the provisions of the Act. The Aboriginal Link-up Service has been established through the Government's social justice program.

GOVERNMENT VEHICLES

469. **Mr BECKER (Hanson)** asked the Minister of Transport: What Government business was the driver of the vehicle registered UQW 910 conducting that necessitated making purchases at Woolworths, Christies Beach on 18 December 1990 at 2.50 p.m. and were the guidelines set out in Public Service Circular No. 30 being adhered to?

The Hon. FRANK BLEVINS: Vehicle UQW 910 was driven by a paramedical aide from Southern Domiciliary Care Services taking a scheduled and approved break on direct route from one client's home to another. Guidelines set out in Public Service Circular No. 30 were being adhered to.

CEDUNA POLICE STATION

472. **Mr BECKER (Hanson)** asked the Minister of Emergency Services:

1. When was the new Ceduna Police Station opened?

2. Who were the official guests at the opening ceremony?

3. Did any staff from the Police Department, Tara Hall and the Police Property Branch attend and, if so, how many and what classification were they, how did they travel to Ceduna and why was it necessary for them to attend the opening?

The Hon. J.H.C. KLUNDER: The replies are as follows:

1. The offical opening of the Ceduna Police Station occurred on 5 February 1991.

2. The official guests at the opening are outlined on the attached list.

3. Staff from the Police Department, Tara Hall and the Police Property Branch who attended the opening are classified as follows:

1 × commissioner
2 × assistant commissioner
1 × executive officer, level 2
3 × chief superintendent
1 × superintendent
1 × administrative officer, class 3
1 × chief inspector
2 × administrative officer, class 1
1 × senior sergeant
4 × sergeant
7 × senior constable
6 × constable

1 × clerical officer, class 2
1 × clerical officer, class 1

These comprised representatives of the Senior Executive Divisional administration and local Ceduna staff, and staff who contributed to the construction of the new complex and to the official opening arrangements. Travel for department staff, other than those stationed at Ceduna, was by air and road.

OFFFICIAL OPENING OF THE CEDUNA COMPLEX

Tuesday, 5 February 1991

Guest List

The Hon. J. Klunder	Minister of Emergency Services	State Admin. Centre Victoria Square Adelaide SA 5000
Mr D. Abbott	Senior Administrative Officer Minister of Emergency Services Office	State Admin. Centre Victoria Square Adelaide SA 5000
Mr G. Gunn	Member of Parliament	P.O. Box 287 Ceduna SA 5690
Mr D. Hunt	Commissioner of Police	Tara Hall
Mr J. Lockhead	Assistant Commissioner (Operations)	Tara Hall
Mr J. Beck	Assistant Commissioner (Personnel)	Tara Hall
C/Supt. W. Tate	Acting Assistant Commissioner (Services & Traffic)	Tara Hall
Mr D. Hughes	Director, Corporate Services	Tara Hall
C/Supt. N. McKenzie	Operations Co-ordinator	Officer In Charge Region 'C'
C/Supt. R. Potts	President, Police Historical Society	c/o Region 'D'
Supt. J. White	Officer In Charge, Information Services	Citicorp Building
C/Supt. J. Ashton and Mrs Ashton	Officer In Charge, Country Region	c/o Holden Hill
C/Inspector P. Cameron and Mrs Cameron	Officer In Charge, H. 4 Division	Port Lincoln Police (214)
Mr G. Schneider	Property Manager	Tara Hall
Mr B. Ward	Manager, Capital Building Works	Tara Hall
Mr D. Leancy	Administrative Officer	Tara Hall
Ms E. Marshall	Secretary	Tara Hall

POLICE ASSOCIATION OF SOUTH AUSTRALIA

Mr P. Alexander	President	Police Association of South Australia 27 Carrington Street Adelaide S.A. 5000

HOUSING AND CONSTRUCTION

Mr R. Power	Director, Professional Services	Department of Housing and Construction 30 Wakefield Street Adelaide S.A. 5000
Mr D. Millard	Supervising Architect Programs (OGB)	Department of Housing and Construction 30 Wakefield Street Adelaide S.A. 5000
Mr J. Singram	Senior Architect	Department of Housing and Construction 30 Wakefield Street Adelaide S.A. 5000
Mr T. Dale	Senior Equipment Officer	Department of Housing and Construction 30 Wakefield Street Adelaide S.A. 5000

TREASURY

Mr D. Orchard	Director, Capital Budgets	Treasury Department 108 King William Street Adelaide S.A. 5000
Mr T. Grant	Senior Finance Officer	Treasury Department 108 King William Street Adelaide S.A. 5000

W.A. POLICE

Sergeant J. Hallett and Mrs Hallett	Eucla (W.A.) Police	Eucla 6443

COMMUNITY MEMBER OF PORT LINCOLN/EYRE REGION

Ms C. Tschuna J.P.	Aboriginal Education Worker	Eyre District Education Office 34 Oxford Terrace Port Lincoln 5606
Mr B. Haynes	St John Regional Training Officer	Marine Avenue Port Lincoln S.A. 5606

LOCAL COMMUNITY MEMBERS OF CEDUNA

Mr and Mrs M. Puckridge	Mayor	District Council of Murat Bay O'Loughlin Terrace Ceduna S.A. 5690
Mr C. Stott	Officer in Charge St John Ambulance	Eyre Highway Ceduna S.A. 5690
Mrs B. Parsons	SES Controller	Ceduna S.A. 5690
Mr L. Collins	Officer in Charge Country Fire Service	c/o District Council Murat Bay O'Loughlin Terrace Ceduna S.A. 5690
Mrs N. Pearsons		14 Mueller Street Ceduna S.A. 5690
Mr W. Miller	Coordinator FWAPA	Ceduna S.A. 5690
Mrs C. Prideaux	Manager, Ceduna and Koonibba Aboriginal Health Services	Eyre Highway Ceduna S.A. 5690
Mr C. Charles	ALRM Solicitor	Murat Terrace Ceduna S.A. 5690
Mr D. O'Shea	Solicitor	Maralinga/Tjaratja Lands Trust McKenzie Street Ceduna S.A. 5690
Mrs M. Miller	Secretary, Neighbourhood Watch	Merghiny Drive Ceduna S.A. 5690
Mrs M. Doyle	Clerk of Court	Ceduna S.A. 5690
Mr F. Field	Stipendiary Magistrate	Ceduna S.A. 5690
Mr D. Whitmarsh	Coroner	13 Bayview Street Ceduna S.A. 5690
Ms C. Gaskin	Manager, Department for Family and Community Services	Eyre Highway Ceduna S.A. 5690
Mr G. Peel	Chairman, Koonibba Council	Koonibba S.A. 5690
Mr K. Maynard	A/Chief Executive Officer Murat Bay District Hospital	Murat Bay District Hospital Ceduna S.A. 5690
Mr D. Anderson	Chief Executive Officer Murat Bay District Council	Murat Bay District Council Ceduna S.A. 5690
Ms J. Quinn	Principal Ceduna Area School	Ceduna Area School 4 Lambeff Street Ceduna S.A. 5690
Mr M. Miller	Member of Aboriginal Aides Committee	Aboriginal Education Worker Box 103 Ceduna S.A. 5690
Mr G. Pearce	Correctional Services	McKenzie Street Ceduna S.A. 5690
Mrs M. Woods	Manager, Ceduna Sobering Up Centre	Ceduna Sobering Up Centre Dowling Crescent Ceduna S.A. 5690
Mr R. Spriggs	Officer In Charge Fisheries Department	Fisheries Department Thevenard S.A. 5690
Mr R. Allen		National Parks and Wildlife McKenzie Street Ceduna S.A. 5690
Mrs B. Wegener	St John Training Officer	Haslam S.A. 5680
Mr B. Pike	Manager, Nullarbor Roadhouse	Nullarbor Roadhouse Eyre Highway Ceduna S.A. 5690

J.P.s

Mr G. Edwards	J.P./Coroner	16 Dowling Crescent Ceduna S.A. 5690
Mr M. Lowe	J.P.	c/o Eyre Furnishers Ceduna S.A. 5690
Mrs J. Bunker	J.P.	East/West Motel Ceduna S.A. 5690
Mr E. Pauls	J.P.	ETSA Goode Road Ceduna S.A. 5690
Mrs U. Trewartha	J.P.	32 Highway Road Ceduna S.A. 5690
Mr G. Holness	J.P.	Community Hotel Ceduna S.A. 5690
Mr W. J. Miller	J.P.	7 Murat Terrace Ceduna S.A. 5690
Mr R. Price	J.P.	McKenzie Street Ceduna S.A. 5690

CEDUNA POLICE

S/Sergeant D. Burford and Mrs Burford	Ceduna Police Station	Ceduna (214)
Sergeant F. Longley		Ceduna Police Station (214)
Sergeant D. Fitzgerald		Ceduna Police Station (214)
Sergeant I. Caddy		Ceduna Police Station (214)
Senior Constable R. Everett		Ceduna Police Station (214)
Senior Constable J. Frankish		Ceduna Police Station (214)
Senior Constable P. Guerin		Ceduna Police Station (214)
Senior Constable R. Hobbs		Ceduna Police Station (214)
Senior Constable N. Smith		Ceduna Police Station (214)
Detective Senior Constable B. Rowney		Ceduna Police Station (214)
Detective Senior Constable M. Clarke		Ceduna Police Station (214)

Constable S. Wisseman		Ceduna Police Station (214)
Constable L. Wisseman		Ceduna Police Station (214)
Constable K. Scott		Ceduna Police Station (214)
Constable W. Priestley		Ceduna Police Station (214)
Constable T. Murphy		Ceduna Police Station (214)
Constable J. Holland		Ceduna Police Station (214)
Mrs M. Lowe		Ceduna Police Station (214)

PENONG POLICE

Sergeant D. Barrett	Officer in Charge Penong Police Station	Penong Police Station (214)

GOVERNMENT VEHICLES

474. **Mr BECKER (Hanson)** asked the Minister of Transport: What Government business was the driver of the vehicle registered UQY 604 carrying out at approximately 3.55 p.m. on 12 December 1990, which necessitated the vehicle being parked in the carpark of 'Big W' Supermarket, Cumberland Park and were the guidelines set out in Public Service Circular No. 30 being adhered to?

The Hon. FRANK BLEVINS: Investigations have ascertained that the driver of the abovementioned Government vehicle (a Senior Inspector with the South Australian Housing Trust's Housing Improvement and Rent Control Section) had stopped to use the toilet facilities at the shopping centre in question.

We are satisfied that there has been no infringement of the guidelines as set out in the Public Service Circular No. 30.

WEST BEACH SEAWATER PIPELINE

481. **Mr BECKER (Hanson)** asked the Minister of Fisheries:

1. How much storm damage was caused to excavation work at West Beach for the new seawater inlet pipe to service the research station?

2. What now is the cost of building this pipeline, is the work on schedule and what is the reason for any cost overruns?

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

1. The recent storm caused the protective steel bund to collapse and consequently sand was lost to the beach and seawater flooded the excavated trench. However, the pipework was already in place in that section of the trench. Construction equipment submerged during the storm has been recovered. Overall there was only a minor interruption to the contractor's work program.

2. The cost of building the pipeline(s) is $3.63 million and work is presently on schedule to be completed by 30 September 1991, as set out in the original tender.

PROPERTY VALUATIONS

482. **Mr BECKER (Hanson)** asked the Premier: How many objections to property valuations were received by the Valuer-General's Office in the year ended 31 December 1990, how do these numbers compare with the previous 12 months and how many valuations were amended in each year?

The Hon. J.C. BANNON: The reply is as follows:

Year ending	Number of objections to valuation	Number of amendments to valuation
31.12.89	9 794	4 564
31.12.90	8 816	3 998

ADOPTION

485. **Mr BECKER (Hanson)** asked the Minister of Family and Community Services:

1. How many complaints have been received from relinquishing parents or adoptees who have been contacted without prior approval, knowledge or request?

2. What action is the Government taking to prevent harassment of relinquishing parents and adoptees and what further publicity campaign will be undertaken to protect the rights of those not wanting to be contacted?

3. What security checks have been undertaken to ensure adoptions remain confidential?

4. How many persons were adopted in the past financial year and how do these statistics (male and female) compare with each of the previous two years?

The Hon. D.J. HOPGOOD: The replies are as follows:

1. Since the proclamation of the Adoption Act in August 1989, 12 complaints have been received in relation to relinquishing parents or adoptees who have been contacted without their prior knowledge, approval or request. Seven of the complainants advised they had been contacted directly by the other party to their adoption and five of the complaints have been against the Family Information Service of the Department for Family and Community Services.

2. The veto provisions of the Adoption Act will continue to be publicised, to protect those relinquishing parents and adoptees who do not want to be contacted. All applicants for information are required to attend an interview with a trained counsellor. At that interview, all aspects of the adoption inquiry are discussed and applicants are encouraged to act with sensitivity if they wish to seek out the relinquishing parent or the adoptee. Applicants are also encouraged to use an intermediary when they request information on or a meeting with the other party.

3. Adoption records are maintained in a secure and confidential system. Staff are trained in the principles of confidentiality and the recording systems in place ensure that adoption information remains confidential. A security patrol service is engaged to ensure the security of the premises outside of business hours.

4. In the past financial year, 30 children were placed for adoption (16 males and 14 females). The same number (30) of children were placed during 1988-89 (20 males and 10 females). This compares with 33 children for the year 1987-88 (16 males and 17 females).

SPRING WATER

490. **Mr BECKER (Hanson)** asked the Minister of Health:

1. What checks and investigations have been carried out by the South Australian Health Commission in the past 18 months into the quality and supply of 'spring water'?

2. How many suppliers are there in South Australia of spring water obtained from local areas and in relation to each—

(a) what are the locations;
(b) what does analysis of the water show;
(c) are the waters safe for human consumption; and
(d) are the waters affected in any way by human or animal waste?

3. How regularly are the waters checked and what standards are required?

The Hon. D.J. HOPGOOD: The replies are as follows:

1. Since the standard for mineral water was introduced nationally on 11 October 1989, the SA Health Commission has twice analysed each spring/mineral water product known to be for sale on the local market for compliance with the microbiological standard, and the water has been analysed once for metals and contaminants.

2. Health Commission officers are aware of 19 companies that are selling local spring waters.

(a) The sources of spring waters are Bridgewater, Waterfall Gully, Picadilly, Ashton, Norwood, Thebarton and Angaston.

(b) The results of chemical analysis have all been within prescribed standards. Sixty-nine per cent of local 'trial' samples and 65.5 per cent of imported product submitted for micobiological analysis did not meet the 'standard plate count' (that is the total number of organisms that can be grown from a sample under laboratory conditions). The 'standard plate count' results found in the survey do not indicate that there is a risk to the health of consumers but may suggest the need for some remedial action such as more frequent cleaning of storage tanks.

One sample exceeded the prescribed standard of 10 coliforms organisms/ml. In the absence of E. coliforms in any of the samples, the coliform count is of limited sanitary significance but suggests environmental contamination.

(c) The results of analysis do not indicate a risk to health.

(d) Human or animal waste contamination has not been indicated by the E. coliform testing.

3. The producers or vendors of spring water are responsible for ensuring their product complies with the standard prescribed under the Food Act regulations. Compliance may be achieved only by applying proper standards of hygiene and treatment of the water including sterilisation. Producers should submit the product for microbiological and chemical analysis as frequently as is necessary to ensure its safety.

In accordance with the Act the maintenance of hygiene standards is the responsibility of local government authorities. The commission will continue to randomly sample spring water on the basis of its assessment of previous sample results and knowledge of the quality control employed by the producer.

CROWD CONTROLLERS

491. **Mr BECKER (Hanson)** asked the Minister of Education representing the Minister of Corporate Affairs:

Further to the answer to Question on Notice No. 285—

(a) when is it expected that a review of the effectiveness of amendments to the Commercial and Private Agents Act in relation to the licensing of crowd controllers, security guards and security agents will be carried out;
(b) who will undertake the review:
(c) what will be the review guidelines; and
(d) have any complaints been lodged concerning the bahaviour of crowd controllers at the Lockleys Hotel and, if so, what were the findings and is any police or civil action proposed and, if not, why not?

The Hon. G.J. CRAFTER: The replies are as follows:

(a) As mentioned in reply to the honourable member's original question it would be premature to conduct a full-scale formal review of the effectiveness of the months-old amendments to the Commercial and Private Agents Act in relation to the licensing of crowd controllers, security guards and security agents. However, a consultative committee made up of representatives from industry associations, unions, TAFE, police, the deregulation unit and the Department of Public and Consumer Affairs has been formed to share ideas and information on training courses, codes of conduct, compliance and other matters, including the development or amendment of relevant regulations. This is for the whole security industry and includes security guards, crowd controllers etc.

The first meeting was on 30 January 1991. The effectiveness of the legislation is being monitored constantly through various avenues including the consultation committee, the level of complaints or problems encountered. While a timetable for a formal review has not been set it is planned to include the Commercial and Private Agents Act in the general review of occupational licensing planned for later this year.

(b) The Commissioner for Consumer Affairs and her authorised officers under the Fair Trading Act 1987, who will seek submissions from interested parties.

(c) No formal guidelines have as yet been set.

(d) The Port Adelaide CIB is investigating seven complaints concerning the behaviour of crowd controllers at the Lockleys Hotel. No findings have yet been made and, because the investigations have not yet been completed, no action can yet be proposed.

GOVERNMENT PROPERTY

495. **Mr BECKER (Hanson)** asked the Minister of Housing and Construction:

1. Which Government department owns the property at 4 Gove Road, Enfield, when was it purchased and at what price?

2. How much has been spent on maintenance of the property, what was undertaken and for what reason?

The Hon. M.K. MAYES: The replies are as follows:

1. The South Australian Housing Trust purchased the property on 23 June 1976 for the price of $24 624.75. When the house was originally purchased, an amount of $2 495.43 was spent on necessary repairs to bring the house to a standard for rental.

2. Since that date the house has been vacant six times and a total of $6 173.03 has been spent to upgrade the property for the next tenant. There have been several major costs incurred to the property:

1978—The house required underpinning and cement paving at the cost of $2 221.77
1982—Exterior repaint, $331.15
1983—Front fence replaced with weldmesh, $1 254.50
1984—House rewired, $1 057.04
1986—Change-over hot water service, $499.00

In addition, a range of other repairs and maintenance has been undertaken for a total value of $17 367.11 since the purchase of the property.

EDUCATION DEPARTMENT SECONDMENT

505. **Mr BRINDAL (Hayward)** asked the Minister of Education: Since January 1990, on how many occasions, for what periods of time and for what purposes has the Area Director of Education (Southern Area) been seconded to Flinders Street or other locations and what has been the cost of each secondment to the Education Department budget?

The Hon. G.J. CRAFTER: Once—from 27 September 1990 to assist in the Education Department's contribution to the Government Agency Review Group. The secondment continues in 1991 and the total cost of higher duty salaries as at 21 March 1991 was $9 453.44.

HOUSING TRUST

528. **Mr BECKER (Hanson)** asked the Minister of Housing and Construction: Are staff employed by the South Australian Housing Trust given priority with rental housing and, if so, why?

The Hon. M.K. MAYES: The Housing Trust does not give staff priority with rental housing. Trust staff relocating to country areas may be given housing assistance in a manner similar to the assistance given to Government employees through the Office of Government Employee Housing.

FULHAM PRIMARY SCHOOL

529. **Mr BECKER (Hanson)** asked the Minister of Housing and Construction:

1. What is the proposed development for the former Fulham Primary School land?
2. How many units will be built for rental?
3. What evaluation has been carried out to determine the viability of the project and what are the results?
4. When will work commence on the development and what is the reason for delays?

The Hon. M.K. MAYES: The replies are as follows:

1. Planning approval has been received from the South Australian Planning Commission to divide the school site into a total of 47 residential allotments with two public roads and a public reserve space to be vested with the West Torrens council. In addition, a portion of land in the north-western corner of the site was previously divided by the trust and sold to the Society of Saint Hilarion for use as a nursing home.

The trust proposes that 46 of these allotments accommodate dwellings either in detached or semi-detached form, whilst the remaining allotment will accommodate a group of eight dwellings. It is proposed that a number of these allotments be offered on the open market for sale in order to integrate public and private housing.

2. The trust proposes to construct 32 units for rental.
3. Detailed estimates of costs were compiled for the division of land and individual housing projects, and approved by the board of the trust prior to proceeding with the planning application.
4. The 4.105 ha property was purchased by the trust in April 1989. The trust then negotiated the sale of a portion of land to the Society of Saint Hilarion for a nursing home. This sale necessitated a land division that was approved in March 1990.

The trust has pursued extensive negotiations with both the West Torrens council and the local community groups to achieve an appropriate and acceptable development for the school site. The local community expressed interest in utilising an existing substantial classroom for a community facility and the trust included this building within the reserve space to be transferred to West Torrens council at no cost to council or the community. The West Torrens council expressed an interest in securing the reserve area, including existing tennis courts, that represented land in addition to the 12½ per cent open space contribution required by legislation.

The trust advised the council of the Valuer-General's valuation for this additional land by letter on 26 October 1989. The council, after lengthy deliberations, declined the offer to purchase in March 1990. This parcel of land was then incorporated into revised plans for the site and the land division was approved by the SA Planning Commission in December 1990. Construction work on roads and services is currently programmed to commence in April 1991, subject to council approval of engineering design. Building contracts are expected to be tendered before the end of the second quarter for building commencment in the third quarter of 1991-92.

HOUSING TRUST

531. **Mr BECKER (Hanson)** asked the Minister of Housing and Construction: How many South Australian Housing Trust houses have been contracted for sale this financial year and how do these sales compare with the previous year?

The Hon. M.K. MAYES: There have been 695 South Australian Housing Trust houses contracted for sale this financial year to 28 February 1991, which includes 120 under the Progressive Purchase Scheme. This compares to 599 houses contracted for sale for the same period last year, of which 108 were under the Progressive Purchase Scheme.

532. **Mr BECKER (Hanson)** asked the Minister of Housing and Construction:

1. What is the rent received for each South Australian Housing Trust flat at 'Monterey', Seaview Road, West Beach?
2. How many flats has the trust purchased in Clegowrie Street, West Beach, when was each purchased and at what price, and what is the rent received for each flat?

The Hon. M.K. MAYES: The replies are as follows:

1. The Housing Trust owns 12 flats located on the corner of Seaview and Burbridge Roads, West Beach, with the address of 670 Burbridge Road. It is assumed that these are the flats to which the honourable member refers. The current weekly rents, including those rents rebated on the basis of tenants' incomes received for each flat, are as follows:

4 tenants pay $78.00 per week
1 tenant pays $64.00 per week
1 tenant pays $39.50 per week
1 tenant pays $29.50 per week
3 tenants pay $27.50 per week
2 tenants pay $25.50 per week

2. The trust holds title of two flats in Clegowrie Street, West Beach. They were purchased in late 1989 at a total cost of $140 000. One tenant pays $28.50 and the other $34.50 per week.

NOISE POLLUTION

535. **Mr BECKER (Hanson)** asked the Minister for Environment and Planning:

1. Will the Government introduce legislation insisting upon residents pointing electronic amplifliers, sound blas-

ters, radios, stereos etc. towards their residences instead of away from their property and, if not, why not?

2. What is the acceptable noise level permitted to be broadcast in the open in residential areas?

The Hon. S.M. LENEHAN: The replies are as follows:

1. The Government will not introduce legislation controlling the direction loudspeakers on residential properties may point. There will be little or no benefit in noise terms and it would be unenforceable. The present Noise Control Act has been effective and will be amended to make it unnecessary to call complainants as witnesses in court.

2. The section of the Noise Control Act controlling such noise on residential properties does not prescribe noise levels. It requires a subjective assessment of the noise. The police regularly use this section to control noisy parties.

INSPECTION PLATES

536. **Mr BECKER (Hanson)** asked the Minister of Water Resources: Why are water and sewer inspection plates located on the side of suburban streets instead of on footpaths?

The Hon. S.M. LENEHAN: The inspection plates are placed directly over fittings on the line of the water and sewer mains to which access is required for maintenance or emergencies. Their location is such that they can be found anywhere a water or sewer main is in existence. These water and sewer mains are placed in the roadways in accordance with space rules for underground services in roadways. South Australian practice is to keep mains, wherever possible, in roadways where stormwater drainage can assist in preventing or alleviating private property damage from flooding.

NOISE COMPLAINTS

537. **Mr BECKER (Hanson)** asked the Minister of Housing and Construction:

1. What soundproofing standards are used in high density South Australian Housing Trust units?

2. How many noise complaints has the trust received from tenants for each of the past two financial years and what action has been taken to reduce the causes of complaints?

The Hon. M.K. MAYES: The replies are as follows:

1. Housing Trust units are designed and constructed to the requirements of Part 52 of the Building Regulations, which requires walls between units to have a minimum sound transmission class of 45.

2. The trust does not record the number of complaints for particular problems but inquiries indicate a relatively small number of complaints on this subject. Assuming the question relates to noise transmission between units, the trust has on occasions provided additional insulation in the wall cavities where applicable, and in the case of walk-up flats provided soft floor coverings to the concrete floors.

BOATS

539. **Mr BECKER (Hanson)** asked the Minister of Marine:

1. Will the Department of Marine and Harbors impose a requirement that all boats over 10 metres be inspected for seaworthiness and operator visibility and, if not, why not?

2. Will the department insist that the operators of large boats should have a 180 degree clear visibility when at the controls and, if not, why not?

The Hon. R.J. GREGORY: The replies are as follows:

1. At present the recreational boating records have 1 123 boats registered of over 10 metres in length. To impose a requirement that all these vessels should be inspected would require an increase in departmental resources and extra costs to those owners. Boating Regulation No. 37 requires all boats operating in South Australian waters to be seaworthy; therefore, random inspections of craft are carried out by marine safety officers during the course of normal patrols.

Regulations under the Marine Act for the prevention of collisions at sea also require:

Rule 5: Every vessel shall, at all times, maintain a proper lookout by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.

2. There are virtually no large vessels built that give the operator or navigator, as the case may be, unrestricted visibility over 180 degrees. This is due to masts, pillars on windscreens etc., therefore, the onus is on the operator to change positions as necessary to comply with Rule 5, stated above.

In conclusion, there are already sufficient legislative provisions requiring operators of boats to act responsibly and the suggestions raised by the questions are impractical and would not solve collisions by irresponsible operators.

NURIOOTPA ANAEROBIC LAGOON

541. **The Hon. B.C. EASTICK (Light)** asked the Minister for Environment and Planning:

1. Has the covered anaerobic lagoon prototype facility at Nuriootpa, opened on 24 November 1989, been monitored for effectiveness and, if so, has it functioned effectively throughout the period from November 1989 to the present and, if not, why not and what are the details?

2. What sum of money has the Government currently spent on this project and what further expenditure is contemplated?

3. Is the Minister aware of complaints from people in the vicinity that the stench has been worse than from open pools and, if so, what are the details?

4. Is it still expected that North Para Environmental Control Pty Ltd will acquire the facility from the Government and, if so, when?

5. Are any further projects of this nature in contemplation and, if so, where?

The Hon. S.M. LENEHAN: The replies are as follows:

1. The covered anaerobic lagoon prototype has been monitored since commissioning in November 1989. Weekly sampling of influent liquid, effluent, sludge produced and gas under the cover have been carried out to assess its waste water treatment capability.

Early difficulties which limited its performance have been addressed, with improvement noted in recent months. In terms of odour control analyses of the gas under the cover and from the odour incinerator show an odour reduction of 99 per cent.

Monitoring will continue for the completion of the two year trial period.

2. The capital cost for the construction of the facility was $393 000, with an additional cost of $33 000 for the detailed design undertaken by an engineering consultant.

Further expenditure for sampling and analyses for the next two years is estimated at $25 000.

3. I am informed by the Department of Environment and Planning that three complaints have been made about

odour from the site. They all relate to the open lagoon storage of distillery waste, not the covered lagoon.

4. The acquisition of the facility by North Para Environmental Control Pty Ltd is part of the agreement with the Government, upon the condition that at completion of the trial the covered lagoon facility is found to be an effective means of effluent treatment with acceptable odour emissions.

The trial period was for two years from the commissioning date of the lagoon.

5. The Government is not contemplating the construction of any further facilities. However, if the process is proven effective, it is expected that wineries and distilleries with wastewater disposal problems will construct facilities at their own cost.

GOVERNMENT VEHICLE

543. **Mr BECKER (Hanson)** asked the Minister of Transport:

1. What Government business was the driver of the vehicle registered UQQ 929 carrying out on Sunday 27 January 1991, at 11.45 a.m. parked on the beach side of The Esplanade, Henley Beach, close to Marlborough Street and was a log book entry made by the driver for that particular journey?

2. What Government department or agency operates this vehicle?

3. Does the driver of the vehicle contribute to its running costs?

The Hon. FRANK BLEVINS: Vehicle UQQ 929 is registered to Intellectual Disability Services Council. It has been allocated to the Director of Strathmont Centre for home to office use. The Director resides at The Esplanade, Henley Beach. He normally parks at the rear of his premises but occasionally has to move the vehicle to allow access to his garage.

The Director is on call 24 hours a day and makes numerous trips to Strathmont Centre after hours and on weekends. The vehicle is not used for private purposes.

TRAFFIC LIGHTS

544. **Mr BECKER (Hanson)** asked the Miniser of Transport:

1. How many accidents have been reported over the past three years at the junction of Tapleys Hill Road and West Beach Road, West Beach?

2. Has the installation of traffic lights been considered and, if not, why not and will the Department of Road Transport investigate the establishment of traffic lights at that location?

The Hon. FRANK BLEVINS: The replies are as follows:

1. 15.

2. The installation of traffic signals has not been considered for this location. The 24 hour two way traffic volume in West Beach Road is approximately 4 200 vehicles. This flow of traffic is comparatively low and the conflicting vehicular movements at the junction fall short of justifying the warrant specified in the Code of Practice for the Installation of Traffic Control Devices in South Australia.

The Department of Road Transport will monitor traffic operations at this junction and, should circumstances warrant the installation of traffic signals, appropriate action will be taken.

COMMUNITY SERVICE OFFENDERS

546. **Mr MATTHEW (Bright)** asked the Minister of Transport:

1. Are community service offenders being used to perform work for the STA and, if so, when have such community service offenders been employed, what work have they undertaken or are they undertaking, and how many offenders were/are employed on each occasion?

2. Have any payments by way of salary or other remuneration been made to the community service offenders and, if so, how much and for what purpose?

The Hon. FRANK BLEVINS: The replies are as follows:

1. A number of community service offenders took advantage of temporary paid work cleaning graffiti. This employment was over and above any work performed for the STA as part of their community service obligations.

2. Not applicable, as this work was not part of that community service obligation.

STA TRAINS

547. **Mr MATTHEW (Bright)** asked the Minister of Transport: Are the 3000 series trains compatible with 2000 series and Redhens and, if not, why not?

The Hon. FRANK BLEVINS: The 3000 class, 2000 class and Redhen railcars are not compatible for operational running.

Advances in technological development in the diesel electric drive system and the automatic coupler arrangement preclude the use of mixed consists. In the event of breakdowns, however, it is possible to push or pull disabled railcars with any other type.

548. **Mr MATTHEW (Bright)** asked the Minister of Transport: Which company presently has the contract to repair the interior and exterior of STA trains and what are the terms of that contract?

The Hon. FRANK BLEVINS: There is no contract with any company or organisation to repair the interior or exterior of STA trains. The STA undertakes its own repairs where it has the capacity to do so.

549. **Mr MATTHEW (Bright)** asked the Minister of Transport: What facility is being used by the STA for spray painting trains following demolition of the sheds on the northern side of the STA railyard?

The Hon. FRANK BLEVINS: The STA does not have a facility for the spray painting of railcars. Now that the Redhen railcars are being replaced by the new 3000 series railcars, which are of stainless steel construction and not painted, a spray painting facility is not required.

The 2000 series of railcars, which are also constructed of stainless steel, do have a painted area the length of the railcar at window level. The means by which this will be maintained in the future is currently under review.

GOVERNMENT VEHICLE

571. **Mr BECKER (Hanson)** asked the Minister of Housing and Construction representing the Minister of State Services:

1. To which Government department/agency is the vehicle registered UZX 157 allocated?

2. Is use of this vehicle by the wife of a Government employee for the operation of a private business permitted?

3. Is this vehicle being used regularly for non-Government business and, if so, has such use been authorised?

The Hon. M. K. MAYES: Motor Registration has advised that motor vehicle registration UZX 157 has been issued with private plates in accordance with Cabinet approval, and use of the vehicle forms part of a remuneration package for which a salary sacrifice has been made.

PORT CLINTON

572. **The Hon. D.C. WOTTON (Heysen)** asked the Minister of Water Resources:

1. Has the Minister received representation from residents of Port Clinton concerning the placing of restrictions on water meters in the area?

2. What action is planned to alleviate the problem being experienced in the area regarding the lack of water pressure?

The Hon. S.M. LENEHAN: The replies are as follows:

1. A petition concerning the installation of flow restrictors on water meters in Port Clinton was received on 5 February 1991.

2. Lack of water pressure is not the problem. During peak demand periods, the main feeding the tank cannot supply sufficient water to maintain a satisfactory level. This has meant that on occasions the tank has emptied.

One solution to the problem is to reduce the demand on the tank. A flow restriction device was installed on each water service in Port Clinton in an attempt to reduce the town's demand on the tank. Preliminary monitoring of tank level has indicated that the restrictors have had the desired effect with the tank maintaining a satisfactory level during the monitoring period.

Where residents have approached the Engineering and Water Supply Department with a genuine reason for needing an increased flow, such as to provide sufficient flow to operate an automatic pop-up sprinkler system or for commercial reasons such as fish processing, the restrictor has either been removed or modified to provide increased flow.

TAXI PASSENGERS

574. **The Hon. JENNIFER CASHMORE (Coles)** asked the Minister of Family and Community Services: What was the Government business of a woman named 'Marie' and three children collected by taxi from the Festival Theatre at approximately 10.00 p.m. on 15 December 1989 to travel to Athol Park against Government Order No. 176778, Code 206?

The Hon. D.J. HOPGOOD: Cabcharge has advised that the number quoted is a Cabcharge client account number and that it does not belong to a State Government Department.