

LEGISLATIVE COUNCIL

Thursday, February 19, 1976

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

LICENSING ACT AMENDMENT BILL

At 2.16 p.m. the following recommendations of the conference were reported to the Council:

That the Legislative Council do not further insist upon its amendment but makes the following consequential amendments to the Bill:

Clause 4, page 2—

Line 14—Leave out “three” and insert “two”.

After line 15 insert subsection as follows:

(1d) No application for reassessment shall be made where the fee in respect of which reassessment is sought was fixed before the first day of July, 1974.

and that the House of Assembly agree thereto.

Consideration in Committee.

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That the recommendations of the conference be agreed to. This morning we met in conference at 9 o'clock, and the conference did not conclude until about 12.40 p.m. I am happy to report that we had not been in the conference room for more than five minutes when the managers from the other place came up with a proposition that was a compromise, so we got away to a good start. Unfortunately, we got bogged down for some time, but in the final analysis, and after some conciliation between the managers of the Houses, we came down with the recommendations I have outlined. I congratulate the managers from this Council who spoke up very firmly for the principles enunciated by members of this place yesterday. At the same time, however, they took into consideration the public interest and the interests of the industry generally, and as a result I think we were able to reach a very good compromise.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the motion. In the Council's debate on the Bill, honourable members raised strong objections to its retrospective operation. There is no need for me to repeat those arguments, as they have been well aired in the Council. Clause 2, which the Council removed from the Bill, has now been reinstated. In other words, the Bill would have had to operate retrospectively to 1967. However, an amendment reduced that retrospectivity to a period of two years, and another amendment provides that no application for reassessment shall be made where the fee in respect of which reassessment is sought was fixed before July 1, 1974. So, there is virtually retrospectivity to July, 1974.

I point out that under the Licensing Act the licence fee is based on previous sales. For example, in March, 1975, the Licensing Court would have struck a licence fee for a certain licensed premises for the 1974-75 year based on sales in the 1973-74 year. So, in the actual operation of the Act, the fee structure is decided not on a retrospective basis but on previous sales. Therefore, any amendment to the Act to prevent the exploitation of a loophole therein (through which a person, by not renewing his licence, could escape the payment of an increased licence fee), which loophole the Bill set out to plug, should be examined in the light of previous sales. Some element of retrospectivity is therefore necessary.

In closing the loophole to which I have referred and to which no honourable member here objects (because we do not want to see what has happened in the past

happening again if we can avoid it), the operation of the Bill will tend to catch part of a licence period if a licensee has not renewed his licence. For that short period, the legislation will operate retrospectively.

I still strongly oppose that situation. However, the managers at the conference were faced with the problem that, unless some solution to this problem was found, the liquor industry and the licensing system in South Australia would be open to exploitation in a way that we do not want to see happen. I make the point that I still strongly object to the principle to which I have referred.

In trying to overcome the problem of the period, perhaps for three months or six months, where the legislation will operate retrospectively in one case, absolutely no compromise with the House of Assembly managers could be achieved. We were faced, therefore, with the possibilities of losing the Bill altogether, or compromising our own principles to a small degree in order to protect the well-being of the licensing community and the liquor industry in this State.

I congratulate the managers on the manner in which they put their cases. I am sorry that the one final objectionable point could not be conceded by the House of Assembly managers. I stress that in matters of this nature I will always speak strongly against retrospectivity in relation to taxing or licensing systems. On balance, I believe the managers have made an extremely sound decision in not allowing the Bill to fail completely, even though one of the important principles was given away slightly by the Council managers. I think the correct decision has been made, but I am disappointed that the House of Assembly managers could not see their way clear to overcome this one objectionable point.

The Hon. J. C. BURDETT: I support the motion. If the recommendations of the managers are accepted, the Bill will retain substantial retrospective provisions and it will, in my opinion, to that extent be bad legislation. During the second reading debate I set out in detail my objections to retrospective taxing legislation. First, a citizen is entitled to be taxed or required to pay a fee in accordance with the law as it stands at the time when the act in question is done. Retrospective taxing legislation is unjust. Secondly, the trust of the public in the law is shattered if the Legislature is willing retrospectively to penalise acts that were lawful at the time when they were done. Public policy or the public interest is a very unruly horse to ride, but I believe that the public interest would have been best served by removing retrospectivity from this Bill. There was a considerable amount of compromise at the conference. I am disappointed that the Assembly managers would not go one small step further and accept an amendment proposed by the Council managers which would have removed all objectionable retrospective features of the Bill.

I agreed to the compromise because otherwise, if the recommendations of the Council managers had been accepted by the Council, the Bill would have been lost. Irrespective of where the responsibility for that would have rested, I was not willing to be a party to losing the Bill and, consequently, to throwing the liquor trade into chaos. The Council managers recognised that the retrospectivity provisions were a matter of policy and were for the Government to determine. I believe that the policy in this respect is a bad policy. However, this Council has never been a party to obstruction or obfuscation, and we agreed to the compromise.

Referring to the effect of the recommendations, I point out that we have clause 2 back. So, the Bill is expressed

as being deemed to have come into operation on September 28, 1967—a very retrospective provision, on the face of it. However, this is simply part of the machinery necessary to preserve the actual retrospectivity, which is to be found in clause 4 (a). As a result of the compromise, retrospectivity is restricted to two years and, in effect, to July 1, 1974, or one licensing period. That is where the matter stands. It must be said that there are still retrospective provisions in the Bill, if we accept these recommendations, and to that extent I believe that the Bill is objectionable, but it is not as objectionable as it was before.

The Hon. M. B. CAMERON: I support the motion. I, too, am extremely disappointed that the Council is now in the position of having to accept something that is against the principles espoused by the majority of the Council, that is, retrospectivity.

The Hon. C. J. Sumner: You can still vote against it.

The Hon. M. B. CAMERON: If I did, obviously chaos would ensue. No responsible member of the Council would want to see that. It means, of course, that we have set a precedent for the future, but I trust it will not be followed in any other legislation. It is unfortunate that the Council is forced to accept retrospectivity to prevent chaos within the liquor industry. That is the situation. I accept that there was a spirit of compromise within the discussion, but there was one inch further to go and it means that, although this was a "Get Brian Warming Bill" (as described in another place), the Government will only get part of Brian Warming with this legislation. There will now be one individual case which will be subject to retrospective legislation. It is unfortunate that a person operating within the law as it stands now finds the position reversed and the actions he legally undertook are made illegal by an Act of Parliament. I trust that this will not happen again in the future.

The Hon. J. R. CORNWALL: Even the Hon. Mr. DeGaris would agree that I approached this conference with a responsible attitude, which I believe complied with the spirit of the conference. I say however that my attitude towards the future of this Chamber is unchanged. I only hope that this compliance with the spirit that is sometimes necessary is not contagious and does not become a permanent affliction. In my maiden speech I said that the future of this Chamber relied heavily upon how it conducted its business. It is significant that this week we have been forced into a series of conferences. I feel compelled to say that I still believe that there is a great deal of cant and hypocrisy going on in this Chamber and I am more convinced than ever in my views about the role of the Council. Previously, I did not wish to be seen to take a hard line but, having been in this Chamber for almost eight months, I have been wholly converted to the attitude of my colleague, the Hon. Mr. Blevins—

The Hon. M. B. Cameron: What is that?

The Hon. J. R. CORNWALL: —and I do not see any future for this Chamber if it continues its business as it has done.

The Hon. M. B. Cameron: Do you want us to say "Yes" all the time?

The Hon. F. T. Blevins: Yes.

Motion carried.

Later:

The House of Assembly intimated that it had agreed to the recommendations of the conference.

PUBLIC AUTHORITIES (EMPLOYEE APPOINTMENTS) BILL

The Hon. T. M. CASEY (Minister of Lands): I have to report that the managers have been to the conference but that no agreement was reached.

The PRESIDENT: As no recommendation has resulted from the conference, pursuant to Standing Order 338 the Council must either resolve not to further insist on its amendment or to lay the Bill aside.

The Hon. T. M. CASEY: I move:

That the Council do not further insist upon its amendment.

I do this because there seemed to be little argument at the conference this morning between the Houses, in so far as another place indicated it was willing to compromise on one part of the clause. The managers from this side of the Council tried to get some form of legislation suitable to what this Council had been indicating during debates on the Bill but, unfortunately, it was not possible to write into the legislation just exactly what the managers from this council were attempting to do.

Whilst I sympathise with the majority of honourable members of this Chamber in what they believe is right and proper, I do not think it was an issue of the magnitude it was made out to be. I believe that worker participation is something we must look at closely in the future. The arguments put forward by this Council during the course of the debate have not really been substantiated in any shape or form. I was interested to hear the Hon. John Burdett say, during the course of his remarks on the previous conference, that this is not a House of obstruction. I think that we on this side of the Chamber have had ample evidence in the past of its being just that, because much legislation has been coming from the House of Assembly, which is the House that decides which Party forms the Government of this State, that has been laid aside. However, be that as it may, the differences between both Houses on this Bill are very minute indeed. I ask the Council not to further insist on its amendments.

The Hon. C. M. HILL: I oppose the motion and ask the Council to insist on its amendments. By doing that, I understand that the future action will be that, if the Council does insist at this point of time—

The PRESIDENT: I will put the motion in the positive form.

The Hon. C. M. HILL: Following that, I understand, Mr. President, you are bound to lay the Bill aside.

The Hon. T. M. Casey: Only if the voting is against it.

The Hon. J. E. Dunford: Your attitude is reactionary.

The Hon. C. M. HILL: There is nothing reactionary about it. I draw honourable members' attention to the history of this matter. A Bill came before this Council in which the Government sought the right for a public authority to elect employees to the board. No limit was placed on the number of employees from the public authorities who would be appointed to the board. It meant that in one step there could be worker control, with ultimate control, as I am sure some honourable members opposite want, of the authority.

The Hon. C. J. Sumner: How do you know that?

The Hon. C. M. HILL: You can get up and deny it.

The Hon. J. E. Dunford: It was not said in the conference.

The Hon. C. M. HILL: I will tell you what was said in the conference. The Hon. Mr. Laidlaw pointed out

at the conference that that was what could happen, with the original Bill, and there is no denying that. This Council amended the Bill in two ways. It was laid down, first, that the maximum number of such employees should be two and, secondly, that one of those two should be the chief executive officer from the organisation or authority. They were the two amendments that were carried in this Chamber. I repeat them so that the Council is perfectly clear in regard to the amendments: the first amendment was that the chief executive officer had to be one of the employees who was appointed to the board, and the second one was that no more than two employees could be appointed.

The Hon. M. B. Cameron: A very proper amendment.

The Hon. C. M. HILL: I agree. Also, it was fair and just, because it provided an opportunity for the Government to introduce its worker consultation plans and its schemes for worker participation in this area of public authority by allowing them the right to appoint two employees, and then it established a balance with those two employees in that one was to be the chief executive officer and one could have come from the shop floor. In my view, nothing could have been fairer or more just than that.

The Hon. J. R. Cornwall: The chief executive officer would have had to be the managing director.

The Hon. C. M. HILL: It is the equivalent of the managing director.

The Hon. T. M. Casey: He could be the general manager.

The Hon. C. M. HILL: Whether there is a managing director in a public authority is open to question.

The Hon. N. K. Foster: I made that point the other day and you disagreed with me.

The Hon. C. M. HILL: Let us fully understand the point. It does not necessarily mean that the chief executive officer, once appointed to the board, would have any more authority on that board than existing board members, but he would report as a managing director in private enterprise would do at board meetings. I quite understand that and agree with it. The two were going to be permitted: one as chief executive officer, and one other employee. There was to be no constraint whatever upon the department or the level within the organisation from which that second employee was to be appointed. The managers from the other place did not agree to that, and so the conference ensued.

It is quite proper for me to say that, at the conference, the House of Assembly managers agreed that there should be a limit of two, but the matter to which they could not agree centred around the requirement that one of the two had to be the chief executive officer. That was some compromise on behalf of the House of Assembly, and then the managers from this place offered a compromise, saying that if the chief executive officer did not choose to be appointed to the board anyone else—

The Hon. C. J. Sumner: What sort of compromise was that?

The Hon. C. M. HILL: I will answer the question. It meant that a situation could arise in public authorities in future in which two employees were appointed to the board, neither being the chief executive officer—

The Hon. C. J. Sumner: But the chief executive officer would have first option.

The Hon. C. M. HILL: Of being heard, yes.

The Hon. C. J. Sumner: Yes. What sort of compromise is that?

The Hon. C. M. HILL: It is some sort of compromise, because eventually it would have occurred in some authorities that the chief executive officer would not have been on the board—

The Hon. C. J. Sumner: You were obviously totally bloody-minded at the conference.

The Hon. C. M. HILL: Not at all.

The Hon. M. B. Cameron: Was the Hon. Mr. Sumner there?

The Hon. C. J. Sumner: No, but the House of Assembly compromised.

The Hon. C. M. HILL: Not at all. After that offer was made by the managers from this place, the managers from the House of Assembly at one point agreed to it. That should interest the Hon. Mr. Sumner. Then we bogged down on the difficulty of putting that proposition into writing. That is where the hitch occurred in the conference. It proved too difficult to write down that condition in a proposed amendment, and discussion ensued for some time on that point. Members can foresee the difficulties that might have arisen. For instance, the existing chief executive officer might have opted not to go on the board, two other employees could have been appointed, and then the chief executive officer, through effluxion of time, could have retired and the new chief executive officer might wish to go on the board. At that time there would be two employees already appointed, and that would have presented some problem in the wording of suitable legislation.

I am not criticising the Parliamentary Counsel when I raise this point, but the conference found difficulty in drafting a proposed amendment to cope with the situation upon which agreement had been reached at the conference. After further consideration of the matter, the House of Assembly managers decided that perhaps in due course, when this kind of worker participation is sought by the Government, the Government can then consider bringing in legislation to amend the Acts governing the respective authorities, and over a period of time this could be done, enabling the question to be approached by that alternative method.

The Hon. C. J. Sumner: You are now telling us they were happy?

The Hon. C. M. HILL: I said that at one time in the conference room agreement was reached verbally on this whole question. I tried to make it clear that difficulties arose from that point onwards. There is, therefore, no alternative but for me to oppose the motion. The principle that members on this side considered it essential that a chief executive officer should be one of the two directors so appointed was debated at considerable length. Because of the strength of the debate and the result that occurred when that matter went to a vote in this Chamber previously, I oppose the motion.

The Hon. J. A. CARNIE: I, too, oppose the motion. I do not wish to speak at length, because the Hon. Mr. Hill has covered the results of the conference very well. I should like to repeat, however, that compromise was reached in principle. The House of Assembly managers accepted the compromise we offered. It was simply then a question of drafting difficulties on which the conference ultimately bogged down. The managers from both places started to see various difficulties in certain situations and, as each was allowed for in drafting, further difficulties arose. Ultimately, it was decided that no agreement could be reached.

I hope that the Government will take due heed of this. It shows the extreme difficulty of blanket legislation in any form. This has been proved on two occasions in this brief.

three-week session. To try to bring in enabling legislation presents great difficulties, and the net result, if we insist on our amendments and this Bill is laid aside, will be a good one in that, if the Government wishes to bring in a model for worker participation to deal with a certain public authority, it can bring forward a Bill dealing with that authority and no other. Parliament could then consider the merit or otherwise of the situation as it applied to that authority. This whole exercise, I believe, has shown the difficulty and lack of wisdom of trying to gather everything in a net at once.

The Hon. J. E. DUNFORD: That is the first occasion on which I have sat in a conference.

The Hon. C. J. Sumner: What did you think of it?

The Hon. J. E. DUNFORD: I thought it was very good, because it brought the points of view into the conference room without the necessity for the politics of the argument. I thought that, in the conference, everyone expressed his point of view without playing to the gallery and to *Hansard*, speaking quite openly without being frightened of some people behind him.

The Hon. R. C. DeGaris: Or in front of him.

The Hon. J. E. DUNFORD: There was no-one in front and no backdoor method such as the Hon. Mr. Hill likes to use to speak to the public or to *Hansard*. He is in a similar category to the Hon. Mr. DeGaris. What the Hon. Mr. Hill did not point out—

The Hon. C. J. Sumner: I knew there must have been something he left out.

The Hon. J. E. DUNFORD: Of course. First, I had the impression before I went into the conference that all Opposition members in this place did not want worker participation in any shape or form, nor did the people who support them. However, Government members, including me, want worker participation, although we may not be well versed regarding the ways in which it should be implemented. The Government introduced this Bill, enabling it to set up the machinery under which worker participation can occur in public authorities. The Hon. Mr. Carnie said that, if the Government wanted to do this in future, a Bill relating to each authority should come before Parliament and be dealt with on its merits. If such Bills were held up as much as this Bill has been held up, we would not get worker participation in public authorities.

The Hon. T. M. Casey: We'd have no guarantees that they would support it.

The Hon. J. E. DUNFORD: That is so. There is no doubt in my mind that the Opposition and the people it represents want no part of worker participation. Honourable members have talked about compromise. At the conference, the Council's managers thought that, to get the thing off the ground, they would agree to the chief executive officer's being one of the two employee representatives on the board. Included in that proposition was the suggestion that the chief executive officer had to indicate in writing, when the two employee representatives had to be elected, whether he, being the general manager, wanted to be a representative on the board. If he decided not to go on the board, it would have meant that two employees who were, say, foremen or from the shop floor, would have become board members.

This is where the rot sets in. In this respect, I do not blame the Parliamentary Counsel, but certainly the Premier assisted us greatly towards the finish. I asked what would happen if a manager died or left a firm and the new manager who replaced him insisted, under the legislation, that he be on the board. If such a person

took up that option, which he would be entitled to do under the proposition to which we agreed, he could have to wait until an employee representative's time had expired, and then stand for the position. I do not know whether such a course of action would contravene the law.

I have admitted that I am not well acquainted with worker participation, although as a former trade union secretary I felt obliged to support it. I knew what it meant and that worker participation afforded a better way of life for those working in industry. The Hon. Mr. Foster said in the debate this week that worker participation is a form of job enrichment. There was a howl from members opposite, who said that it had nothing to do with job enrichment. However, that is wrong, because worker participation, enacted in the interests of production and environment, has the effect of job enrichment. The Hon. Mr. Laidlaw referred to a conference he attended with Fred Emery, and said that he did not believe in worker participation.

The Hon. D. H. Laidlaw: Worker directors, not worker participation.

The Hon. J. E. DUNFORD: I was at the same conference, and I thought he was talking about the two-tier system obtaining in Germany, where there is a joint workers' council and the executive level above that.

The Hon. D. H. Laidlaw: I was quoting from his evidence to the public sector inquiry which is on the file.

The Hon. J. E. DUNFORD: At this conference, attended by the captains of industry, including the Hon. Mr. Laidlaw, and representatives of the Trades and Labor Council, I gained the impression that it was a good day out for the employers. It was difficult for one to get interested in what Dr. Emery said. However, I supported the conference, which at one stage was broken up into teams of six. I was made Chairman of a group. Friends of the Hon. Mr. Laidlaw were present, although I will not mention any names, and, when we sat down, one said, "What is all this bull—about?" As the Chairman of that group I believed that a bit of decorum was called for, and I said, "Unless you people wake up to yourselves, you will have worker control." I did not know much about that, except that it was used by captains of industry to scare people away from worker participation. They asked me what was worker control, and I thought I would shock them into some form of sincerity, saying, "Well, you are sitting here. You will be doing something in your office one day, when the workers will jump through the window and toss you out. Then you will have to go on to the shop floor and work for the wages, which won't suit your way of life. Then, the workers will enjoy what you have enjoyed for years." The reply was, "Oh, Christ Almighty."

The PRESIDENT: Order!

The Hon. J. E. DUNFORD: I am merely quoting what was said. The reply was, "Goodness gracious, let us get on with the conference and do something serious about worker participation." If members opposite are genuinely interested in worker participation, they must support the motion to show that they are fair dinkum. If they do support the motion, neither I nor anyone outside this place will believe them. I now refer to a report which sums up the practical situation.

The Hon. M. B. Cameron: Is that from Mr. Prowse?

The Hon. J. E. DUNFORD: No, although I will say that that gentleman is more concerned about workers than are members opposite. The February 3 issue of *The Times* contains a letter from Philip Rosenthal, A.G., and a former

junior Minister. The letter, which favours worker participation, may influence members opposite, although I doubt it. In his letter, Mr. Rosenthal says:

As head of a company affected by co-determination, I was for a long time opposed to it and put forward this view in public, even though I was a Social-Democratic member of Parliament. My reasons at that time were the usual ones: that co-determination hindered, or at least delayed, the necessary management decisions, and that it politicised the supervisory board. If I have changed my mind on this issue, it is because of certain overriding considerations and practical experience.

I suggest that honourable members opposite have not had practical experience for many years. The article continues:

Every social grouping, be it a country, a party, a club, or a family, remains stable only if at least a majority of its members feel themselves to be involved. Even in politics the ideal picture, with the citizens taking every political decision themselves, certainly never occurs. Many of the decisions are delegated or determined by the subject matter. But in the end the citizen can decide who is to represent him and can also vote that person out. This participation, this having a say, is undervalued as a stability factor, while prosperity, of which we can never have enough, is overvalued.

A glaring example of this is the blacks in South Africa or Rhodesia. Their standard of living is substantially higher than in the black African States but they cannot participate and for this reason the situation remains explosive.

The latter paragraph will in the future have some relationship to our society unless we do something constructive about worker participation. The conclusion is important. The Hon. Mr. Hill referred to a definition of employees, and the letter states:

A new feature of the coalition Government's model of co-determination is that the employees' side is not only composed of representatives of the industrial and clerical employees but also, proportionately, of one or more representatives of the company's senior staff. This is democratic and corresponds to the composition of the workforce. The representative of the senior staff will in most cases undoubtedly have additional knowledge of and understanding for the necessities of the company. Since the representatives of the senior staff, although nominated by the senior staff are ultimately elected by the work force, they are unlikely to incline towards the shareholders' side on principle.

The criticism of excessive trade union influence also seems unjustified. Only a maximum of a third of the members of the supervisory board are union representatives not employed by the company and even those must be elected by the workforce out of several names put forward. These outsiders correspond to the bankers and so on who are outsiders on the shareholders' side. If the German system has shown itself to be more stable than others, particularly in a crisis, with significantly less time lost through strikes and with a lower rate of inflation because of the reasonable wages policy of the trade unions, then it is not least because of this third path between early capitalism and nationalisation, through the participation of workers in ownership and through their say in the economy.

Only a few days ago I had lunch with a public servant who was not in a hurry to get back to work, because of flexitime. He had a specified period in which to do his eight hours work. He said he was very pleased with flexitime because it gave the worker an opportunity to have a couple of hours in which to do his shopping and to meet friends. He could not give me the figures, but he said that flexitime had resulted in workers not taking as much sick leave as they would otherwise take. I said that I could not imagine that five or six years ago the worker would have been allowed to decide on his own initiative when to do his eight hours work; some employers would have considered such a policy audacious, and some continue to view it in this way. Some employers say, "You shall be here at 7.45 a.m.; you shall take 45

minutes for lunch; and you shall leave at 4.15 p.m." Generally, the employer does not care how the employee fares. Now, honourable members opposite have an opportunity to show good faith. We do not want a board to be composed wholly of workers. There ought to be two workers on a board. One can be one of the bosses.

The Hon. R. C. DeGaris: Did the original Bill say that?

The Hon. J. E. DUNFORD: I have not read the original Bill. I am dealing only with the report. I would have liked to read the provisions of the Bill, and I would have liked to be better informed on worker participation. If the Leader were better informed, he might take a different attitude. The report *Worker Participation in Management*, dated April, 1973, states:

To determine the extent of worker participation in management in the application of schemes in various countries, the committee decided that the Secretary should make a detailed examination of overseas literature on the subject. Considerable information was obtained from this source, but because of the nature of the topic it was not possible to draw any clear results. The only thing which did become obvious was that we were not the only ones making an examination of this subject. Attention has been given, and is currently being given, to worker participation in management by the European Economic Community. In October, 1972, the fifth in a series of draft directives on company law was put forward by the European Commission. These have the objective of providing for greater participation by the workers' representatives on the boards of companies.

The report also states:

Earlier (in May, 1972) the International Confederation of Free Trade Unions published the results of a survey inquiring into some aspects of workers' participation. The survey set out considerable information concerning the adoption of methods of worker participation in 22 countries. One of its major conclusions was that trade unions, at least, were more than convinced of the merits of worker participation and wanted the schemes extended.

Appendix I of the report sets out about 90 references in relation to worker participation. So, it is certainly a full-time effort for anyone wanting to study worker participation. If members opposite are serious about worker participation, they should withdraw their amendments so that the Government and public authorities, which have the capacity (and no cost to the private sector is involved), can get this project off the ground.

As the Premier stated at the conference this morning, "If there are bugs and problems we can iron them out, but let us at least get something through this Parliament." For the sake of honourable members and the public generally who are interested in worker participation, I seek leave to have inserted in *Hansard*, without my reading it, a list contained in the report of about 90 references dealing with worker participation.

Leave granted.

REFERENCES

1. L. Greyfié de Bellecombe, *Workers' Participation in Management in France: the Basic Problems*, International Institute for Labour Studies, Bulletin No. 6, June, 1969, pp. 54-93, Geneva p. 58.
2. *ibid.*, p. 77.
3. *ibid.*, p. 80.
4. *ibid.*, p. 88.
5. *ibid.*, p. 91.
6. *loc. cit.*
7. E. Rosenstein, *Histadrut's Search for a Participation Programme*, Industrial Relations, University of California, September, 1970, p. 170.
8. *loc. cit.*
9. *ibid.*, p. 181
10. *loc. cit.*
11. *loc. cit.*
12. *ibid.*, p. 185.
13. *ibid.*, p. 186.

14. Milton Derber, *Cross Currents in Workers' Participation*, Industrial Relations, University of California, September, 1970, pp. 127-128.
15. Paul Blumberg, *Industrial Sociology: the Sociology of Participation*, Constable, London, 1968, p. 155.
16. F. E. Emery and E. Thorsrud, *Industrial Democracy in Norway*, Industrial Relations, University of California, September, 1970, p. 188.
17. See F. E. Emery and E. Thorsrud, *Form and Content in Industrial Democracy*, Tavistock, 1969, p. 24.
18. *ibid.*, p. 64-67.
19. *loc. cit.*
20. *loc. cit.*
21. *ibid.*, p. 106, Survey undertaken by Harriet Holter, Institute for Social Research, Oslo, 1962.
22. Work Research Institute, Oslo, *The Industrial Democracy Project in Norway*, International Industrial Relations Association, Geneva, 1970.
23. *ibid.*, p. 9.
24. *loc. cit.*
25. *ibid.*, p. 10.
26. *ibid.*, p. 11.
27. *ibid.*, p. 13.
28. D. Jenkins, *Industrial Democracy, Sweden Now*, December, 1971, p. 30.
29. G. Strauss and Eliezer Rosenstein, *Workers' Participation: A Critical Review*, Industrial Relations, University of California, September, 1970, pp. 207-208.
30. See *Industrial Democracy, Sweden Now*, December, 1971.
31. *loc. cit.*
32. International Metal Workers' Federation, *Swedish Car Companies May Abandon Assembly Line*, release to members, June, 1972.
33. International Metal Workers' Federation, *The Volvo Experiment*, release to members, August, 1972, p. 1.
34. *ibid.*, p. 2.
35. *ibid.*, p. 3.
36. *ibid.*, pp. 4-7.
37. International Metal Workers' Federation, release June, 1972, *op. cit.*, p. 2.
38. *loc. cit.*
39. Report of the Committee on Relations Between Employers and Employees, 1918 Cmnd. 9153.
40. J. Kelly, *Is Scientific Management Possible*, Faber, 1968.
41. P. Derrick and J. F. Phipps, *Co-ownership, Co-operation and Control*, pp. 83-95.
42. K. J. W. Alexander and C. L. Jenkins, *Fairfields: A Study of Industrial Change*, Alan Lane, the Penguin Press, 1970.
43. Avon reference—Margaret Butterris, *Job Enrichment and Employee Participation—A Study*, Institute of Personnel Management, London, 1971.
44. Trade Union Congress, Evidence to Royal Commission on Trade Unions and Employers' Associations, 1966.
45. S. R. Timperly, *Worker Directors and Industrial Democracy: A British View*, Management International Review, 1969, p. 86.
46. Royal Commission on Trade Unions and Employers' Associations Report, H.M.S.O. 1968, p. 266.
47. W. E. J. McCarthy, *The Role of Shop Stewards in British Industrial Relations*, Research Paper I—Royal Commission on Trade Unions and Employers' Associations, pp. 32-36.
48. *ibid.*
49. A. I. Marsh, *Disputes Procedure in British Industry*, Research Paper 2, Royal Commission on Trade Unions and Employers' Associations.
50. Milton Derber, *The American Idea of Industrial Democracy 1865-1965*, Urbana, University of Illinois Press, 1970.
51. Adolf Sturmthal, *Workers' Participation in Management: A Review of United States Experience (No. 5)*, International Institute for Labour Studies, Bulletin No. 6, June, 1969, p. 151.
52. Described more fully by Sturmthal, *ibid.*, pp. 182-183.
53. *loc. cit.*
54. Russell W. Davenport, *Enterprise for Everyman* in Frederick G. Lesieur (ed.): *The Scanlon Plan—A Frontier in Labour-Management Co-operation* Cambridge, Massachusetts, Massachusetts Institute of Technology Press 1962, p. 26.
55. See Blumberg, *op. cit.*, pp. 15, 16, 21.
56. *ibid.*, pp. 67-68.
57. Agis Solpukas, *More Say for the Men Who Put it all Together*, *Sydney Morning Herald*, June 28, 1972, p. 7.
58. Freidrich Fürstenberg, *Workers' Participation in Management in the Federal Republic of Germany* in *International Institute for Labour Studies Bulletin No. 6*, June 1969, p. 99.
59. *ibid.*, p. 97.
60. See Fürstenberg, *ibid.*, p. 105.
61. *ibid.*, p. 111.
62. *ibid.*, p. 133.
63. *loc. cit.*
64. *ibid.*, p. 122.
65. *loc. cit.*
66. *loc. cit.*
67. Hans Clöss, *The German Tribune*, March 4, 1972, p. 7. See also for a summary of the provisions of the Act.
68. International Labor Organisation, *Workers' Management in Yugoslavia*, Geneva 1962, p. 277.
69. L. Veljkovic, *The Economic Reform in Yugoslavia*, Belgrade 1956, p. 73.
70. V. Russ, "Influence structure in Yugoslav Enterprise", *Industrial Relations*, Vol. 9, No. 2, February, 1970, p. 151.
71. Blumberg, *op. cit.*, p. 201.
72. D. Riddell, *Social Self-Government: Theory and Practice in Yugoslavia*, *British Journal of Sociology*, 1968, p. 66.
73. Rus *op. cit.*, p. 158.
74. J. Kolaja, *Workers' Councils—The Yugoslav Experience*, Tavistock, London, 1968, pp. 60-62.
75. Rus, *op. cit.*, p. 152.
76. Blumberg, *op. cit.*, p. 128.
77. Rus, *op. cit.*, p. 160.
78. *loc. cit.*
79. R. Blonpain, *Recent Trends in Collective Bargaining in Belgium*, *International Labour Review* 1971, Vol. 102, p. 115, cited in Asplund *Some Aspects of Workers' Participation*, International Confederation of Free Trade Unions, Brussels, p. 22.
80. *ibid.*, p. 22.
81. *Joint Consultation at Work*, Labour-Management Consultation Branch, Canada Department of Labour, Ottawa, p. 7., in Asplund *loc. cit.*
82. *loc. cit.*
83. Asplund, *ibid.*, p. 15.
84. *loc. cit.*

The problem surrounding worker participation concerns the whole community, and perhaps if honourable members or the public have a chance to read some of these books a solution to the problems facing us can be found. There is an obligation on politicians, on employers, and on the private sector to see that something is done about worker participation.

The Hon. D. H. Laidlaw: I hope you refer to the members of the committee.

The Hon. J. E. DUNFORD: I know the honourable member was a member of the committee, but I do not know what contribution he made. However, he will have the opportunity to tell the Council of his opinion of the report. The Hon. Mr. Laidlaw knows that worker participation is a concept that is alive in the minds of democratic people; it is a necessity in society. Certainly, the honourable member wants to do something, but he is hamstrung by the sorts of people he has to answer to—

The Hon. M. B. Cameron: On the other side.

The Hon. J. E. DUNFORD: He does not have to answer to us. I accept that the honourable member has participated in the committee and that he has put much

work into this matter, although that is not always evident when he discusses worker participation.

The Hon. D. H. LAIDLAW: I oppose the motion. It is unfair to suggest that Opposition members are not interested in or genuine about worker participation. I remind the Hon. Mr. Dunford of the resolution in the committee's report to which he referred. I was a member of that committee, along with the member for Spence in another place, who is the current President of the Trades and Labour Council. The recommendation was unanimous that there should be encouragement of worker consultation, but worker consultation did not necessarily mean the appointment of worker directors.

I also remind the honourable member that four years ago we introduced consultative committees at Perry Engineering. They were established at levels ranging up to management level and met with varying degrees of success.

There were two reasons for the amendment enabling a chief executive to be on the board. The first was to facilitate worker participation, and I refer to the following statement in yesterday's *News*, referring to Linden Prowse:

The first change takes place at the coal-face and works upwards. At the same time the company board has given the green light and that is communicated downwards. That is meaningful change. People can see it, feel it, breath it and accept it.

The Hon. M. B. Cameron: I have heard this somewhere before.

The Hon. D. H. LAIDLAW: I suggest—

The Hon. N. K. Foster: What is "it"?

The Hon. D. H. LAIDLAW: I am referring to worker participation. This is the first time I have quoted Linden Prowse.

I wish to make the point that, in between the shop floor and the board level, there is a conservative group comprising leading hands, supervisors, foremen and works managers. These men, whether they be in the private sector or the public sector, are involved in the day-to-day running of an organisation, and they are one of the hardest groups to convince as regards worker participation. Generally, they have worked their way up from the shop floor, they have learnt to exercise authority, they are jealous of their authority, and they are hard to convince as regards worker participation or consultation.

One argument for having a chief executive on a board is that this conservative group, which I believe is the group most against worker participation, will not accept the absence from the board of their boss, and they will resent the appointment of people from the shop floor on the board. They would be more against worker participation than they may otherwise be.

The Hon. N. K. Foster: Why?

The Hon. D. H. LAIDLAW: I have explained why: because these people are working for their general manager. Often he is the person they have looked up to for all their working lives: he is the boss. Certainly, if he is not on the board, these people will be more resentful and more against worker participation or consultation than ever. They will be the hardest ones to convince.

The Hon. C. M. Hill: The Premier accepted that point this morning.

The Hon. D. H. LAIDLAW: True, the Premier did accept that argument. This complex subject is most difficult to resolve.

The Hon. J. E. Dunford: We all agree about that.

The Hon. D. H. LAIDLAW: There is no set solution. The Premier, who has given much time and attention to this subject and who is well versed in it, would be the first to agree that there is no finite solution. It must be played by ear.

The Hon. N. K. Foster: But is that sufficient ground on which to oppose it?

The Hon. D. H. LAIDLAW: I am not opposing it: I have been trying to say that I support it. Our amendment would provide that there would be two employee directors—

The Hon. N. K. Foster: Who is the key to production—foremen, supervisors, who?

The Hon. D. H. LAIDLAW: That has nothing to do with our amendment, which provides that there should be two employee directors.

The Hon. N. K. FOSTER: Will the honourable member give way?

The Hon. D. H. LAIDLAW: Yes.

The Hon. N. K. FOSTER: If the honourable member subscribes to the theory that leading hands, foremen, supervisors and factory managers have nothing to do with it, why is he attaching such importance to that section of industry to which he has referred? Might that sector not be the real cause of some of the problems in industry? Should not the honourable member base his total objection on that group and disregard every other section of production and supervision in industry?

The Hon. D. H. LAIDLAW: The honourable member has missed my argument completely.

The Hon. N. K. Foster: You haven't got an argument.

The Hon. D. H. LAIDLAW: I have read many of the 90 references to which the Hon. Mr. Dunford referred, and I have been involved in worker consultation experiments involving several companies. If one does not have the chief executive on the board, one will increase the resistance that will come from middle and junior staff. My next reason for wanting the chief executive on the board is that, if he is not on the board but there are workers on the board and he attends board meetings as general manager and is asked to leave the room, that is a ludicrous situation. There is great interest in improved training in management for junior and middle executives, and both sides of this Chamber are interested in more efficiency. The man in the junior and middle ranks aspires to become a director, and I think it is a good thing that he should believe that at some stage he will be a director as distinct from a general manager of a public authority. For those reasons, I oppose the motion.

The Hon. M. B. CAMERON: I oppose the motion. There is a lot of fear in the community now about worker participation.

The Hon. N. K. Foster: Rubbish!

The Hon. M. B. CAMERON: There is only one reason for that, and that is a document that came out of a Labor Party conference recently. If there is this fear and this lack of blanket acceptance of worker participation—

The Hon. C. J. Sumner: You've been chatting to Max Harris and Sir Arthur Rymill.

The Hon. M. B. CAMERON: Come on! If there is this fear, there is only one group responsible for it—honourable members opposite, the people who allowed this document to become a part of their policy. I know there has been a great retreat ever since, but the document came out and advocated worker control, virtually.

The Hon. N. K. Foster: It didn't.

The Hon. M. B. CAMERON: Virtually, it did. You can say what you like, but it brought about a fear of worker participation, which you will not get rid of—

The Hon. J. E. Dunford: Read it out!

The Hon. M. B. CAMERON: —because the people in the community do not accept what you brought out in the document. You can read it out, if you like, but I will not; everyone knows what it is.

The Hon. C. J. SUMNER: You have read it?

The Hon. M. B. CAMERON: Too right I have.

The Hon. C. J. SUMNER: What does it say?

The Hon. J. E. Dunford: Did you read it in the *Herald*?

The Hon. M. B. CAMERON: I did not read it in the *Herald*. I had a copy long before the last State election. Members opposite run away from that, but the community knows that it exists and there is only one reason for the fear now that the Government will immediately load boards and public authorities up with workers, because honourable members opposite brought out that document. If they do not believe what I am saying, they had better buy a copy of yesterday's *News* and read what was said by the man they put in charge in this State. He said exactly the same thing. Surely, he must have had some knowledge of what happened in the community when this document was brought into existence.

The Hon. D. H. Laidlaw: He said it was a tragedy.

The Hon. M. B. CAMERON: Yes; and, of course, it was. So don't come in here crying over spilt milk. Honourable members opposite are responsible for the fear about their policy, because they brought out something that introduced this fear into the community. Honourable members opposite must sort themselves out and know exactly what they mean by "worker participation", because the honourable member who spoke previous to the Honourable Mr. Laidlaw made it plain that he did not know what was best.

The Hon. J. E. Dunford: By trying.

The Hon. M. B. CAMERON: When honourable members have finished trying, come back to us and tell us, and we may look at it. Until then, there is only one thing we can do, and that is prevent this coming into being until we know what it is all about.

The Hon. C. J. SUMNER: Before I had the good fortune to be elected to this Chamber, I had heard what a terribly conservative body it was, full of troglodytes.

Members interjecting:

The Hon. C. J. SUMNER: I had always had a jaundiced attitude towards the Council: I thought it was a group of conservative fuddy-duddies, except, of course, for the Labor members; but, during the earlier part of my time in the Council, I started to change my mind about it. The Leader of the Opposition was asserting forcefully that he was the only member in the Council ever to have supported one vote one value.

The Hon. R. C. DeGaris: You cannot refute that.

The PRESIDENT: Order!

The Hon. C. J. SUMNER: Although I was a little cynical about his claim, I accepted that he was putting this forward in good faith, that his attitudes had genuinely changed, and that he had become something of a democrat, if not a progressive democrat. Then, of course, there is Martin Cameron. Although I had heard about the troglodytes, I believed he had not really been placed in that category, that he was a liberal (with a small "l"), that he did not get on very well with the conservative elements of this Council, and that he had split away from

them to form a separate Party, but on the basis of liberal principles. Initially, I thought Martin Cameron was a reasonable man—

The Hon. M. B. Cameron: Has this got something to do with the Bill; is it a Bill about me?

The Hon. C. J. SUMNER: He supported the Government in a number of its measures in the previous sitting, and, of course, he supported the Government on electoral redistribution, homosexual law reform and general law reform legislation.

The Hon. M. B. CAMERON: On a point of order, it appears to me that we are getting right away from the matter under discussion; the honourable member should return to the subject.

The PRESIDENT: I have my doubts about it, and I point out to the Hon. Mr. Sumner that the motion before the Chair is that the Council do not further insist on its amendments to the Bill.

The Hon. C. J. SUMNER: I assure you, Mr. President, that I will make my remarks relevant. In any event, I had the impression that Martin Cameron was a man whose opinions should be considered and that he was a genuine liberal; but, unfortunately, in this recent sitting, particularly when I hear debates on Bills such as this, I am reaffirmed in my original thoughts—

The Hon. N. K. Foster: Troglodytes.

The Hon. C. J. SUMNER: —about honourable members of this Council: it is an extremely conservative body, indeed reactionary.

Members interjecting:

The Hon. J. E. DUNFORD: On a point of order, I am certainly not a conservative; I object to what the honourable member has said and ask him to withdraw!

The Hon. C. J. SUMNER: I apologise deeply to the Hon. Mr. Dunford and I withdraw my remarks unreservedly in so far as they relate to each and every member of the Council on this side of the Chamber. It is debates on matters like this that reaffirm my view that honourable members opposite take every point on anything which appears a little different or which may affect the interests that stand behind them.

The Hon. M. B. Cameron: Your day over here will come; don't worry.

The Hon. C. J. SUMNER: This proposal, after all, is only a limited proposal. Indeed, the whole Government policy in this area is one of experimentation, looking at how various systems can work. We have had complete and utter opposition from honourable members opposite to proposals for any sort of worker participation.

The Hon. C. M. Hill: That's rubbish. We moved the amendments.

The Hon. C. J. SUMNER: Honourable members moved the amendments to see the Bill defeated.

The Hon. M. B. Dawkins: What rubbish!

The Hon. C. J. SUMNER: It has become crystal clear by the actions of members opposite, as managers during the conference, as expounded by the Hon. Mr. Hill. They did not compromise one bit. The Hon. Mr. Hill tried to make out during his speech that he was all sweet reason, that he wanted to see the Bill through, and that he was going to compromise. He did not compromise one bit.

The Hon. D. H. Laidlaw: The compromise was agreed to.

The Hon. C. J. SUMNER: The House of Assembly compromised on restricting the number to two. Then our managers (and no doubt the Hon. Mr. Hill was one of the leaders in this) offered their compromise, that if the chief executive officer did not want to take the job he could decline

it and someone else could take it. What sort of compromise is that? Absolutely none. It insists on the amendment that the chief executive officer should be on the board. That is why I say honourable members opposite have no real interest in this Bill.

The Hon. D. H. LAIDLAW: Will the honourable member give way?

The Hon. C. J. SUMNER: Yes.

The Hon. D. H. LAIDLAW: I wish to suggest to the Hon. Mr. Sumner, since members have said what happened at the conference, that the Premier quoted a number of cases of authorities where he knew of general managers who did not wish to be on the board, and that is why we offered the compromise.

The Hon. C. J. SUMNER: It was not a compromise. You were saying that the general manager should be on the board as a first right.

The Hon. C. M. Hill: Not with our compromise. We said he need not be if he does not want to be.

The Hon. C. J. SUMNER: You are saying he should have first say.

The Hon. C. M. Hill: Yes.

The Hon. C. J. SUMNER: That is no compromise. Since the House of Assembly did not want it in their conditions it is no compromise at all. When it was found it could not be written in a general way there was no further compromise by the managers. No, they would defeat the Bill. That was the intention of honourable members opposite in moving the amendment. There is no interest in this Bill generally, which is a progressive policy in that it attempts to give employees some sort of say in the work place and in how their lives are affected on the shop floor or in the department. Honourable members opposite have no interest in it at all.

I turn now to other comments. First, I want to commend the Hon. Mr. Dunford for his contribution to the debate, which was an excellent one. Even though he thought I was being a bit unreasonable in accusing him of being a Conservative, I would like to commend him for his contribution. I would like to recognise, at least as far as the Hon. Mr. Laidlaw is concerned (and perhaps he is the only exception to the rule among members opposite), his interest in this matter over some period of time, and to say that what he says about having a general manager on the board and the reasons for it may be valid reasons but something that should be looked at in relation to each board or industry. It is not absolutely true in every case that it is a good thing to have a general manager on the board.

Surely, if they had a true interest in this Bill, members opposite could have passed it, limiting the number to two, and no doubt in many cases the chief executive officer would have been one of the employee representatives. By this method they have completely defeated the Bill. In view of his interest in it and in view of what he said during this debate, I am surprised that the Hon. Mr. Laidlaw could not see his way clear to compromise just a little over this legislation, which the Government has proposed for some time, and reference to which was included in the Premier's policy speech.

The Hon. N. K. FOSTER: Let me stand in this place and make it abundantly clear that members on the Opposition side of the Chamber have little or no concept of industry as it concerns the people in the industry. The people I refer to in industry are the multitudes. I do not want to do any more than illustrate that to the fuddy-duddies on the other side, the people comprising Monty Python's Circus (if I may so describe it). Let us take into con-

sideration the approach of one big industry in Australia, a company providing employment for 50 000 people directly, and indirectly for another 50 000 people. The company to which I refer is the combined company of the Broken Hill Proprietary Company Limited, the Broken Hill Associated Smelters, and all that group of companies.

Let me enlighten this Chamber through you, Sir, as to the thinking of this company, let alone its attitude, as displayed by members here who have a direct or an indirect interest in it. I refer, of course, to the Hon. Mr. Laidlaw. Let him stand here and tell us that he is opposing this Bill and is influencing his colleagues to oppose this Bill because he in some way represents a company that refuses today not only to recognise employee organisations involved in this company, but will not recognise the authority of employer organisations, merely sitting on the sidelines and reaping the benefits of the work of both. I will qualify that.

The Hon. J. C. Burdett: What has that got to do with the motion?

The Hon. N. K. FOSTER: I am speaking to it, and you with your woolly-minded thinking—

The PRESIDENT: Order!

The Hon. N. K. FOSTER: You did not hear what the gentleman said. Nowhere in Australia does the B.H.P. Company recognise the Australian Council of Trade Unions or its various branches in any State. Nowhere in Australia does it recognise the Combined Unions Council, even in its own company towns of Newcastle and Whyalla. The Hon. Mr. Blevins no doubt will be able to confirm this in a few minutes. He is coming back into the Chamber. The C.U.C. in Whyalla is not recognised by the B.H.P., and the Hon. Mr. Laidlaw is a direct representative of that body. The B.H.P. has a direct interest in what goes on in the Metal Trades Association in every State of the Commonwealth and in the national bodies. It will not contribute directly to the cost of the organisation and the functioning and running of those organisations. That is how damn hypocritical it is.

It is a form of bastardisation by one of the biggest employing companies in Australia, and I make no apologies for using that term. We sit here in this Chamber, Monty Python's Circus, endeavouring to equate what is in this Bill regarding representation, when we are dealing in this State with a company that will not even recognise employer organisations. They will not even belong to the bodies or organisations laid down by legislation. I refer, for instance, to a body set up by the Federal Government—the Stevedoring Industry Council.

The Hon. J. C. Burdett: What has this got to do with the Bill?

The Hon. N. K. FOSTER: It has something to do with the Bill. That sort of interjection shows just how stupid and thick you are.

The Hon. D. H. LAIDLAW: Will the honourable member give way?

The Hon. N. K. FOSTER: In no way. If I was to give way, the honourable member could not answer me even if he tried until doomsday.

The Hon. M. B. Dawkins: You aren't the slightest bit democratic. You won't even listen to him.

The Hon. N. K. FOSTER: You talk about being democratic: do not be such a hypocrite.

The PRESIDENT: Order! There is too much yelling.

The Hon. N. K. FOSTER: Well, shut him up!

The PRESIDENT: Order! The honourable member must learn that he does not have to make his point by yelling. The honourable member could make his point much better if he moderated his tone.

The Hon. N. K. FOSTER: Thank you. It's enough to make the cocks crow when one tells the truth. No-one can disprove what I am saying. Is it any wonder that one gets excited when one knows the truth? The stevedores are an association of stevedores throughout the Commonwealth, and have been known under that and another name for almost 100 years. The Broken Hill Proprietary Company has a greater share of the interstate tonnage than has anyone else in Australia, and any ship that it has built in the last 10 years has been subsidised, by 50 per cent, from the public purse, resulting in the expenditure of millions of dollars of Government money. Despite this, it is not willing to allow the Commonwealth Government to nominate a member for its board of directors. It does not belong to the association of employers.

The Hon. D. H. Laidlaw: If they did, you would say that they were in a trade ring.

The Hon. N. K. FOSTER: That shows just how stupid the honourable member is, because that company does not belong to it at all. All that company does is try to dominate and impose its will wherever possible. The last person in Federal Parliament to attack this group of people was none other than the then shadow Minister, Malcolm Fraser. So, members opposite can read *Hansard*. Having said that, let me come closer to the Bill we are discussing. The *News*, that rag that somehow gets into this Chamber, has its editorial today dealing with industrial relations, yet it does not know the first thing about them. Let us look at the Whyalla dispute. At no time during the disputes that occurred at Whyalla when the steel-producing plant was being put in would B.H.P. come to the conference table if the Combined Unions Council called a meeting. It said, "We will not negotiate or recognise any body or group other than those represented." Of course, B.H.P. was bound by an award of the Commonwealth Conciliation and Arbitration Commission. It said, "At no time will we see them in combination. We will peel them off one by one."

The Hon. C. M. Hill: What has the private sector to do with this Bill?

The Hon. N. K. FOSTER: I am coming to that, if you will be patient. Imagine the howl that would occur in the street if the Government provided for worker participation by way of direct legislation, enabling employees to be members of the board of the Perry Engineering Company. They have no alternative but to go to the public sector. I do not believe that worker participation will occur in the private sector until a trade union influences, in one way or another, a large employer. I qualify that by saying that I know of no industry flow-on that has emanated from the public sector, whether it has related to pay increases, smokos, annual leave, annual leave loadings, long service leave, or whatever. Moves in those areas that have been pioneered in the public sector have rarely flowed on to the private sector. Maternity and paternity leave, for instance, have not found their way to the private sector.

The Hon. D. H. Laidlaw: I hope they don't.

The Hon. N. K. FOSTER: The Hon. Mr. Laidlaw can say what he likes, but that is discrimination. If he had two married daughters, one working in the private sector and the other in the public sector, one receiving such benefits and the other not receiving them, there could be an argument about the matter at the family meal table. How

ridiculous it is! I challenge members opposite to disprove what I have said about the B.H.P. Company, one of Australia's largest employers, and about the lack of flow-on of benefits from the public sector to the private sector.

The Government is in a position to recognise the rights, almost the sovereignty, of private business, and can legislate in relation to the public sector but not the private sector. As I said in my first speech in this Council, members opposite will accord the courtesy of representation at the boardroom level when an industrial dispute exists. In those circumstances, they say, "Let us get a shop steward or union representative or officer in and settle the dispute. Let us get on with production and get the wheels of industry turning." However, there is no thought of bringing those people in at the boardroom level to prevent something that is the root cause of industrial disputes. The B.H.P. Company condescends to allow people to work for it, and it treats some of those people more harshly than it does anyone else. That company's turn-over of personnel officers is higher, by about 100 per cent, than the turn-over in other areas in the private sector. It never dismisses these people. What does it do with them? When they take their annual leave, to which they are entitled, the company sends them a letter saying that it cannot see its way clear to pay a bonus that year and that they need not return to the job. That is the gutless way in which that company acts. I have known many officers who have worked for that company in the past and who have been dismissed in this way. There is not a more inhumane employer than the B.H.P. Company.

The Hon. D. H. Laidlaw: What has this got to do with the public sector?

The Hon. C. M. Hill: Or the Bill?

The Hon. N. K. FOSTER: I have said that the Government cannot legislate in the private sector. There should be a flow-on to the private sector. There would be guidelines for people to argue that the provision should apply in the private sector because it has been established in the private sector.

Opposition members are being advised by employers, who do not understand. I never cease to be amazed about what happens. Employers will paint themselves into a corner, almost to the extent of being forced up the wall, in an industrial dispute where there is a demand. They will adopt a false front and say that they will fight the matter to the last man and the last cent. However, when the work force says, "You will not drive us into a corner, and we will knock off," the employers will often make concessions.

I know from discussions with representatives of prominent unions here that they have had direct contact negotiations with employers, have gone on with a set of demands, and, instead of coming out with 50 per cent of what they wanted, have come out with 100 per cent. This has happened when the unions have made press statements that they would take some form of direct action, or make certain recommendations. Is it not far better to have representation at board level? I tell Opposition members not to mind about calling it worker control and getting a hang-up about that because of things that they have heard.

I put it to the honourable member who has said that he has had wide experience in industry that, if there was an employee representative on his board, appointed on a proper basis of representation from his factory and being a person who was at least at union administration level, any demands that were to be made on the firm would come through in that way.

The Hon. D. H. Laidlaw: No. You have to start from the line.

The Hon. N. K. FOSTER: The man may be a shop steward, but you would have him on the board. If that was not so, he could be accused of all sorts of things. I ask you whether you agree with that.

The Hon. D. H. Laidlaw: I do not agree with any of this that you are saying.

The Hon. N. K. FOSTER: If I stood here talking for six months, you would not agree. When disputes occur Opposition members telephone Bob Gregory, Secretary of the Trades and Labor Council, asking him to get the boys together to see if the matter can be solved. However, 24 hours earlier you did not want to see the sight of them. You accept that there is little chance of a flow-on from the public sector, but you should carry this motion so that you can then be innocent observers of the benefit of what may or may not happen in the private sector. Private industry should regard the scheme as a pilot scheme, not because private industry is involved at this stage but because it is a matter on which private industry can decide later, in consultation with those members in the public sector who are directly associated with this exercise. I implore the Council to carry this motion, because I see this year as being a year of grave industrial disturbance. I say that because the new Fraser Government started off—

The Hon. D. H. LAIDLAW: Will the Hon. Mr. Foster give way?

The Hon. N. K. FOSTER: No, the honourable member can speak afterwards if he wants to do so.

The PRESIDENT: He cannot. He has already spoken.

The Hon. N. K. FOSTER: The Fraser Government fought the election last December on the basis of improved industrial relations and it went so far as to change the name of the relevant Commonwealth department to the Department of Employment and Industrial Relations.

The Hon. C. M. Hill: What about getting back to the Bill?

The Hon. N. K. FOSTER: The Bill is about industrial relations. The honourable member displays his damned ignorance.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: Well, he must be an ignorant person. The honourable member will not deter me from making the point that the Fraser Government started very well. I detest that Government, the people who make it up, and the way those people went about getting into office, but it is the Government of the day, and it had made much play about industrial relations. The first person that that Government met after the jubilation on the Saturday evening of December 13 and the Sunday following the election was the President of the Australian Council of Trade Unions. Fraser saw Hawke, and Tony Street (the Minister). However, four weeks later they were at absolute loggerheads.

The PRESIDENT: Order! I have been extremely patient, but the honourable member is getting so far away from the motion before the Chair that I must ask him to cease those remarks and come back to the motion.

The Hon. N. K. FOSTER: All right, I need not waste more time on that. However, on the matter of a spirit of participation at national level, a big impasse has resulted. The Government and Government Ministers are involved. I will give way to the Hon. Mr. Laidlaw now, if he wants to take that opportunity, but I did not want to give way when I was in full flight.

The Hon. D. H. LAIDLAW: I thank the Hon. Mr. Foster. The only point I want to make is that we suggested that our amendment would improve the pilot scheme that the Premier is trying to introduce in the public sector.

The Hon. N. K. FOSTER: I support the motion before the Council, and I supported the motion that was before us last week. I deplore the Opposition's attitude.

The Hon. R. C. DeGARIS (Leader of the Opposition): I will be brief, and I mean what I say. One comment I should like to make is that for many years we have operated a system of conferences between the two Chambers whereby managers were appointed from each place to try to put the viewpoint of their Chambers to the conference and to try to reach a compromise. The system was unique to South Australia. I do not know of any Parliament that used this system before South Australia did. Other Parliaments have copied the system since it was originally adopted here. Until the present time the system has performed an excellent function and there has been a spirit in relation to conferences that has always been respected by members of both Chambers.

In recent years there has been a decline in the accepted standards of reporting conferences to the Houses after they have been completed. I believe that, in the minds of some members, they are trying to achieve the destruction of the conference system. I am not making that as an absolute allegation but, from what I have seen today and in the past few days, I believe that this probably is a reasonable assumption. Some honourable members are setting out to destroy a system that I believe has work extremely well in the interests of the State.

The Hon. C. J. Sumner: How are they setting out to destroy it?

The Hon. R. C. DeGARIS: They are setting out to destroy it in many ways. I dealt with one matter yesterday.

The Hon. C. J. Sumner: What was that?

The Hon. R. C. DeGARIS: The reporting of the results of a conference to a public meeting before reporting to Parliament. I drew the Council's attention to this matter yesterday.

The Hon. C. J. Sumner: There were special circumstances.

The Hon. R. C. DeGARIS: There are no special circumstances when it is a question of the privileges of Parliament. Today, the Hon. Mr. Sumner also, in my opinion, overstepped the mark in reporting to Parliament in a derogatory manner what someone had said at a conference when there was no record of that conference. I do not mind reporting compromises that were offered—

The Hon. C. J. SUMNER: I rise on a point of order, Mr. President. I do not know whether the Hon. Mr. DeGaris thinks I was on the conference. I was merely commenting on the Hon. Mr. Hill's report of the conference when I said there had been no real attempt at compromise. I was merely commenting on what the Hon. Mr. Hill said. I was not at the conference. I therefore ask the Hon. Mr. DeGaris to withdraw the imputation.

The Hon. R. C. DeGARIS: I withdraw the imputation that concerns the honourable member. Statements have been made by the Hon. Mr. Cornwall and the Hon. Mr. Blevins about this matter, which is included in *Hansard*. I refer honourable members to what those honourable members have said. The standard that has been set and accepted by honourable members over many years seems to be declining. I commend the Hon. Mr. Dunford for what he said, although I doubt whether it had very much

to do with the motion. His contribution was very interesting, as far as worker participation is concerned. No-one is opposed to concepts of worker participation.

The Hon. Anne Levy: Ha, ha!

The Hon. R. C. DeGARIS: There was a rather humorous laugh from the Hon. Anne Levy, whom we all know. No-one is opposed to the concepts of worker participation. This Council passed the Bill with amendments. The Premier has said that he accepts the decision of the conference without rancour. Let us proceed from that basis.

The Hon. J. E. Dunford: He was very disappointed. You were not there.

The Hon. R. C. DeGARIS: I am referring to what was said in the House.

The Hon. J. E. Dunford: At the conference, he was obviously disappointed.

The Hon. R. C. DeGARIS: In this case, I believe that the best interests of where we are trying to go are served by not supporting the motion. Let the Government have a look at this matter and bring down another Bill to try to encompass the general agreement that was reached in spirit at the conference.

The Council divided on the motion:

Ayes (10)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey (teller), B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Noes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

The PRESIDENT: There are 10 Ayes and 10 Noes. With the two Houses of this Parliament equally divided on this question and with the conference not being able to resolve the differences, I think more time should be given for thought on this matter. I therefore give my casting vote to the Noes.

Motion thus negatived.

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL)

The following recommendation of the conference was reported to the Council:

That the Legislative Council do not further insist on its amendments Nos. 2 to 4 and 6.

Consideration in Committee.

The Hon. B. A. CHATTERTON (Minister of Agriculture) moved:

That the recommendation of the conference be agreed to.

The Hon. M. B. DAWKINS: I support the motion. I regret that it was not possible to insist on the amendment carried in this place; that amendment would have given all ratepayers in South Australia a further 30 days grace in which to arrange payment of their rates. However, we know that the Bill contains many valuable provisions that will greatly assist local government. It would therefore be unwise to risk losing the Bill by insisting on the amendment to which I have referred. Therefore, with much regret I support the motion. We did offer an alternative to the Minister, which he has undertaken to look at during the recess. We offered this alternative rather than moving a further amendment or seeking a compromise at present. The Hon. Mr. DeGaris may wish to refer to that alternative, so I will not deal with it now. I support the motion.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the motion. The Bill under discussion was a good Bill. One of the matters contained in the Bill related to the question of bringing back the time for payment of rates from February 28 in many council areas. The amendment was to extend the time for the payment of rates from 60 days to 90 days. The Minister did not reply to a certain matter that was raised with him in conference. I should like to detail that matter. In many areas of the State, especially in the southern parts, the nominal budgeting period for councils and the local community is on a March to March basis. Local government usually makes its financial arrangements from September to September.

The question was raised with the Minister whether it would be possible to give councils a discretion to close their books at a date other than June 30. I know that matter has nothing to do with the Bill, but the Minister gave an undertaking that, during the recess, he would get officers of his department to investigate the matter to see whether an amendment along those lines should be introduced. With that undertaking, this Chamber was willing not to insist on its amendment that the time for payment of rates be extended from 60 days to 90 days. I therefore support the motion.

The Hon. F. T. BLEVINS: I, too, support the motion. This is the second conference I have attended. I said a few words the other day on the matter of conferences, words that were fairly critical about conferences. I suppose I should be pleased with the result of this conference, because it is favourable to the Australian Labor Party.

The Hon. M. B. Dawkins: It was not so favourable to the ratepayers.

The Hon. F. T. BLEVINS: So the honourable member will be voting against the Minister's motion?

The Hon. M. B. Dawkins: No, I will support it, but it was not favourable to ratepayers.

The Hon. F. T. BLEVINS: Then why are you supporting it?

The Hon. M. B. Dawkins: I said that it was not favourable to ratepayers.

The Hon. D. H. L. Banfield: And he is voting against the interests of the ratepayers!

The Hon. F. T. BLEVINS: That is strange.

The Hon. N. K. Foster: It's stupid!

The Hon. F. T. BLEVINS: I would say that it is strange.

The Hon. M. B. Dawkins: You're improving. It's a wonder you didn't call me a hypocrite.

The Hon. F. T. BLEVINS: "Hypocrite" is the word, is it? You are trying to put words in my mouth.

The Hon. M. B. Dawkins: Then—

The CHAIRMAN: Order! I think the honourable member should come back to the motion.

The Hon. F. T. BLEVINS: Each time I get to my feet to speak the further round the bend the Opposition goes. My displeasure with the result of the conference relates not really to the result, which was favourable to the A.L.P., but to the conference system itself. To me is smacks of blackmail. The Opposition in this place is acting like a government in exile. In effect, it says, "You'll agree with some nitpicking amendment that we insist on, or we may not give you anything." That is what it is all about. I cannot for the life of me see what right the Hon. Mr. Dawkins, the Hon. Mr. Whyte, or any other member of the Opposition has to insist on any silly, trivial, nitpicking amendment that the people's House

has passed. The subject matter of these Bills has gone to election, and the people of this State want these Bills. The Hon. Mr. Dawkins and the Hon. Mr. Whyte have no right whatever to interfere with the will of the people's House.

The Hon. R. C. DeGaris: The great democrats!

The Hon. F. T. BLEVINS: They have no right at all to disagree with—

The Hon. R. C. DeGaris: The Opposition has no rights at all: is that what you're saying?

The Hon. F. T. BLEVINS: The Opposition has no right—

The Hon. R. C. DeGaris: Is that what you are saying?

The Hon. F. T. BLEVINS: Just listen; I have said it several times already. The Opposition has no right at all—

The Hon. R. C. DeGaris: We've got it!

The Hon. C. J. Sumner: Let him go.

The Hon. N. K. Foster: Let him qualify it.

The Hon. F. T. BLEVINS: —to interfere with the people's House. The earliest I can leave this place is 8 a.m. tomorrow morning. If Opposition members want to keep me here longer that is all right with me; I will welcome the company. The Opposition in this place has no right whatever to say to the Government, "You will agree to what we think." What undemocratically elected people think should be legislation in this State, that is what they are saying. The people of this State have elected in the people's House a Government to rule this State. That Government should be allowed to do so without interference from members of the likes of the Hon. Mr. Dawkins, the Hon. Mr. Whyte, or anyone else. It was ridiculous to see the looks of pleasure amongst those small-minded members opposite when the President last evening was reading about half a dozen messages from the other place indicating that it had accepted this Chamber's amendments. They were delighted and chortled congratulations amongst themselves.

The Hon. C. J. Sumner: They were slapping each other on the back.

The Hon. M. B. Dawkins: Some of those amendments were inserted by the Government in this Chamber.

The Hon. F. T. BLEVINS: They were excellent amendments. However, some of the silly trivial matters that members opposite insist on inserting in legislation is done in a futile attempt to justify their own existence and show that they are working, that they are doing something. It is the most utter nonsense that I have ever seen. If the Hon. Mr. DeGaris does not like the way that the managers from these conferences report to this Chamber, that is just too bad, because that is the way it is and, I suggest, that is the way it will be for some time.

The Hon. M. B. Cameron: You may get a surprise.

The Hon. F. T. BLEVINS: It is extremely short-sighted of members opposite to carry on as if they were a Government in exile. Eventually the Liberal Party might have a majority in the House of Assembly and the Labor Party a majority in this Chamber.

The Hon. R. C. DeGaris: That won't be long, either.

The Hon. F. T. BLEVINS: That may be so. It will be extremely difficult then for people like me to convince members of my Party that we should not indulge in the same practice, because what the Opposition has done in this Chamber is set a precedent for a hundred years by insisting upon silly, stupid nitpicking amendments. I will be in a position (although what I have suggested is not

likely to happen for about 30 years) of trying to tell people that our Party should not act as a Government in exile. The Opposition's approach is short-sighted.

The Hon. J. C. Burdett: We won't mind if you act as an efficient Opposition.

The Hon. F. T. BLEVINS: I should like some order in this Chamber, because several honourable members are asking me questions at the same time. The Hon. Mr. Whyte has something to say?

The Hon. A. M. Whyte: The honourable member should be able to make a good job of condemning the democratic procedure of the Council, because he has been working on it for a week; he is fully armed for it.

The Hon. F. T. BLEVINS: There must be a crack in that somewhere.

The Hon. A. M. Whyte: You were all set for this; you have had instructions from elsewhere.

The Hon. F. T. BLEVINS: I do not understand what the Hon. Mr. Whyte is talking about. I do not propose to disclose what was said either before or at the conference. It is ridiculous for the Government of the day to lose a Bill for the likes of these people who insist on their silly nitpicking amendments. The conference reeked of blackmail. I do not like to be threatened by these people. There is a lot of legislation that members opposite have voted for so that they can justify their own existence. With those few words, I support the motion.

Motion carried.

QUESTIONS

EMPLOYMENT AGENCIES

The Hon. N. K. FOSTER: I seek leave to make a short statement prior to asking a question of the Minister of Health.

Leave granted.

The Hon. N. K. FOSTER: Because of the unemployment level today, several private employment agencies are suspected of extorting money—

The PRESIDENT: Order! The honourable member must not express an opinion when asking a question. He must state the facts on which he bases his explanation before asking a question.

The Hon. N. K. FOSTER: I will not proceed with that any further. These agencies are in every capital city. The present Treasurer in the Federal Government indulged in this activity at one time in and around Melbourne with the private agencies.

The Hon. C. M. Hill: What agencies are you talking about?

The Hon. N. K. FOSTER: Employment agencies in and around Melbourne. A fellow called Philip Lynch—

The Hon. C. M. Hill: Look at the newspaper reports of the day and you will find he was not. You are reflecting on a Minister.

The Hon. N. K. FOSTER: I am not reflecting on a Minister.

The Hon. ANNE LEVY: I rise on a point of order, Mr. President. I understood no interjections were permitted during Question Time.

The PRESIDENT: That is so. My attention was distracted by another matter for the moment. Consequently, I did not hear it. I ask all honourable members to cease making interjections.

The Hon. N. K. FOSTER: Will the Minister, wherever possible, have an investigation made into the *bona fides* of private employment agencies in Adelaide? Will he particularly have investigated those agencies that it is felt

falsely advertise for personnel and extract a fee before they direct a person to a supposed place of employment, insisting on a fee whether or not employment is gained by the people who make some form of contact with them? I will not at this stage name any of the employment agencies, but I ask the Minister that they all be investigated as to their *bona fides*. Also, does the Minister consider it fair that a Minister, State or Federal, makes public statements casting aspersions as regards their dress upon those members of the community who are unemployed? Further, the Federal Minister for Social Security has publicly stated that she will have payment stopped from such people when in fact—

The Hon. C. M. Hill: What is your question?

The Hon. N. K. FOSTER: I am asking the Minister, first, will he have this matter investigated with regard to the employment agencies? Secondly, does he as a Minister recognise the statements made by Federal and some State Ministers in regard to dole bludgers? Does the Minister agree that those public statements would tend to deny unemployed people their benefits because in the department's view they did not dress correctly to enhance their chance of employment? Lastly, will the Minister ascertain whether or not all job vacancies are passed to or through the department that that woman represents?

The Hon. D. H. L. BANFIELD: While I appreciate that the honourable member did not refer to any names, it would help the Government if he would tell it what cases he had in mind. Also, we will look at any cases in which we believe the best interests of the public are not being preserved. As regards the possibility of people who are unemployed not receiving social benefits, that is of course a retrograde step. Thousands of people have been put out of work by actions of the Commonwealth Government—

The Hon. R. C. DeGaris: The previous Government.

The Hon. D. H. L. BANFIELD: No, the Fraser Government; unemployment has been added to by the actions of that Government, and it would not be in the best interests of any Government, once it put a person out of work, to say to him, "We have put you out of work. You will not get any social benefits unless you get your hair cut." As regards the other matter raised by the honourable member, I will refer his question to the Government.

GUMERACHA BRIDGE

The Hon. J. C. BURDETT: Has the Minister of Lands a reply to a question I asked recently about Gumeracha bridge?

The Hon. T. M. CASEY: The construction of a new bridge over the Torrens River at Gumeracha on the Adelaide-Mannum road is now scheduled for 1978-79. This timing is subject to present priorities remaining unaltered and to the terms of Australian Government legislation covering aid for roads for the period beyond June 30, 1977.

NURIOOTPA SCHOOLS

The Hon. M. B. DAWKINS: Has the Minister of Agriculture a reply from the Minister of Education to a question I asked on February 3 about the opening date of the new primary school and a music suite for the high school at Nuriootpa?

The Hon. B. A. CHATTERTON: My colleague informs me that it is hoped that the new Nuriootpa Primary School will be available for occupation in September, 1976, and that the Demac music suite for the high school will be available early in 1977.

AUSTRALIAN EDUCATION COUNCIL

The Hon. ANNE LEVY: Has the Minister of Agriculture, representing the Minister of Education, a reply to the question I asked on February 17 about the Australian Education Council?

The Hon. B. A. CHATTERTON: My colleague states that much time at the conference was spent in discussing the future of national, as opposed to State, initiatives in education. It is clear that the Commonwealth Government has a bias against continuing national initiatives but has, on balance, decided to retain the Schools Commission. My colleague is therefore somewhat fearful for the future of certain of the specific-purpose Schools Commission programmes. The South Australian Government has organised itself to co-operate with the Commonwealth in these funding programmes, and any radical departure from these arrangements will create difficulties for this State. As far as the volume of funds is concerned, the Commonwealth Minister indicated that for this calendar year there would be no deviation from what was announced by his predecessor prior to the change of Government, so the present strains on capital funds will continue. No information was available on the Children's Commission as this is within the Ministerial responsibility of the Hon. M. Guilfoyle.

PRAWN FISHING

The Hon. J. A. CARNIE: Has the Minister of Fisheries a more detailed reply to the question I asked on February 4 about fishing vessels?

The Hon. B. A. CHATTERTON: When he first asked his question, I gave the honourable member a reply on the principles involved in policies concerning the replacement of prawn boats. I have a more detailed reply giving some of the resolutions which were passed by the prawn advisory committee, and I seek leave to have this information inserted in *Hansard* without my reading it.

Leave granted.

PRAWN BOATS

In April and May, 1970, the Fisheries Division of the Commonwealth Department of Primary Industry carried out a field survey to study costs and earnings of boats engaged in the South Australian prawn fishery. The results of this survey were subsequently brought into line with current costs by the Economic Intelligence Unit of the Premier's Department and published on March 28, 1973. Analysis of the economic performance of various size prawn boats indicated that those between 15.5 metres and 18.3 m earned the highest percentage rates of return on capital in 1969-70. It was also estimated that to achieve a 15 per cent return on capital investment (a return which the report considered to be reasonable for prawn fishing), a 25.9 m wooden boat would need to catch 56.7 tonnes (live weight) of prawns compared to 27.8 t in the case of a 13.7 m wooden boat. These observations were in turn used for a full appraisal of the prawn fishery by the Acting Director of Fisheries on November 19, 1973, and one of the subsequent recommendations to the Government stated that the maximum length of new vessels entering the prawn fishery be as follows:

Zones A B C and D (West Coast and	
Spencer Gulf)	19.8 m
Zone E (St. Vincent Gulf)	13.7 m

This recommendation was designed to hold the prawn-fishing effort at about the calculated nightly catch for that time, and when the Prawn Fishing Industry Advisory Committee met in February, 1974, to advise the Minister on the allocation of available prawn authorities, a further policy was drawn up by the committee for determining

the issue of prawn fishing authorities. This policy was accepted by the Minister and approved in Cabinet on July 22, 1974. Two of the 19 clauses of the policy were as follows:

- (18) The maximum length of replacement vessels for any prawn fishery not to exceed 14 m (45ft.) in zone E and 17 m (55ft.) in other zones.
- (19) The maximum number of economically viable units to take the maximum sustainable catch to be the criteria to determine the number of boats in the prawn fishery.

In order to hold fishing effort and to give effect to clauses 18 and 19, the committee recommended the following policy for the replacing of vessels where it considers replacement justified:

1. That any vessel to be replaced must be in such a condition that its hull would be scrapped on the replacement vessel coming into operation.
2. That in zone E any replacement vessel would not exceed the length of the vessel it replaces.
3. That in zones C and D no vessel shall be replaced—
 - (a) in the case of vessels 16.7 m (55ft.) or under by a vessel of greater length than that being replaced;
 - (b) in the case of a vessel over 16.7 m (55ft.) by a vessel not exceeding 16.7 m (55ft.) in length.

This policy was approved by the Minister of Fisheries on October 5, 1974. Reasons given by the Prawn Fishing Industry Advisory Committee for this policy are as follows:

1. To follow a policy of farming all our fisheries on a permanent conservation basis as against an exploit policy on a short-term basis, the number of boats engaged in any section of the industry should not be increased unless research first proves that a farming policy can properly accommodate more boats. Accordingly, unnecessary replacement brings in additional boats and more pressure for additional licences, which, if granted, undermine the farming or conservation policy.
2. When a boat is no longer suitable for one type of fishing it is considered to be no longer useful or suitable for any other type of fishing. The financial structure of the prawn-fishing industry allows provision for boats being replaced to be scrapped.

The Hon. F. T. BLEVINS: I seek leave to make a short statement prior to directing a question to the Minister of Fisheries.

Leave granted.

The Hon. F. T. BLEVINS: Last week the Minister issued a strong warning to interstate fishermen that they would be prosecuted if they fished within South Australian territorial waters without an appropriate State licence. According to this morning's press, inspectors from the Minister's department intercepted what was claimed to be an interstate prawn trawler without an appropriate licence. Can the Minister say who owns this boat? Does he consider that our fisheries legislation is being threatened? Why should not interstate operators fish in our waters?

The Hon. B. A. CHATTERTON: As the honourable member has pointed out, it was reported in the press that a Fisheries Department patrol boat intercepted a trawler. This trawler was owned by A. Raptis and Sons, and the trawler is the *Lorna Roper*, which I understand comes from Queensland. Subsequent to the press report, a company spokesman has publicly admitted that the company intends to challenge South Australia's fishing laws. This will be a challenge in the courts. It is widely accepted that the South Australian fisheries management policies are the best in Australia, as they protect our resource

from over-exploitation and ensure a reasonable standard of living for people who have invested in the industry. This is why I believe it is important to meet this challenge. We do not intend to have our fishing legislation undermined by people operating without the appropriate authority.

CAVAN BRIDGE

The Hon. M. B. DAWKINS: Has the Minister of Lands, representing the Minister of Transport, a reply to the question I asked on February 12 about the dangerous situation concerning the Cavan bridge?

The Hon. T. M. CASEY: My colleague states that planning for the duplication of this bridge has been delayed because of implications of the proposed rail standardisation scheme that are not resolved at this site. However, it does appear that, subject to the availability of funds, construction of the duplicate bridges could commence in the 1977-78 financial year.

STATE TRANSPORT AUTHORITY

The Hon. C. M. HILL: I direct my question to the Minister of Lands, representing the Minister of Transport. As I requested the Chief Secretary earlier this week to make every effort to have answers to questions brought into this Council before the recess, which continues until June, has the Minister a reply to the question I asked on February 10 concerning appointments to the State Transport Authority, and concerning especially the salary paid to Mr. Jim Shannon, former Secretary of the Trades and Labor Council?

The Hon. T. M. CASEY: I am sorry to inform the honourable member that I have not received an answer from my colleague, but I shall take it up with him and see that the honourable member receives a reply in the post.

The Hon. C. M. HILL: Does the Minister of Lands believe that the Minister of Transport is afraid to give such detail to this Council?

The Hon. T. M. CASEY: Certainly not.

The Hon. N. K. Foster: Take Ministerial exception to that.

The PRESIDENT: Order!

CARCLEW

The Hon. C. M. HILL: Has the Chief Secretary a reply to my recent question concerning the arts at Carclew?

The Hon. D. H. L. BANFIELD: I inform the honourable member that the Government is not afraid to answer any question asked by any honourable member in this Council.

The Hon. C. M. Hill: It had nine days to do it.

The Hon. D. H. L. BANFIELD: I indicated yesterday that the Government cannot overnight pluck replies out of the air merely because honourable members ask questions. The honourable member should have some respect for the public servants who have to do the research.

The Hon. C. M. Hill: Is nine days "overnight"?

The Hon. D. H. L. Banfield: I take exception to the Hon. Mr. Hill's remarks on this matter. Regarding the honourable member's question about Carclew, I inform him that *Get Out* magazine was the product of a group of young ex-university students, mainly unemployed, with the originally declared purpose of providing listings of artistic attractions and reviews of cultural events within this State. To support that aim,

the publishers (known as Arts Information Co-operative) received minor grants totalling \$2 200 from State arts funds during the 1974-75 and 1975-76 periods, on the recommendation of the Arts Grants Advisory Committee. The Community Arts Fund of the Australia Council also provided a grant of \$1 500 for those purposes. Regrettably, magazines of this nature face a difficult struggle to achieve viability. In their desire to increase circulation rapidly, the publishers have resorted to trying to produce "disclosures" and "sensations", as well as shifting emphasis from artistic to radical extremist commentary in recent months. The magazine has now ceased operation because of accumulated debts, staff shortages and lack of ability to attract further grants from arts funds sources.

The article in question is lengthy, highly coloured, and inaccurate. However, to answer each point in detail would require a separate edition of *Hansard*. Should the honourable member wish to discuss specific points, he may wish to contact either the Chairperson or Deputy Chairperson of the centre at his convenience. The Premier is currently considering a report from the Arts Development Branch of his department, in which recommendations have been made about the future activity and funding of Carclew Arts Centre. Because those recommendations, if approved, will involve negotiations with other parties, it would be premature to comment in detail at this time. In broad terms, the Government has encouraged development of Carclew as a centre for young people, aged between 7 years and 17 years, and hopes to continue and expand such support in future years.

ASSENT TO BILLS

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

Appropriation (No. 1), (1976),
Building Act Amendment,
Building Societies Act Amendment,
Education Act Amendment,
Fire Brigades Act Amendment,
Pay-roll Tax Act Amendment (Exemptions).

STANDING ORDERS

A memorandum was received from His Excellency the Governor returning a copy of amendments to the Standing Orders of the Legislative Council adopted by the Council on February 5, 1976, and approved by His Excellency in Executive Council on February 19, 1976.

PROROGATION

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That the Council at its rising adjourn until Tuesday, March 23, at 2.15 p.m.

First, I want to express appreciation of the way in which members have applied themselves to the business before the Council. I must observe that this has been a somewhat different type of session from others. As Leader in this Chamber, I have been greatly assisted by having some back-stops. When I first came here, only four Labor members sat in this place.

The Hon. R. C. DeGaris: I think you were much better off really.

The Hon. D. H. L. BANFIELD: That is a matter of opinion. We all know the present position, and my task has been made much easier at times. Of course, the business of the Council could not operate smoothly without the great assistance of the people at the table.

They do a good job. We know that things will run according to the book, because the Clerks assist us considerably in this regard. I can assure each and every one of them that their assistance has been appreciated by all.

You, Mr. President, have had a difficult time. I know you have made considered decisions from time to time, because you have told us about them. Nevertheless, in somewhat trying periods you have carried out your role in a manner befitting this Council. To all the new members on both sides, I extend my congratulations. They have all taken an active part in the debates. I remember a fellow who came here about 10 years ago and who was a bit wild and woolly, but eventually he calmed down.

The Hon. R. A. Geddes: He never gets cross these days.

The Hon. M. B. Dawkins: He is a nice fellow really.

The Hon. D. H. L. BANFIELD: If we are referring to the same person, I must say that he was never told that previously. I am sure it will be only a short time before new members in this place will receive the same sort of praise from members.

The messengers have done an exceptionally good job. Nothing is too much trouble for them, and I express my appreciation. The Council could not run so efficiently without the assistance of the unpaid Whips on either side, the Hon. Mr. Creedon and the Hon. Mr. Geddes. They have assisted considerably in the running of the Council and I thank them for the work they have undertaken. When we come back I trust that we will again function effectively in the interests of all the people we represent.

The Hon. R. C. DeGARIS (Leader of the Opposition): Briefly, I support the remarks of the Chief Secretary. I do not wish to go through the list of all the officers he has mentioned except to congratulate you, Sir, on the way in which you have carried out your role as President in this Chamber. I add my thanks to the Clerks at the table, *Hansard*, the messengers, and all the staff at Parliament House who have once again this session performed their roles with efficiency and courtesy.

I believe that the new procedures that we have adopted this session need close examination before the next session commences. I do not wish to obstruct or slow down the work of the Council, but I believe that the present process of suspending Standing Orders to have second reading explanations inserted in *Hansard* without their being read is not adding to the Council's efficiency. There is, I believe, too much pressure in trying to condense the work of the Council in this way. In the coming session I may raise objections to this procedure. I believe that the pressure being exerted on those at the table is something about which we must be careful when we try to streamline proceedings.

I support the motion and thank the Chief Secretary for his co-operation. I hope that the standard of co-operation remains at the level at which it has been maintained this session and in previous Parliaments, and I hope to see the Council assemble rejuvenated in the new session.

The PRESIDENT: I thank the Chief Secretary and the Hon. Mr. DeGaris for what they have said about me. I said at the beginning of the session, when I took my place as President of the Council, that I could not help but notice how the membership of the Council had profoundly changed. I think I can say that some of the debates and interjections that have occurred in the Council during the session have shown that the general tenor of debate in this place has also changed profoundly, although I do not necessarily say that

that is a bad thing. We have tried in this session some innovations, and I note what the Hon. Mr. DeGaris has said: that he has some reservations about them.

We have tried to streamline procedures a little, and it is a good thing if we experiment in this way so that honourable members can at least say later whether they think these are good innovations. Of course, we have done nothing that is contrary to Standing Orders in our attempts to try to reduce some of the more boring work during the session.

I particularly express my thanks to the Clerks at the table, who have perhaps been put under more pressure than has any other section by one or two of the innovations that we have tried. We have also tried the new give-way rule, the use of which now expires and which will have to be resurrected, if at all, next session. The Standing Orders Committee might consider this matter. Perhaps members of all Parties can tell me personally, if they so desire, what they think about it.

On behalf of honourable members, I thank the staff of Parliament House, including the messengers and the catering staff, for their co-operation and help during the session. I trust that when we resume (not in March, of course, but later), we will all return ready to give our best to another session. This has been a somewhat briefer session than usual, although the volume of work completed has been as much as, if not more than, has been completed in previous Parliaments.

I thank honourable members for their courtesy to me during the year. I am sure I have tried my best to co-operate with them. All honourable members know that, if they have any matter they would like to raise with me, my door is always open to each and every one of them.

Motion carried.

ADJOURNMENT

At 4.55 p.m. the Council adjourned until Tuesday, March 23, at 2.15 p.m.