HOUSE OF ASSEMBLY

Thursday 27 August 1981

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

PETITION: PORNOGRAPHY

A petition signed by 40 residents of South Australia praying that the House urge the Government to tighten restrictions on pornography and establish clear classification standards under the Classification of Publications Act was presented by the Hon. Jennifer Adamson.

Petition received.

PETITION: ANCILLARY TEACHING STAFF

A petition signed by 121 residents of South Australia praying that the House urge the Government to ensure the maintenance of teaching ancillary staff services, especially at Mawson High School, was presented by Mr Mathwin.

Petition received.

PETITION: HOUSING TRUST RENTS

A petition signed by 23 residents of South Australia praying that the House urge the Government to oppose the implementation of increased Housing Trust rentals, as announced, was presented by Mr Crafter.

Petition received.

MINISTERIAL STATEMENT: COLIN JAMES CREED

The Hon. W. A. RODDA (Chief Secretary): I seek leave to make a statement.

Leave granted.

The Hon. W. A. RODDA: It seems necessary, to me, that the facts of the case raised on Tuesday by the member for Elizabeth concerning Colin James Creed be brought to the notice of the House. There are several matters that require attention.

Creed was never suspended. He deserted his post and, while steps were being taken to dismiss him *in absentia*, he posted his resignation to his wife, who still remains in South Australia. Creed was specifically questioned on 21 May 1981 for armed robbery, resulting from his likeness to a security photograph from a bank holdup. He denied involvement. He was placed in an identification parade as a suspect, but not as an extra, and he was well aware of the reason for being questioned and lined up. He was not identified by the civilian witnesses who viewed the parade.

His house was searched and several personal articles were seized. There was insufficient evidence to arrest at that time, but the following day scientific examination of the articles seized provided sufficient evidence to arrest; however, Creed did not report for duty. He could not be located at his home or other known places, and consequently a warrant was obtained for his arrest.

The member is completely wrong in his information. Creed was questioned, he was placed in an identification parade, and he knew why, in relation to both matters. The gravity of the offences allegedly committed by Creed amply justify the publicity about him in order to assist in his early arrest, but the Commissioner cannot be held responsible for the sensationalism with which newspapers have presented the information to their readers.

The Commissioner and his senior officers are prepared to take all steps to 'root out other elements within the force that have been engaged in illegal activities'. Events of recent months have proved that, and the member himself referred to the case of Lacey. There are others. The member should divulge to the Commissioner the information he variously claims to 'believe' Creed has and he 'understands' Creed has, and to quote his comment, if Creed is arrested, the information he has will be important to senior police officers in South Australia.

If the member knows what information is available he would be failing in his duty to refuse to make it available. If he is so concerned for Creed's safety, then a full disclosure by the member, to either the Commissioner of Police or myself, of the information on which he based his comments would forestall the possibility of anything untoward occurring to Creed in the process of arrest. That is, of course, if one is prepared to accept that senior officers of the South Australian Police Force would entertain ideas such as those referred to by the member.

MINISTERIAL STATEMENT: COMMUNITY YOUTH SUPPORT SCHEME

The Hon. D. C. BROWN (Minister of Industrial Affairs): I seek leave to make a statement.

Leave granted.

The Hon. D. C. BROWN: Since the announcement by the Commonwealth Government last Tuesday week that the Community Youth Support Scheme will be abolished on 31 October 1981, considerable public concern has been expressed. This concern has been voiced principally by those project officer staff employed under the scheme, together with many hundreds of young unemployed people who have been involved in CYSS projects. The South Australian Government adds its voice to those who have expressed concern that the scheme is to be abolished.

The aim of CYSS was to provide preparatory assistance through planned activities in an informal environment before placement in other departmental programmes, further education, or employment. It was not a scheme which duplicated existing initiatives, but was complementary to the programmes run by the State Government and other private youth agencies. In other words, the withdrawal of CYSS cannot be justified on either the grounds that there was no community need for the programme, or that it duplicated other programmes. The abolition of CYSS will leave a void in community support for young unemployed people which will be difficult to fill.

At present there are 26 community-based unemployment programmes in South Australia which are funded by CYSS. A total of 70 skilled project staff are employed as CYSS project officers. The 18 metropolitan projects and the eight country programmes have involved several thousand young unemployed people in South Australia. In all, nearly $1 000 000 was spent in South Australia in 1980-81 on CYSS programmes.

The implications of this Commonwealth decision are quite serious for this State. In the first instance, there will be an immediate and direct impact on up to 5 000 young unemployed people who will, from 31 October 1981, no longer have the assistance of local communities through CYSS to meet their needs. This will particularly be a problem for isolated or rural young people, for whom no other similar services exist at the community level. The eight country regions currently served by CYSS are Port Lincoln, Port Pirie, Whyalla, Ceduna, Mannum, Murray

Bridge, Gawler and the Barossa. Complementary community youth support programmes, such as this State's CITY programme, operate only in the inner metropolitan area, with one CITY project officer working in the Elizabeth/Salisbury and one in the Noarlunga areas. CITY and other voluntary programmes within South Australia are currently at full capacity. The implications for staffing and State funding of the CITY programme are therefore obvious. It cannot be assumed that, at a time when the Commonwealth Government is imposing stringent financial constraints on this State Government in all areas, this additional funding will be available. Equally, other State funding schemes such as the Community Welfare Grant Scheme and the Local Government Assistance Scheme will have insufficient resources to meet additional applications for grants which can be expected as a result of the abolition of CYSS.

Nor can it be assumed that vocational training in South Australia will be able to meet the requirements of all young unemployed people displaced by the abolition of CYSS. Although the State Government has greatly expanded its school to work transition programme and opportunities for training of young people through group apprenticeship schemes, a group one-year apprenticeship scheme, and other initiatives, a significant short-fall in opportunities can be expected. For example, the school to work transition programme currently provides places for about 1 000 students across the State. The funding available from the Commonwealth Government for 1982, together with the supplementary finance provided by the State Government, will not possibly accommodate the influx of CYSS participants.

In any case, the school to work programme participants and CYSS participants are not drawn from the same target group. These schemes are complementary and some doubt exists as to whether the void left by the abolition of CYSS can, to any great extent, be met by schemes such as the school to work transition programme.

While there can be no doubt that, at least in the interim, the abolition of CYSS will cause a measure of dislocation and confusion in the operation of youth employment schemes in this State, it should be noted that for the 1981-82 financial year funds allocated by the Commonwealth Department for Employment and Youth Affairs for the maintenance of alternative schemes have been significantly increased. The allocation for Commonwealth-funded schemes in South Australia is as follows. I think it is appropriate that anyone who criticises the training programmes of the Federal and State Governments should take account of these increased allocations of funds. Expenditure on manpower and planning programmes has been increased by 45 per cent to $21 600 000; trade training schemes have received a 12 per cent rise for 1981-82 to $6 500 000, enabling the engagement of 375 more apprentices this year compared to last year; youth training funds have been doubled to $12 100 000, with a projected increase in trainee approvals from 8 900 in 1980-81 to 11 400 in 1981-82; while the SYETP (sweetpea) programme has received a 76 per cent increase in funding and the highly successful school to work transition programme will benefit from a 186 per cent increase in expenditure to a new total of $3 800 000. I think those figures are very significant. Doubtless the increased capacity of these schemes will temper the effects of the abolition of CYSS, but I repeat that the particular needs of young people previously assisted by that scheme are not wholly satisfied by available alternative schemes, regardless of their funding levels.

In summary, the abolition of the CYSS programme does have some serious implications for other youth support programmes operating in South Australia. The State Government believes that the Commonwealth Government shares a responsibility with this Government to assist young unemployed people within our community. That is not to say that the State Government believes that the CYSS programme was a wholly effective method of assisting unemployed young people. Certainly, some of the CYSS projects being run in South Australia have been highly successful and must be commended. Equally, other projects have been of marginal value. It should also be noted that, overall, the CYSS programme in South Australia has been far more successful than in any other States, particularly the Eastern States. Nevertheless, the State Government believes that the Community Involvement Through Youth Programme (the CITY programme), the school-to-work transition programme and the apprenticeship initiatives are far more effective schemes both in terms of their cost and in the attainment of their aims and objectives.

The State Government will continue to investigate what action it can take to minimise the undesirable effects of the abolition of CYSS. A rethinking and re-examination of the focus of our programmes will be undertaken in the light of experience following the cessation of CYSS activities at the end of October 1981.

I have already spoken to the Commonwealth Minister for Employment and Youth Affairs (Mr Neil Brown), and I will be proposing to him that a substantial part of the moneys previously allocated to CYSS in South Australia be made available to this State Government to allow our programmes to be expanded to cater for those young unemployed people affected by the abolition of CYSS. The Government believes that it is especially important that funds be made available to meet the needs of youth living outside of the inner metropolitan area. The reality is that there are a large number of young unemployed people within our community who need assistance and encouragement in their search for employment and in the maintenance and development of skills which will enhance their employability. Community support in this area is vital. The State Government will maintain its commitment to assist in this area.

QUESTION TIME

LAND COMMISSION DEBT

Mr BANNON: Can the Premier say why it is planned to pay $36 000 000 to the Commonwealth Government in this financial year in respect of the South Australian Land Commission, when the Commonwealth/State Land Commission Agreement makes it clear that debt repayments are not due to begin until 1983-84; that is, in two years time?

The Hon. D. O. TONKIN: For the simple reason that interest will continue to accrue and will attract more interest, which will be an additional burden to the people of South Australia. The figure of $36 000 000 which appeared in the Federal Budget documents is not a figure which has been negotiated by the Federal Government with the State Government. Obviously, it is a figure which has been placed there by the Federal Government in anticipation of negotiations. I personally believe that out of some $89 000 000 which is owed as a debt as a result of the debts of the Land Commission, plus accrued interest, is an enormous burden on the people of this State, and I am anxious that the matter should be wound up as soon as possible to stop further debt charges being raised.

However, I am quite certain that no-one would expect me to accept the first figure offered by the Federal Government. I refer back to the Monarto Development Commission and the work that this South Australian Government did then in negotiating with the Federal Government

to pay off that outstanding Commonwealth debt for the sum of $5 100 000. I think that the Leader will see the enormous good sense of negotiating further and trying to get the best possible deal from the Federal Government. That is, indeed, what we will continue to do.

PULP PLANT

Mr GUNN: Is the Minister of Agriculture aware of the division of opinion between the Leader of the Opposition and the Labor spokesman on forestry in relation to the establishment of a thermo-mechanical pulp plant in the South-East, and, if so, will the Minister identify the true position?

The Hon. W. E. CHAPMAN: I am aware of what appears to be a clear division of attitude between the Leader of the Opposition in this place and the Labor Party spokesman on forestry in the Legislative Council. It concerns me greatly, particularly as it relates to an important industry that exists in this State, as well as to the potentially very important extension of that industry. As far as the State Government is concerned, it is doing two things in relation to the commercial disposal of our State forest thinnings. First, it is seeking to finalise a contractual agreement with a reputable Australian company, Australian Paper Manufacturers, in order for them to purchase a substantial quantity of softwood thinnings amounting to some 230 000 cubic metres a year. Secondly, we are seeking to have operating in the South-East of South Australia the plant required to process that resource to the most finite level possible before export of the final product so that employment opportunities in the South-East region of South Australia can be created to the maximum. It is quite incredible that, as the honourable member has indicated, the Opposition should be expressing two attitudes on this all important industrial venture.

On 30 July 1981 the Leader of the Opposition is reported in the *Border Watch* as supporting the establishment of a pulp plant at Snuggery in the South-East. In fact, under the heading 'Bannon denies opposition to pulp plant', the report stated:

> Opposition Leader, Mr John Bannon, has denied that he is active in opposing the construction of a multi-million dollar pulp mill in the South-East. He was replying to claims by the Millicent District Council that he had a negative attitude towards that development in the South-East and the Millicent district in particular.

He went on to say:

> We have not opposed the construction of that Snuggery mill.

He has licked himself clean concerning the allegations that apparently the council made about him. That report occurred on 30 July, and in the same paper, the *Border Watch*, on 21 August, less than a month later, his spokesman or forestry sought to have the project reconsidered. The report, under the heading 'Chatterton speaks out on the Snuggery issue. Reconsider pulp mill plans', states:

Mr Chatterton said he realised additional jobs would be created in the forests harvesting and transport industries if the pulp mill were established. However, these jobs will exist if the surplus timber is exported in the form of wood chips.

It is disturbing that senior members of the Opposition in this State should be in apparent conflict over the extent to which those valuable thinnings should be processed. In reply to my colleague the member for Eyre, I point out that it is important to realise that the Government is out not only to dispose of those thinnings in order to create good management within our forestry arena, but indeed to maximise the processing of those thinnings so as to create every job possible. Belatedly, after being subject to allegations of the contrary, the Leader of the Opposition has licked himself clean and put his position clearer in his article in the *Border Watch*. However, subsequent to that his own shadow Minister Forestry is still uneasy about the project, apparently, and seeking to have it restricted to chip processing, rather than keeping in step with the Government.

With regard to my concern, we all know the sort of debacle that surrounded the previous Government's contract with a foreign company in recent years, and we know how that loose arrangement ultimately fell apart and we were left with a large quantity of forestry thinnings which were required to be removed from our stands of softwoods. I would hope that, even at this late stage when we are about to tidy up this contract with that reputable company which I mentioned, Australian Paper Mills, the Opposition would recognise that this is in the State, public, commercial and industrial interests to proceed without a hitch, without petty Party-political interference at all, and that we have regard not only to the management of the State-owned forests but also the welfare of the community generally, and in particular, in the current climate, that we have regard to those people who may be unemployed and can indeed be employed as a result of maximising our manufacturing wood processing plants within this State.

MOTION FOR ADJOURNMENT: CYS SCHEME

The SPEAKER: I wish to advise that I have received from the member for Mitcham a letter dated 27 August 1981 which states:

> Dear Mr Speaker,
> I wish to advise that when the House meets today I shall move that at its rising it do adjourn to Monday, 31 August at 2 o'clock to debate the following matter of urgency:
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> That this House is of the strong opinion that the Government should immediately allocate funds to allow the CYS scheme to continue without interruption after Commonwealth Government funding ceases at the end of October and to allay widespread anxiety in the community and especially amongst those out of work, and urges the Government to make an announcement now that it is prepared to do this.
>
> Yours faithfully,
> Robin Millhouse,
> Member for Mitcham.

In my opinion the matter raised is not one of urgency, and it is not my intention to accept it from the honourable member.

Mr MILLHOUSE: Mr Speaker, I take a point of order on your ruling, and I do so with the utmost deference. I suggest most strongly that this is a matter of urgency. Only today we have had a long statement from the Minister of Industrial Affairs, and the fact that he has made the statement shows that the Government regards it with some urgency, and the fact that the statement is not worth a row of beans—

The SPEAKER: Order!

Mr MILLHOUSE:—because it does not get us anywhere—

The SPEAKER: Order!

Mr MILLHOUSE:—is irrelevant. That shows that at least one part of this House regards the matter as very urgent. Perhaps you, Sir, are not aware of this, but there is widespread distress in the community about the abandonment of the CYS scheme.

The SPEAKER: Order! The honourable member for Mitcham rose and asked to take a point of order. He is now starting to debate the issue. I make the simple statement to the honourable member for Mitcham and other honourable members of the House that I do not consider the content of the letter as one of urgency, having regard to the fact that it relates to an action which will be taken on

31 October and that there is ample opportunity by the other procedures available to members in this House to address the matter properly and constructively and to take it to a vote. The method that the honourable member seeks to use would not provide a solution to the matter, other than to give it an airing, and I do not accept the urgency of the matter.

Mr MILLHOUSE: Well, Sir, if I may put a couple more arguments to you briefly—

The SPEAKER: Order! The honourable member for Mitcham sought to make a point of order. I disallowed and did not accept the point of order that the honourable member made, and I do not intend to hear the honourable member further unless on a point of order.

Mr MILLHOUSE: In that case I must move to disagree to your ruling.

The SPEAKER: Bring it up in writing.

Mr MILLHOUSE: And I hope I'll get a seconder from somewhere.

The SPEAKER: I have received from the honourable member for Mitcham the following motion:

That I respectively move to disagree to your ruling that the urgency motion which I seek to move is not urgent on the ground that there is widespread anxiety in the community over the abandonment of the CYS Scheme, and this should be put to rest immediately by a Government undertaking to fund the scheme.

Is the motion seconded?

Mr MILLHOUSE: Come on, someone. Oh, these people—

The SPEAKER: Order! In the absence of a seconder, the motion lapses.

Mr MILLHOUSE: They have no idea about the plight of the unemployed at all. All their words are hollow.

The SPEAKER: Order!

JOB CREATION SCHEMES

The Hon. J. D. WRIGHT: Will the Premier now reverse—

Mr Millhouse: Oh God! You're a lot of hypocrites.

The SPEAKER: Order!

Mr Millhouse: You wait till they hear—

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

The Hon. J. D. WRIGHT: So that the Premier will not be interrupted by the member for Mitcham again, I will start the question again. Will the Premier now reverse his Government's decision not to initiate direct job creation schemes following the latest figures on the current length of time people are spending without work since his Government took office? The latest figures show that not only is South Australia's unemployment right now much higher than elsewhere in Australia but also that unemployed people here face much longer periods on the unemployment scrap heap. The latest figures for May show that the average duration of unemployment in South Australia is now about 15 weeks longer than in May 1979, when Labor was in office. The figures show that jobless people in this State now spend an average of 45.1 weeks unemployed. I am told that the Australian average is 32.7 weeks, more than 13 weeks less than here in South Australia.

The Hon. D. O. TONKIN: As I have done on many occasions, I join with the Deputy Leader of the Opposition in expressing our great concern about what is happening, particularly to young unemployed people. We firmly believe that it is better to encourage development in the private sector to create permanent jobs than it is to create artificial job creation schemes, for the simple reason that, while an artificial scheme (a SURS scheme, or something of that nature) does things to the figures and it would be possible, therefore, to say that the length of time before employment comes is thereby shortened, it does not create any length of employment.

In other words, if somebody is given employment for a matter of three or six weeks, that is one way of shortening the apparent list in the statistics, but it does not do anything in particular for the full-time long-term job opportunities which are offered. That is the basic difficulty. The length of time that young people, particularly, go without work is a matter of great concern. We will endeavour to remedy that situation. Indeed, the position with young unemployed people (and I do not have the exact figures with me now) is very much better now than it was this time two years ago.

Mr Hamilton: What about the elderly?

The Hon. D. O. TONKIN: I think the Deputy Leader of the Opposition would be pleased about that, too. It seems to me that in some groups in the community there is a curious attitude that any development should be opposed or hindered at any cost. These people, it seems, have lost sight of the fact that unemployment causes hardship to individuals. There are a number of development programmes, proposed factory expansions, the pipeline down from the Cooper Basin, and other matters. Strangely, where we had full employment one could consider that delaying tactics would be allowable, but we find that tactics are used to delay those developments in such a way that one would expect that we had full employment and could afford the luxury of delay. It is happening.

I think the people of South Australia—and that means all South Australians—should start to take a positive look at the unemployment situation and consider whether they can still indulge in the luxury of objections to proposals for development on very tenuous grounds indeed. We have a number of examples of this. I think the Redcliff project, as it was originally proposed, was attacked very severely indeed about 12 months ago on environmental grounds, grounds which most reasonable and responsible people would consider were quite out of court and vastly exaggerated. As it happens, the Redcliff project as it was originally proposed has not gone ahead; there are very good reasons for that, and I do not intend to go into them now. However, I am concerned that, in a time of very high unemployment, when South Australia is still recovering from the levels of unemployment that developed in the latter years of the 1970s, people are going around doing the best they can to knock these unemployment opportunities by knocking development and trying to stand in its way.

That does not mean in any way that the Government advocates uncontrolled development or advocates that environmental impact statements and considerations should not be complied with. Of course, those environmental matters must be given proper consideration and safeguards must always apply, but I believe that there needs to be a return to reality, and the reality of the situation is that every hold-up that occurs in the development of factories, industrial expansion, resource development, or anything of that kind costs jobs and hurts individuals.

SCHOOL COMPUTERS

Mr RANDALL: Will the Minister of Education say what are the current costs for a school wishing to purchase an Apple computer through the department, and who decides what brand name is to be purchased? Currently under discussion in the schools with many parents and school councils is the fact that the school wants to introduce this new form of technology, and parents are debating on school

councils the spending of their hard earned fund-raising dollars. Many are concerned about the fact that Apple computers are currently listed in the area of $5 000 and are under the belief, whether it is true or false, that the price of these computers and this new form of technology is rapidly falling and that therefore it may be better to wait a while before introducing it into the schools.

Another area of concern expressed quite strongly by many parents is the number of students which will have access to the Apple computer if it is introduced into the schools. That is an area that the parents themselves must sort out before it is introduced. We need to provide to the schools clear guidance in this area of purchase of this new form of technology.

The Hon. H. ALLISON: I thank the honourable member for his question. It is quite true that a considerable number of secondary school students in South Australia have had access for many years to computer technology through the Angle Park High School computer programme and that, over the last two years, this Government has further extended that by leasing additional and very modern I.B.M. equipment which is compatible with the Apple, a small computer made by I.B.M. The equipment available for secondary schools in the small computer range is not generally purchasable through the Education Department itself as a specified line. The I.B.M. Apple computer is one of a range of products which are adaptable for school use. I believe that a few schools have already acquired the Apple computer of their own accord, but at the same time there are quite a number of other brands which are either compatible or quite suitable for school use. The Angle Park computer itself, of course, is used by schools, which send through the school courier system their computer programme cards, and they are made out in the school and checked at Angle Park.

Many schools are keen to acquire a small portable computer for use in classrooms. I would suggest that, in the first place, if any school is seeking expert advice on the use of computers in schools, they should consult the Angle Park Computing Centre, which will be ready to provide guidance.

Some cheap items of equipment are available, some of which can be made up in parts by obtaining one part from one source and patching it up with another piece of additional equipment from another source and plugging it into a cheap $110 black and white television set for a video read-out. All sorts of possibilities exist. Probably the cheapest option, to obtain a simple computer with an electronic addition and a cheap television set, would total about $400 or $500. The more sophisticated equipment such as the Apple would cost between $4 000 and $6 000, depending on whether it was a basic model or whether it has an electronic memory device. It would also depend on the extent of the software that the school would use. Schools needs will vary depending on the size of the school and the number of children who would be using the equipment. I repeat that no single brand is specified by the department. Many brands are perfectly suitable. The Apple is perfectly compatible with the Angle Park Computing Centre equipment. For expert advice, it would be advisable to contact the Angle Park people, because they not only have a high reputation in South Australia but they have also made South Australia the leading school computing centre in Australia.

RANDOM BREATH TESTS

Mr MAX BROWN: Will the Minister of Transport take immediate steps to revoke the random breathalyser legislation in this State, as it certainly appears from road toll figures recently released in Victoria that the Select Committee established in South Australia prior to the passing of this legislation was misled in its inquiries in Victoria, which in turn led to that committee bringing down recommendations for the adoption by this Parliament of random breath tests?

In the Melbourne *Age* of 18 August the Victorian Minister of Police and Emergency Services (Mr Granter) released road toll figures that showed that the road toll in Victoria had risen by 59 this year compared with the figures for the same period last year. Further, the Minister, among other things, is examining the possibilities of radar speed detection by police (an instrument that has been available in this State for some time) and the compulsory wearing of seat belts for all passengers, including children under eight years of age, in a car where belts are fitted in the rear of the car.

On that basis it might be conceded that the compulsory seat belt legislation and radar speed checks legislation in this State are playing a more important role in road safety than what is being achieved by random breath testing in Victoria.

The Hon. M. M. WILSON: Certainly not.

ST JOHN AMBULANCE BRIGADE

Mr BECKER: Has the Minister of Health investigated recent allegations concerning the efficiency of the St John Ambulance Brigade? In his Address in Reply speech on 18 August, the member for Albert Park quoted grave allegations made to him that reflect on the morale and made ill-considered remarks about equipment.

Furthermore, I understand recent publicity given to statements made by spokespersons for the Ambulance Employees Association has also reflected on volunteers and has implied that the efficiency of St John is not what the people of South Australia have come to expect from it. I take these allegations as being a serious reflection on the outstanding service the St John Ambulance Brigade has given to South Australia for many years.

The Hon. JENNIFER ADAMSON: Yes, I had those allegations investigated immediately. I should begin by saying that the St John organisation is one of the great volunteer organisations of Australia. The ambulance service which it runs in South Australia is, I believe, without parallel in the nation. I think that the allegations that were made in Parliament are of such a serious nature that they should be refuted in some detail.

I understand that, following the allegations, the general manager of St John invited the member for Albert Park to visit the ambulance service and to see for himself what was being done. I would imagine that, as a result of that, the honourable member would have seen that his allegations were without foundation. I would have hoped that, by now, he might have taken the opportunity to advise the House that that was the case.

Mr Hamilton: I will, given the opportunity.

The Hon. JENNIFER ADAMSON: I am pleased to hear that. It could have been done by personal explanation, but it has not been, and I have been waiting for that to happen. I should say, by way of brief refutation, that the volunteer system is not breaking down. On the contrary, recruiting drives which are conducted regularly as a matter of practice have been improved in the professionalism of their approach and have been very successful. Staff morale is not low. In fact, the high number of duties undertaken and the enthusiasm with which both salaried officers and volunteer officers approach their duties illustrates that morale is high.

There were allegations about the lack of portable radios. The service does not lack portable radios; there is an adequate number for operating the service, and the small radio network is efficient. There were allegations about the vehicles, yet almost the entire fleet has been re-equipped with Ford Transits, and the M cars (that is to say, the special ambulances) are going to be maintained and are mechanically sound. There were criticisms about crewing which I believe can be adequately answered. The number of ambulances which are operational is geared according to the time of the day or evening and according to need. The council believes that that need is being met. The average response time is seven or eight minutes, which is excellent by Australian standards. There are times when response takes longer. On the other hand, there are times when response is as short as one minute. All this has to be taken into account.

It is true that no ambulance is based in Woodville, but Woodville is adequately covered by ambulance bases on either side, namely, Port Adelaide and Hindmarsh, backed up where necessary by Prospect. I understand that the honourable member has indicated that he will take this opportunity to speak to this matter. I am delighted to hear that he will. Therefore, I will not proceed in any further detail. However, I do want to say that a couple of weeks ago allegations were made by union members that a case in which a woman was tragically burnt to death following an explosion in her house might have ended differently if she had been attended to, according to the union official, by a salaried ambulance officer rather than a volunteer. Such allegations are cruel in the extreme, and they are wrong.

Written reports from the senior medical officers at the Flinders Medical Centre and the Royal Adelaide Hospital confirm the competence of volunteer ambulance officers involved and recognise the excellent integration of the medical and ambulance resource that was used. The reports confirm that, with 96 per cent burns both external and internal, no treatment could possibly have saved the woman who died in these tragic circumstances.

I should say that, rather than create doubts about the skill of volunteers, what happened and the reports following that event demonstrate their skill and dedication, and the allegations made by union members are absolutely shameful. I believe that those people who made them should retract them and should certainly apologise to the volunteers whose skill was reflected upon by the allegations. There was little accuracy in those allegations, and I believe that they reflect on no-one other than those who made them.

HOUSING INTEREST RATES

Mr HEMMINGS: After that second reading speech by the Minister of Health—

The SPEAKER: Order! The honourable member for Napier has been called to ask a question, not to comment. If he desires to ask a question he must come straight to it; otherwise, leave will be withdrawn.

Mr HEMMINGS: Did the Premier, in response to a deputation on lower home interest rates led by Mrs Glenys Lane, of the South Australian Home Borrowers Action Committee, make a grossly misleading statement in today's *Advertiser* when he said that his Government had, '. . . no constitutional powers to set or influence interest rates'. Is it the case that all State Governments have constitutional powers over building society interest rates and that the Minister of Consumer Affairs, Mr Burdett, must approve building society interest rates for the Tonkin Government?

The Hon. D. O. TONKIN: The member for Napier has taken the matter out of context altogether. He was not at that meeting. We were talking about the general setting of interest rate levels at Loan Council, and that was exactly the question—

Mr Hemmings: It was in the *Advertiser*.

The Hon. D. O. TONKIN: I do not care what was in the *Advertiser*—I was concerned only with what was happening at the meeting.

COMPUTER CONTROLLED TRAFFIC LIGHTS

Dr BILLARD: Can the Minister of Transport say what progress has been made by the Highways Department in its efforts to install a system of computer controlled traffic lights along North East Road? Nearly 12 months ago the Government announced that it was embarking on a programme for the installation of computer controlled traffic lights on several of Adelaide's main arterial roads. The stated aim of this project was to allow co-ordination of traffic lights in a way that it was hoped would eliminate unnecessary delays to traffic and smooth its flow. It was also indicated that the first road to benefit from the programme was to be North East Road; hence, as the Minister would recognise, it would be of direct benefit to my own electorate of Newland.

The Hon. M. M. WILSON: The member for Newland is referring to what we call the ACTS system (the Adelaide co-ordinated traffic system), which, of course, as I already announced publicly, will have major benefits when it is completely installed around the metropolitan area. I look forward to the time when it is installed not only around the metropolitan area in three zones but also in the City of Adelaide itself. Although the City of Adelaide does have a co-ordinated traffic system, it is not a computerised one. Briefly, the first zone to be incorporated under the ACTS system will be the North East zone, and that is proposed because the Highways Department itself is in that zone and that is where the first regional computer will be installed, I think before Christmas. The north-east sector, to which the member for Newland referred will be connected to the computer by early next year. Traffic signals on North East Road, between Grand Junction Road and Robe Terrace, will become connected. This section will include 11 major intersections and four pedestrian activated crossings.

Of course, installation of these signals between Grand Junction Road and Robe Terrace will have a major effect on the travel times for those constituents who live in the honourable member's electorate. Of course, a great many of them use North East Road. Apart from the signals on this very important trunk road, several other traffic signals adjacent to North East Road which form a network of roads feeding into North East Road will also be tied to the computer. This will mean that traffic joining North East Road in the north-east suburbs will get a smooth run from Grand Junction Road to the city.

Apart from this, a fixed time linking of traffic signals will be installed in some pockets in fringe areas. The member for Newland will be interested in one such linkage. This will include the intersections of North East Road with Golden Grove Road, Montague Road and Reservoir Road and also a pedestrian crossing on Golden Grove Road near Dewer Street. The computer, when installed, will operate from sensors in the road and will determine when lights should change by the volume of traffic it detects.

This is not the same as the present operations with sensors at intersections. Members will know these sensors exist, but at present each sensor is independent of other sets of traffic lights. Under the new system, this will be rectified. This

financial year 42 sets of lights will be connected to the computer.

DREDGES

Mr PETERSON: Will the Minister of Marine say whether contracts have been let for the rehabilitation of the dredge *H.C. Meyer* and, if they have not, will he say why not? The chartered dredge *A.D. Victoria* is not suitable for the overall requirements of the Department of Marine and Harbors. It is limited in its capacity to carry out the work that is currently urgently required and I believe it is costing the State in the vicinity of $500 000 per annum, to charter and operate. As a result of the dredging restrictions three of our proclaimed major ports (and that definition is the definition of the Department of Marine and Harbors, not mine) are now having difficulty in handling shipping. In Port Pirie I am told that the main channel at low water has silted to six or seven metres and that ships have had to discharge cargo or wait for some considerable time for suitable tides to leave the port.

I have been informed further, that Wallaroo is silting badly and Thevenard is creating difficulties while Kleins Point needs further dredging. The Budget last year provided $2 200 000 to rehabilitate the *H.C. Meyer*, which amount has not been spent. The dockyard is under-utilised and this work must be carried out now unless the State is to be penalised with additional fees to charter a suitable dredge to carry out work that is vital if our ports are to be made suitable and be viable in the future.

The Hon. W. A. RODDA: The member is quite right. The Department of Marine and Harbors is looking at the matter of refurbishing the *H.C. Meyer*, for restructuring it and it is indeed a big job to write the specifications for it.

Mr Peterson: They have been drawn up.

The Hon. W. A. RODDA: Your information is your information. The point you make about the *A.D. Victoria* is well taken. It is a noisy dredge and has caused some problems; but it is a dredge. The member also knows from his experience in the affairs of dredging in Australia that there are not many of these dredges in the world. The *H.C. Meyer* must be refurbished. These matters are being examined by experts at the present time and I hope that before the end of September I will be able to inform the honourable member the decision of the department. I understood the honourable member to say that the Port Pirie harbour had silted to the extent of six to seven metres. The Port Pirie harbour is still navigable and there are specifications to take action in that harbour that may not necessitate the use of the *A.D. Victoria*, but plans are in hand to do that work. We visited the other two ports the member mentioned about six weeks ago, and dredging is necessary. Regarding the *H.C. Meyer*, this is a highly technical and costly matter. Experts in marine technology and marine engineering are giving it diligent attention. I hope to have a decision on this before the end of September.

FORESHORE DAMAGE

Mr MATHWIN: Will the Minister of Environment and Planning say whether it is the intention of the department to provide finance for the restitution of the foreshore damage caused by the recent storms and high tides in the area of the coastline of my district?

The Minister will be well aware that considerable damage done to many ramps and stairways and to the foreshore itself must be repaired as soon as possible. The councils, particularly, would like some early indication of the Government's intention. In fact, I would prefer that, if possible, the work be done before the start of the summer season, because of the number of tourists that are attracted to the greatest tourist potential in the State, the areas of Glenelg and Brighton.

The Hon. D. C. WOTTON: I certainly am aware of the damage that has been caused to the coastline in the member's area. He would be aware that very soon after that storm I met him and other members from areas along the coastline to look at the damage caused. Also, of course, members would recognise that that storm was one of the most severe recorded in South Australia, with two record tides in less than a month. Inspection of many areas of the metropolitan coastline has indicated to me just how severe the problem is.

I am pleased to inform the member for Glenelg that I have recently approved a coast protection grant of some $35 850 to the Brighton council for the cost of repair work in his district. Members should realise that the Government has announced that it will provide councils with grants to cover the cost of emergency and improvement work carried out as a result of the recent storm along our coastline. I have, within the past two days, forwarded a letter to the member's council, informing it of the amount of money made available by way of grant for that work to be carried out. We certainly appreciate, with summer coming, that it is essential that the work be carried out as quickly as possible. I am keen that the council obtains the money as soon as can be arranged for the work to be done.

COMPULSORY UNIONISM

Mr MILLHOUSE: I should like to ask a question of the Minister of Education, if I can get his attention.

The Hon. H. Allison: You have it.

Mr MILLHOUSE: I have it!

The SPEAKER: Order! The honourable member will come to the question.

Mr MILLHOUSE: Yes. What is the attitude of the Minister, and presumably of the Government, on compulsory unionism in tertiary level educational institutions? I have had a letter—

An honourable member: He's getting instructions.

Mr MILLHOUSE: Yes, I can see that he is getting instructions. I have had a letter from a chap named Huggins who lives at Modbury North, and I desire to quote a couple of paragraphs from it. He states:

> As you will see I have been refused enrolment to the S.A.I.T. because I refuse to pay compulsory union fees. I have been complaining since 1976 and in particular wrote to Mr Allison on 9 November 1979. Mr Allison has been stalling for nearly two years. At first his office claimed he had commissioned a report to examine the problem. I have been told the report is completed. Further about six weeks ago I was told—

and the letter is dated 11 August—

> interstate legislation was held in the postal strike and would be studied when it arrived. Recently on 5DN I asked Mr Allison about his intentions and he said he was waiting for his report and had not made any decisions. Should he continue stalling I will have no hope of completing my degree in 1982. I suspect he is waiting until it is too late to legislate in time for yet another year.

There is one other quote I desire to make. It is from a letter written by a former Federal Minister for Education, Senator Carrick, to Mr Huggins in August 1979. The paragraph I quote is as follows, and I believe the Minister is aware of this:

> On the question of compulsory membership of student organisations, the Commonwealth Government, while not in a position to take direct action in the States, has already expressed its views to State Governments and institutions. In 1978 I informed Vice-Chancellors of universities and Principals of colleges of 'advanced edu-

cation that the Government' is opposed to compulsory student membership and to the use of compulsorily collected student funds for political or controversial purposes. The Prime Minister has also written to State Premiers suggesting that they should ensure voluntary student unionism and safeguards for the application of student funds.

The Hon. H. ALLISON: It is interesting that the member must have had the opportunity, on a great number of occasions during the last several years, certainly longer than I have been in this House, to introduce controlling legislation regarding compulsory membership of student unions. I do not recall his having ever lifted a finger towards that, but that is purely incidental to the question. It is quite true that Mr Huggins junior and, I believe, Mr Huggins senior have been in touch with me over the past couple of years, either by letter or, on occasions, by telephone rather late in the evening, to ascertain whether or not Mr Huggins junior had to pay the compulsory membership component of the Australian Union of Students fees.

There are two sides to this argument, or two issues. One is that membership of the Australian Union of Students used to be compulsory. In fact, over the past 18 months to two years it has been decided that students wanting to opt out of membership of that Federal body could do so if they wished, but this is only a very small part of the union fee. I believe it is somewhere in the region of between $2 and $4. That capitation fee was generally paid by the university student body to the Federal body. As I say, compulsion is no longer there.

I have discussed this matter quite extensively over the past two years with senior academics, Vice-Chancellors and others, who point out that the university amenities generally are operated by students and that, while there may be political objection to membership of the Australian Union of Students, there are, indeed, other reasons why students generally should be expected to contribute at least something towards the running of the university, other than the teaching side. For that reason, university faculties have generally encouraged student membership of the union associations because these involve things like the running of the canteen, sporting facilities, and so on. That is not to say that we completely agree with the size of fees charged at some institutions. They vary quite considerably from around about $100 to well over $150. There is an inconsistency from campus to campus.

Mr Millhouse: Why don't you do something about it?

The Hon. H. ALLISON: I ask if the member will hold his patience a little. The Federal Government is currently introducing legislation applicable to its field. Copies have been circularised interstate, and I have a copy. We have been communicating with the Federal Minister on a number of issues. In addition to that, we have Victoria, for example, which has also introduced its own legislation. The information I gave Messrs Huggins senior and junior was that the South Australian Government was considering the pieces of legislation currently being enacted or considered at Federal level, and that we would consider this at State level in due course. That consideration—

Mr Millhouse: A very unsatisfactory answer.

The Hon. H. ALLISON: Well, that consideration is still being given and perhaps it is nearer to culmination than the honourable member smilingly would care to admit.

CAMDEN COMMUNITY CENTRE

Mr OSWALD: Can the Minister of Education tell me what progress has been made following my representations about provision of water and an independant sewer line to the Camden Community Centre at the Camden campus of the Brighton Department of Further Education?

The Camden Community Centre consists of a block of classrooms on the campus of the old Camden Primary School. The centre occupies one block of three classrooms, and the rest of the campus is made up by D.F.E. Over the past two years, the numbers at the centre, including pensioners, creche and play groups, have risen to some 250 people a week. In the past, it has been the practice to share the D.F.E. facilities, but not only have these become inadequate now for D.F.E. but, with the expansion of the centre, the facilities are no longer suitable to it.

The Hon. H. ALLISON: Thanks to the very keen and persistent representations over the past 12 months by the member for Morphett, I have been made fully aware of the problems relating to the Department of Further Education premises on the Camden campus. We have had one problem in that the Public Buildings Department and the Education Department were in the hands of the Engineering and Water Supply Department. There was already one sewer connection to the campus, and it has not been Engineering and Water Supply Department practice generally to provide a separate connection. That, of course, was essential to the success of the improvement of the facility, as requested by the member.

We were very pleased when we recently received the favourable consideration of the Engineering and Water Supply Department to the connection to that campus of a second sewer connection. That meant that it is now a viable proposition to connect a sink and water and sewerage to the Camden campus. I received co-operation from the Public Buildings Department, and it was decided to go ahead with that scheme. I am pleased to inform the honourable member of that. In addition, we have also decided that we will place on the site a transportable toilet block, and this will be done as soon as possible. In order that there will be no duplication of effort, I have instructed that the connection of the water supply and the sewerage should be done at the same time as the connection of the transportable toilet block. Instructions are that that be done as soon as possible.

MEMBER'S SUSPENSION

Mr BANNON: My question is directed to you, Sir. Have you received a letter from me concerning the suspension of the member for Playford and, if so, can you outline to the House your response? I have written a letter, a copy of which I have sent to the Premier, in which I have dealt with this matter. I am aware, Sir, that you received it—

Mr Millhouse: I have got a copy, too.

Mr BANNON: Yes, I sent a copy. I am aware, Sir, that you received it only just before Question Time, so obviously you are not in a position to give a considered reply. The letter states, in part:

In view of the record of events—

that is, after reading the *Hansard* record of the circumstances surrounding the suspension of the honourable member—

I believe the House should be given an opportunity to reconsider the question of the suspension of the member for Playford and find some procedural method whereby this suspension can be expunged from the record.

I then outlined the record and the course of events which took place and which I think vindicates the honourable member, and concluded by asking your advice as to what procedure may be adopted in order to ensure that justice is done to the member for Playford in terms of reconsidering the matter.

The SPEAKER: As the Leader stated, he has forwarded a letter to me. I treated it in the circumstances as a private

matter between the Leader and me, and I will be answering him in due course on that basis. I would say quickly that the suggestion which may be taken from the question that the Leader now puts to me that the honourable member for Playford was unjustly dealt with by the House is not a view that I think any member would want to take, having regard to the Standing Orders and the decision taken by the House.

However, there are matters within the letter which I will be discussing with the honourable member, initially by way of letter and subsequently personally. It is possible that to provide a discussion of events which caused a rather unfortunate incident within the terms of the Standing Orders, dialogue by way of substantive motion may be considered by the House, but in no way is any action which I have just suggested (or should it be construed as) a suggestion or recommendation that the decision of the House was other than just on the occasion of the events which unfolded at that time.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 4)

Received from the Legislative Council and read a first time.

The Hon. M. M. WILSON (Minister of Transport): I move:

That this Bill be now read a second time.

Where death or injury results from a motor vehicle accident, damage to property is almost invariably involved as well. Thus, the same incident may give rise to separate claims for personal injury and for property damage. Under the rules of estoppel a judgment given in respect of one claim may govern the determination of vital issues involved in the other claim, and similarly representations made in the course of negotiations leading to the settling of one claim may be held to bind the defendant in legal proceedings in which the other claim is litigated. These principles of estoppel create problems for insurers who may want to settle relatively minor claims for property damage unembarrassed by the possibility that the negotiations may create estoppels in respect of major claims for damages resulting from personal injury.

Section 125 (3) of the Motor Vehicles Act addresses itself to this problem by providing that evidence of negotiations or a judgment in respect of one claim is not admissible in proceedings relating to the other claim except where both claims are insured by the same insurer. The S.G.I.C. carries all motor vehicle third party insurance in this State and also a certain proportion of the insurance relating to property damage. Because of the exception referred to above, the S.G.I.C. has to be unduly cautious in processing claims for property damage, because its negotiations are not protected by section 125 (3) and may thus have ramifications in relation to a much more significant claim for personal injury. There seems little justification for the exception; it merely creates difficulties and delays for the S.G.I.C. and its clients; accordingly, the present Bill seeks to remove it. I seek leave to have the remainder of the explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 removes the exception referred to above. This will mean that negotiations or proceedings in relation to property damage can be conducted by the S.G.I.C. without impinging upon negotiations or proceedings in relation to personal injury.

Mr HEMMINGS secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Received from the Legislative Council and read a first time.

The Hon. D. C. WOTTON (Minister of Environment and Planning): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This short Bill proposes amendments to the principal Act, the Local Government Act, 1934-1981, dealing with two matters, council elections and conflict of interests in relation to councillors.

The Bill proposes amendments designed to facilitate voting by persons whose names do not appear on the electoral roll on polling day—commonly referred to as declaration voting. The present provisions require declaration votes to be under the scrutiny of the returning officer or deputy returning officer. This has been found to be cumbersome in practice, as declaration votes of necessity can only be available at a polling place where the presiding officer is in charge of proceedings.

The Bill proposes amendments which would bring the hours of voting for council elections into line with those applying for State elections, that is, 8 a.m. to 6 p.m.

The Bill also proposes an amendment designed to clarify the position of council members in relation to membership of, or representation on, other local organisations. The present provisions of the Local Government Act regarding interests of councillors have caused concern for some time. It has been argued that a councillor appointed to the board of, for example, the local band, or the regional cultural centre, or the school committee cannot take part in debate and voting in the council chamber on matters concerning that body. The amendments proposed are designed to make it clear that the holding of any position in a non-profit making organisation of any kind, or participation in the affairs of any such body, does not constitute an interest that conflicts with the duties of council membership.

The amendments proposed by the Bill have the support of the Local Government Association.

Clause 1 is formal. Clause 2 amends section 94 of the principal Act which provides for voting by any elector whose name does not appear on the voters roll for the council. The section in its present form requires any such person who seeks to vote in an election for the council to make a declaration before the returning officer or deputy returning officer. The clause amends the section so that the declaration is instead made before the presiding officer.

Clause 3 amends section 120 of the principal Act which provides that the hours of voting for metropolitan council elections are between 8 a.m. and 7 p.m. while those for non-metropolitan council elections are between 8 a.m. and 6 p.m. The clause amends this section so that the hours of voting for all council elections are between 8 a.m. and 6 p.m.

Clause 4 substitutes a new section for section 755b. Existing section 755b provides that a councillor shall be deemed not to have an interest in any matter by reason of

the fact that he is a member of a non-profit making organisation. The proposed new section widens this exemption. It provides that a councillor shall be deemed not to be interested in any matter by reason only of the fact that he has an interest in, or takes part in any capacity in the proceedings of, a non-profit making organisation.

The proposed new section defines 'interest' in relation to a non-profit making organisation as an interest arising by virtue of membership of the organisation and, in addition, an interest arising by virtue of being a trustee, officer or employee of the organisation. 'Non-profit making organisation' is for the purposes of section 755b defined as any body, whether constituted by or under an Act or otherwise, the principal object of which is not to engage in trade or secure a profit and that is so constituted that its profits must be applied towards its purposes and may not be distributed to its members. The term also includes under this definition, a governing body of, board of trustees for, or a committee of any kind established by or for the purposes of, such a non-profit making organisation. Clause 5 amends section 804 of the principal Act which deals with the hours of voting for council polls. The clause provides for hours of voting between 8 a.m. and 6 p.m. for all council polls.

Mr HEMMINGS secured the adjournment of the debate.

SUPPLY BILL (No. 2)

Returned from the Legislative Council without amendment.

PERSONAL EXPLANATION: ST JOHN AMBULANCE BRIGADE

Mr HAMILTON (Albert Park): I seek leave to make a personal explanation.

Leave granted.

Mr HAMILTON: In answering a question by the member for Hanson, the Minister of Health referred to a statement I made in this House in the Address in Reply debate on 18 August concerning serious allegations that had been made to me at my electorate office at 10 that morning concerning the St John Ambulance. In no way did I reflect upon the St John Ambulance Service. I quote from page 401 of *Hansard* of 18 August which in part reads as follows:

> There is one other important issue to which I must direct my attention. An employee of the St John Ambulance Brigade came into my office this morning and made some serious allegations. I have had no time to check those allegations. I will do so, but I want to draw those allegations to the attention of the Minister of Health, because they are very serious. I have them on tape and my secretary has typed them for me straight from a tape recording made in my office at 10 o'clock this morning. In part, he states—
>
> **The Hon. W. E. Chapman:** On a tape recorder?
>
> **Mr HAMILTON:** Yes, he agreed to it. Talking about the ambulance system, he states:

I went on to discuss the allegations made by that employee. Page 402 of *Hansard* of the same day reads as follows:

> Mr Randall: You've got nothing against the volunteers, though, have you?
>
> **Mr HAMILTON:** Nothing whatever. They do a great job.
>
> *Members interjecting:*
>
> **The SPEAKER:** Order! The honourable member has been given leave, and I ask him to come back to the point of his personal explanation.

Mr HAMILTON: It is true, as the Minister has pointed out, that I did receive a phone call from a Mr Peter Lapske, who is a metropolitan superintendent of ambulance from the St John. I did accept his invitation at the first opportunity and inspected those premises together with Mr Don Jellis, who is the General Manager of St John. I pointed out to both those gentlemen, and I made it quite clear, that I was somewhat embarrassed by the allegations that had been made. However, I viewed them with such concern that I believed it was my responsibility, and indeed my duty, to bring those allegations to the attention of the Minister because of the seriousness of the allegations made in my office at 10 a.m. that day. I acted properly and brought the matter to the attention of the House that afternoon.

PERSONAL EXPLANATION: CONDUCT IN THE HOUSE

The Hon. E. R. GOLDSWORTHY (Deputy Premier): I seek leave to make a personal explanation.

Leave granted.

The Hon. E. R. GOLDSWORTHY: Press reports yesterday afternoon and this morning have given some currency to comments which the honourable members for Mitchell and Ascot Park shouted across the Chamber yesterday, suggesting that I was affected by alcohol. The allegations made by those two members regarding my personal habits are completely false, as many witnesses, both inside this House and outside, will confirm. In these circumstances, I seek from the honourable members concerned an apology for their comments, which cast a completely false slur on my character and personal habits.

The fact is that I rarely drink alcoholic drinks from the Parliamentary refreshment room. On the evening to which the honourable members referred, I did not have any alcoholic drink at all in Parliament House, and I defy any member of the Opposition even to suggest that he has seen me affected by alcohol at Parliament House at any time. The fact is that, on this particular evening, the only alcohol I had consumed during the whole of the previous 24 hours was 1½ glasses of wine at a dinner which I attended in an official capacity, some six hours before there was some disorder in the House.

To suggest, as the honourable members did, that I was intoxicated at that time, or in fact affected by alcohol, is entirely false. I further know, Mr Speaker, that no-one can accuse me of being anything but abstemious in relation to alcohol consumption, and I therefore demand an apology from the members concerned for the damage they have done to my reputation publicly.

MINISTERIAL STATEMENT: SITTINGS OF THE HOUSE

The Hon. E. R. GOLDSWORTHY (Deputy Premier): I seek leave to make a statement.

Leave granted.

The Hon. E. R. GOLDSWORTHY: It has now been found necessary that the House will sit on 13, 14 and 15 October 1981.

MINISTERIAL STATEMENT: ENERGY INFORMATION CENTRE

The Hon. E. R. GOLDSWORTHY (Minister of Mines and Energy): I seek leave to make a statement.

Leave granted.

The Hon. E. R. GOLDSWORTHY: The member for Mitchell has made certain allegations in relation to the Energy Information Centre which are completely false. In particular, the honourable member has mentioned that, at

one stage, ownership of this building was associated with the Liberal Party and that, in arrangements for its sale, the new owner had been promised Government rental of some of the premises as a means of recouping the expense involved in purchasing the building.

Had the honourable member undertaken even the most elementary research into this matter, he would have realised how absolutely baseless his suggestions are. The fact is that the Liberal Party ceased to have any association with ownership of these premises in 1976.

The honourable member may not be able to recall who was in Government at that stage, but it was certainly not the Liberal Party, so how it could be suggested that in some way the sale of this building was contingent on a promise of Government rental defies explanation. However, the honourable member's error did not stop there. The honourable member further suggested that this so-called deal for Government rental had been made with a Mr E. Christianos. In fact, the leasing arrangements for the Energy Information Centre were conducted with the present owner, the Oberdan Group, and they followed advice to the Government from a consultant who had investigated a number of sites before recommending this one in particular.

For these reasons, it is to be regretted that the member for Mitchell has chosen to comment in the manner he has about the Energy Information Centre. The establishment of this centre has been welcomedby the public. It is being widely used, especially by schoolchildren. It is only possible to conclude that the member for Mitchell's comments are just one more example of the A.L.P.'s desperate desire to criticise Government initiatives in an attempt to hide the fact that, while in Government, it did not undertake an initiative of this type, and in Opposition it does not have the ability to offer any alternatives to current Government policies.

At 3.28 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

The Hon. JENNIFER ADAMSON (Minister of Health) obtained leave and introduced a Bill for an Act to amend the South Australian Health Commission Act, 1975-1980. Read a first time.

The Hon. JENNIFER ADAMSON: I move:

That this Bill be now read a second time.

It brings together a number of amendments to the Act designed to facilitate the operations of the Health Commission and to remove problems found in administering the principal Act during its operation.

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

Leave granted.

Remainder of Explanation

The definition of 'health centre' at present in the opinion of the Crown Solicitor prevents the incorporation of a body under this Act that provides mainly health centre services but also some hospital services. To ensure flexible co-ordinated services, it must be possible to incorporate such hybrid organisations as health centres, and the definition of 'health centre' is amended by the Bill to enable this to take place.

Similarly, when it is planned to combine different organisations to create one corporate body under the Act, it must be clear which bodies are dissolved when that occurs, and whether property vests in the new corporate body. This Bill is designed to clarify these matters.

At present, the principal Act permits the Health Commission to delegate powers and functions to commission committees, members or commission officers or employees. In fact, there are a number of officers working for the Health Commission and various health units which are responsible to the Health Commission who remain public servants. These officers from time to time need to exercise powers and functions of the commission, and the Bill makes provision authorising the commission to delegate powers and functions to these people when appropriate.

The principal Act provides for portability of leave rights between organisations in the health area and the Public Service. This provision is an incentive for non-government health bodies to incorporate under the principal Act, since it means that their staff gain the benefit of this portability. The principal Act also provides for portability of leave rights from prescribed employment. In line with the situation that exists under the Public Service Act, it was intended that prior employment with organisations such as the Commonwealth Government, Public Services in other States, and a number of statutory bodies would be recognised for the purposes of this portability. However, the principal Act does not give to the Health Commission the same discretion as the Public Service Act gives to the Public Service Board to impose conditions on the portability of leave rights in relation to persons coming from prescribed employment. This discretion is necessary and the Bill makes provision accordingly.

The present provisions of the principal Act dealing with portability of leave rights, however, provide that leave rights continue only where employment follows immediately on previous specified or prescribed employment. Again, there is more flexibility in the Public Service Act, which allows a three-month gap in employment before continuity is lost. This lack of flexibility is causing considerable administrative problems, and accordingly the Bill proposes amendments designed to bring the principal Act into line with the Public Service Act in this respect also.

The principal Act enables the boards of incorporated hospitals to make regulations and by-laws, but no similar powers exist in the case of incorporated health centres. This omission arises from the fact that, at the time of drafting the Act, health centres were in early days of development and it was not known whether such powers were necessary. It seems now that health centres will not need the same range of powers to make subordinate legislation, but it is clear that some such powers are necessary. This Bill proposes to provide the power to make by-laws in certain essential areas.

This Bill also proposes to delete the third schedule to the principal Act. That schedule sets out a number of Government health centres that may be incorporated in their own right. It is now quite clear that many will not be incorporated as such. In country areas, it is regarded as important that local hospitals and health centres work together and, where possible, be incorporated under the Act as a single entity. This kind of liaison is already occurring in several places. However, the Act at present quite clearly contemplates separate incorporation of health centres and hospitals, and this is particularly reflected in their separate listing in the scheudles to the Act. The Crown Solicitor has advised that the listing of health centres in this schedule is a barrier to their integration where appropriate with local hospitals, and therefore should be repealed. The Bill, therefore, provides for the repeal of the third schedule and provides that those Government health centres which should be incorporated in their own right be designated as Government health centres by regulation.

As the present Act stands, the Auditor-General can only audit accounts of the commission. Accounts of incorporated health centres and hospitals must be audited by an auditor approved by the Auditor-General. It is clear that the Auditor-General should have the right to audit the accounts of major Government hospitals, in the interests of public accountability for expenditure in those hospitals. This Bill aims to clarify this.

To reflect the concern of the Government and the Health Commission to ensure that health services in the State are delivered in an efficient and economical manner, the Bill amends the functions of the commission to make express reference to this important matter. At present, public servants employed at hospitals about to be incorporated under the principal Act have been given the option of remaining public servants or becoming hospital employees. The board of such a hospital can continue to use public servants because of section 30 (5) of the principal Act, which enables an appropriate Minister to approve of the use of public servants by the board. A similar provision is necessary for incorporated health centres, where public servants are in fact being given the same option as that granted to public servants at hospitals about to be incorporated. The Bill makes provision for this matter.

The present Act provides for certain industrial organisations to be recognised organisations for the purposes of the Act. Amongst those organisations listed is the Australian Government Workers Association. That association has recently amalgamated with the Federated Miscellaneous Workers Union of Australia, South Australian Branch, and has requested that the Act be amended to reflect the name of the new body. Provision is made accordingly.

In summary, this Bill is the result of a comprehensive review of the present Act, and its passing will facilitate the operations of the Health Commission, and clarify the duty and powers of various bodies and persons in the health area.

Clause 1 is formal. Clause 2 provides for the commencement of operation of the measure. Under the clause different provisions may be brought into operation on different days to be fixed by proclamation. Clause 3 amends section 4 of the principal Act which sets out the arrangement of the Act. The clause inserts the heading to the proposed new Division IVA of Part IV empowering incorporated health centres to make by-laws.

Clause 4 amends section 6 of the principal Act which provides definitions of expressions used in the Act. The clause amends the section by substituting a new definition of 'Government health centre' as any health centre designated as a Government health centre by the regulations. This definition is consequential on the proposed repeal of the third schedule to the Act.

The clause also inserts new definitions of 'health centre', 'hospital', 'incorporated health centre' and 'incorporated hospital' designed to provide for the case of any body that it is determined should be incorporated as a health centre, but that has amongst its facilities what would ordinarily be referred to as a hospital. Under these definitions hospitals and health centres are distinguished only on the basis that for a body to be treated as a hospital it must provide some of its services to patients on a live-in basis, while a body may be treated as a health centre notwithstanding that it provides some of its services on that basis.

Clause 5 amends section 16 of the principal Act by expressing as a further function of the commission the function of ensuring that incorporated hospitals, incorporated health centres and any health service established by, or with the assistance of, the commission are operated in an efficient and economical manner.

Clause 6 amends section 17 of the principal Act so that it authorises the commission to delegate any of its powers or functions to any officer of the Public Service of the State in addition to, as at present, committees, members, officers and employees of the commission.

Clause 7 amends section 21 of the principal Act which provides at subsection (2) that, where a person becomes an officer or employee of the commission immediately after ceasing to be employed in the Public Service of the State or by an incorporated hospital or centre or in prescribed employment, his existing and accruing recreation, sick and long service leave rights are preserved and continued. The clause amends this provision so that the commission may determine the extent of and regulate portability in the case of officers or employees who come to the commission from prescribed employment within three months, or in cases where there is a gap of not more than three months between the commencement of employment with the commission and the cessation of employment in the Public Service or by an incorporated hospital or health centre. The provision is now more consistent with the Public Service Act, but does not interfere with rights of employees transferring from one unit of the local health industry to another.

Clause 8 amends section 26 of the principal Act so that the commission is required to include in its annual report a report on the efficiency of incorporated hospitals and health centres and health services provided or assisted by the commission during the preceding financial year.

Clause 9 amends section 27 of the principal Act by providing that, where an incorporated hospital is established to take over from any other body the function of providing health services previously provided by that other body, the proclamation establishing the incorporated hospital may provide for the dissolution of any incorporation of that other body, and, in that event, all the property, rights and liabilities of the dissolved body are transferred to the incorporated hospital. The section in its present form provides for the automatic dissolution of any incorporation of a body the health service functions of which are being taken over by the new incorporated hospital. This is not sufficiently flexible since it does not provide for any case where the body previously performing health service functions that are to be taken over by the new body is required to continue in existence.

Clause 10 should be read together with clause 7, in that it makes corresponding amendments in relation to section 31 dealing with portability of leave rights in relation to incorporated hospitals. Clause 11 provides for the repeal of section 32 of the principal Act which empowers the Governor to vest certain trust property in a newly incorporated hospital. This power is considered to be unnecessary and better left to the Supreme Court in its jurisdiction in respect of trusts.

Clause 12 amends section 34 of the principal Act which provides for the auditing of the accounts of incorporated hospitals to be carried out by auditors approved by the Auditor-General. The clause amends this section so that in the case of certain incorporated hospitals to be prescribed by regulation the audit will be carried out by the Auditor-General.

Clause 13 should be read together with clause 9, in that it makes a corresponding amendment in relation to section 48 dealing with the establishment of incorporated health centres. Clause 14 amends section 51 of the principal Act by including a provision authorising the management committee of an incorporated health centre to make use of the services of a public servant or any facilities or equipment of a Public Service department.

Clause 15 should be read together with clauses 7 and 10, in that it makes corresponding amendments in relation to section 52 dealing with portability of leave rights in relation to incorporated health centres. Clause 16 provides for the

repeal of section 53 of the principal Act for the same reasons that clause 11 provides for the repeal of section 32. Clause 17 should be read together with clause 12, in that it makes a corresponding amendment to section 55 dealing with the auditing of the accounts of incorporated health centres. Clause 18 inserts a new Division IVA in Part IV of the principal Act authorising the management committee of an incorporated health centre to make by-laws relating to the management of the centre or preventing hindrance of or interference with the activities carried on at the centre or any part of its grounds.

Clause 19 amends section 61 of the principal Act which provides a right for certain specified industrial organisations to make submissions to the commission and incorporated hospitals and health centres. The clause amends this section by substituting for the reference to the Australian Government Workers Association a reference to the Federated Miscellaneous Workers Union of Australia, South Australian Branch, the latter body having recently amalgamated with the Australian Government Workers Association. Clause 20 inserts a new section 62a requiring the Health Commission to notify the Corporate Affairs Commission where any incorporated body is dissolved pursuant to the provisions of the principal Act. Clause 21 repeals the third schedule to the principal Act.

Mr HEMMINGS secured the adjournment of the debate.

ESSENTIAL SERVICES BILL

Adjourned debate on second reading.
(Continued from 25 August. Page 676.)

Mr CRAFTER (Norwood): I wish to concur with the remarks made by the Leader last evening with respect to this Bill in the excellent address he made to the House. The Opposition does not disagree with the principle of this legislation. However, by its very nature it does cause great concern to the community, I would suggest, particularly in the hands of this Government, with its proven record of anti-unionism in this State. It is unclear from the Minister's second reading speech as to the need for this legislation to be brought before the House at this time and rushed through the various legislative processes so that it can become law. One can only conclude that this measure has been introduced for blatant political purposes.

It comes to the House in association with a long and heated debate on the Conciliation and Arbitration Act Amendment Bill. It comes before the House at a time when the Government has made many statements on the issue of law and order, both industrial law and order and law and order in the community at large. We have recently seen legislation enacted to provide for State disasters, and we are told that legislation will be coming before us in the near future to bring down heavy penalties with respect to criminal law offences in this State. We can see unfolding this Government's law and order package. It seems that this can be the only conclusion drawn.

The Minister said in his second reading speech that the recent Transport Workers Union dispute had given rise to the need for this legislation, and he referred to the provision of food and petroleum in the community. We already have legislation to ensure that there is a steady flow of petroleum to essential services in this State, and that is enacted and part of the law of this State. We saw during the transport workers dispute the ability of the Government to bring about a resolution to this problem by negotiation and discussion, a result that was, I suggest, a credit to all the parties involved. However, the Minister says that that situation was not satisfactory for the purposes of his Government, regardless of whatever was said about the ability of the Minister of Industrial Affairs at that time, and about the other Ministers involved in those discussions. He says that we need this sort of legislation to overcome the problems that existed at that time, and at other times. I think that the Minister may have some difficulty explaining to the House why it has been necessary to change the Liberal Party's policy on this matter by means of the introduction of non-negotiable legislation, legislation with absolute bold powers to bring down the heaviest weapons possible in such situations of conflict and emergency in our community. As the Leader said, and I repeat, the Minister of Industrial Affairs made a statement prior to the last general election in which he quoted part of Liberal Party policy, as follows:

> A Liberal Government will legislate to establish a dispute solving procedure within essential services. Negotiation will be the basis for solving disputes.

We saw that policy implemented during the transport workers dispute, and I would have thought that a satisfactory solution was reached. But no, that action of the Minister, that policy of the Government, has now been overruled and we have a new policy. Now we have legislation introduced into the House to give legislative effect to that policy, the result of which, if left in the hands of the Government with these unfettered powers as proposed, could well be disastrous for the community. However, we know from the track record of our political opponents, who are now in Government both here in South Australia and in the Commonwealth Parliament, that there is much capital to be gained on the hustings from union bashing and from forcing unions into situations where they are not able to negotiate around the table so that the dispute can be dragged on and people in the community (particularly those in most need) will be harmed in such a way that they will be outraged.

With the support of the biased media in these matters, and often an ill informed public, the result is disastrous indeed for Australian workers, and in that way political capital can be made out of the situation. We see that in this Bill there are powers which cannot be left in the hands of people with such high political motivation. The Leader has foreshadowed various amendments which the Opposition will move in respect of these concerns which have been expressed. The reality, of course, of legislation such as this is that it is rarely used. We see that around Australia the other State Parliaments that have this legislation rarely use it. But, of course, it is used as a weapon. It is used as a tool that can be held up and waved around to try to resolve disputation in the community when some crisis arises. It has absolute powers, powers that no doubt will frighten people greatly.

Regardless of the justice of the dispute or the merits of the parties to a dispute, the Government can step in with this legislation and threaten to use it, whether it is in the interests of a section of the community or not that such happen. That is the greatest concern that we have in passing this legislation, that we will be giving the Government something with which it can instil fear in many people in the community. People who have been oppressed or treated unjustly in some way have little recourse except by strike, or some other industrial means to bring the attention of the community to their concern, the truth of their oppression, or the injustice that they are experiencing.

There is this attitude of the Government that if it has these powers it can go into these situations of conflict and try to instil such fear into people that it will resolve the situation without ever having to use those powers. That scenario must raise grave doubts as to the merits of this piece of legislation at this time.

We see in many countries of the world where state of emergency laws are proclaimed that there is great fear, not

only in those countries but in many countries around the world, about the stability of those countries where such legislation is required. Of course, we know that such legislation is often used for clearly political purposes in countries of the third world, in particular, with their unstable Governments. Whilst this Bill does not go as far as much of that legislation, or those laws that we see in countries such as the Philippines, for example, it does in fact dispense with the role of Parliament for a period of up to four weeks after an order is invoked.

The community, no doubt, can have great justification in its fears wherever there is legislation that gives to Ministers of the Crown power without the intervention of the Parliamentary process. Of course, that is a matter that will be attended to by amendment by the Opposition. Those powers include powers to seize private property. There is always great concern in the community about the compulsory acquisition processes, but here we do not have anything with such safeguards as are associated with the acquisition of private property by the State.

There is provision for the absolute seizing of property, and it can be done by a simple order by direction of the Minister. I suggest that there is no greater concern in the community as to the effect of such an order, and the great hardship, the great dislocation, and the results of that cannot be estimated. Further, there is the giving of the ability to the Minister to give directions as to what an individual or body corporate shall do in an emergency situation. Once again, these are indeed very bold powers. We do not say that there should be no circumstances where such power should be exercised; however, such powers should be hedged in such a way that the maximum safeguards and recourse to law are provided in the legislation.

The Opposition has a fundamental role to point out to the community the sort of options that are open to an unscrupulous Government, to unscrupulous Ministers, if the situation so confronts them, and the great harm that can be provided by the misuse of such powers to give directions to bodies corporate and individuals in emergency situations. The Opposition will be proposing amendments which will provide important safeguards in this area. Of course, the thrust of our concern is that Government will want to use this legislation in a strike-breaking way, that it will bring about its policy of law and order, and that it will trample on many of the legitimate processes and safeguards, the fundamental rights that exist for Australian workers.

We find that this legislation brings down very heavy penalties for failing to obey a direction given under the provisions of this Act. There is a penalty of $10 000 for a body corporate and $1 000 for an individual. So, these very wide powers are backed up with, I would suggest, very stiff penalties indeed. Therefore, I believe that the Government has a very strong obligation to review the width of the powers that it proposes under this legislation. As I understand it, no other State has legislation which provides such absolute power to the Minister, particularly in the situation where there is no Parliamentary intervention, when Parliament itself may not meet for a period of up to a month after the bringing down of an order to review the wisdom or the effects of a decision. The concern that the Premier and other members of this Government say exists in the community arising out of such industrial disputation can, I believe, can only be increased by the passage of this legislation in its present form.

I believe that the Opposition in circumstances such as these has a very strong obligation to put before the House the views of people in the community whose views cannot be clearly obtained, people who cannot give vent to their concerns through the daily press or through other forms of the media. It is easy indeed for the Government to come into this House and say that it speaks on behalf of the community, but clearly it does not, and the representations that have been made to members on this side of the House indicate how short-sighted the Government has been in rushing this legislation into the House. I understand that there has been no consultation with the trade union movement, for example, about the likely effect of the implementation of this legislation as it cuts across some fundamental liberties that we cherish very much in our Australian society. So, the Opposition, in moving the amendments that we intend to move today, does so with grave reservation as to the motives of the Government in bringing forward this measure, particularly, as I have said, in conjunction with other measures that have recently been brought before the House or in conjunction with those that we can anticipate in the future will come under the general heading of law and order.

The extent of this can be seen in the ability of the Government to cast aside with the stroke of a pen its previously stated policies, policies which it took to the people of this State and which we believed it would carry on with when in Government, if it attained office, and apply those policies in some reasonable, rational way, with some degree of certainty for the community. But, no, they have been cast aside, and I suggest that commonsense in this matter has been cast aside and that indeed we have a very bold assertion of power. In that regard one can only raise the fears that I have expressly raised around the world where these powers are in the hands of a Government the policies of which are certainly not stable.

It can be seen in the Federal sphere that the Liberal Party in Government changes its policies on a wide range of economic and social issues at the drop of a hat. That has led to much uncertainty, much hardship, and much distrust of the Government Party's policies. If such opportunism, such political short-sightedness, is carried on into a matter such as this, which is probably one of the most serious matters that we can be asked to debate in the House, that causes grave concern indeed.

When the motor fuel legislation was introduced by the Labor Party when in Government, warnings were made by the now Premier, when he was Leader of the Opposition, and the now Minister of Industrial Affairs, when he was Opposition spokesman in this area, concerning the effects of such emergency legislation. The former Opposition spokesman on industrial relations said that the problems he wanted to raise in the debate related to:

> . . . the basic fundamentals of any democracy, and that is what is at risk in this issue—basic fundamentals of any democracy.

He also said:

> Any responsible member would give the Government powers to control an actual dispute in a potential crisis in our community, but a dispute has not yet arisen and petrol is still flowing through our service stations and from the refinery.

So he said, 'Look, do not legislate unless it is absolutely necessary.' Of course, that was the policy of the Liberal Party (that is, not to legislate but to negotiate in the circumstances of crisis and urgency in the community). He maintained that legislation was the last resort. However, now we have legislation before us and there is no crisis in the community, there is no emergency surrounding the delivery of essential services. It is a time of industrial peace to some extent in our community to some extent, and yet this legislation is before us. Those warnings of the now Minister of Industrial Affairs have been cast aside. The now Premier in that same debate issued similar warnings that touched on the various fundamental liberties that were jeopardised by such legislation, and he issued warnings to the then Government about the effects of such legislation

and the attitudes that the community would hold to its misuse.

These are precisely the sorts of things that I and my colleagues are attempting to raise in this debate. In that scenario I can see no reason why this legislation should be introduced at this time. I see no justification, in the second reading speech, for the legislation. I suggest that, if in the long-term interests of the delivery of essential services in our community such legislation is necessary, it should be as a result of full and proper consultation in the community at large, particularly with those groups who are most threatened and people whose liberties are most threatened by this measure. One can only be suspicious if such groups, the trade union movement for a start, have not been consulted by the Government on this matter. There is no indication in the Minister's second reading explanation of comments from other groups in the community. With those comments, I cast my grave doubt on, first, the need for this legislation at this time and, secondly, the efficacy of it, and I raise also the spectre that this will be used as a political weapon solely for the political purposes of the Government.

Mr OSWALD (Morphett): I rise to support this Bill. I place on record my concern at the way many union executives use their industrial muscle to put a stranglehold on the jugular vein of our community. The aim of the Bill is to enable the peaceful and law abiding public of South Australia to go about their everyday business without the fear that a militant communist or left-wing controlled union will decide to cut off their bread, milk, buses or electricity. The Bill is about protecting the public from bloody-minded unions who see confrontation and deprivation of essential public services as the most effective way of coercing a Government, an Arbitration Court, or whatever, into knuckling into their demands.

The law of this country provides for industrial disputes to be settled in the courts. The South Australian community has a right to expect that disputes will be settled in courts according to law laid down by Parliament. On my reading of the Bill, it has been designed to deal with public utilities without which industrial and domestic life in this State would come to a standstill. Whether we like it or not Adelaide and South Australia are totally dependent as a community on those services. If a bloody-minded union decides to disrupt any of these services, our whole community will suffer. The community in Adelaide is so interdependent that we cannot afford to allow our power to be cut off, our gas supply to be stopped, rubbish collections to be stopped, or our petrol supplies to be discontinued.

This Government, or any other Government that is a responsible Government, has been elected to ensure that industrial peace prevails, and if this fails and disputes cannot be settled through the courts, then the Government has a responsibility to make sure that essential services continue to function. There is a very fine step between the situation when essential services break down and that when law and order breaks down and we have a state of anarchy starting to build up within South Australia.

The Minister pointed out in his second reading explanation that recently we had a series of serious disruptions in the community when the supply of food and fuel was at risk. Fortunately, at that time union leaders stopped short of clamping shut the State's jugular vein. They showed a degree of restraint and for that, I imagine, we are supposed to be grateful. However, I believe that it is only right and proper that in this period of relative industrial peace we should introduce and pass this Bill so that we can create a shield for the public against any union leadership that chooses to close its stranglehold on Adelaide's very vulnerable jugular vein and thereby, cut off essential services.

Sadly, this type of Bill is necessary in South Australia only because we have in this State many unionists and leaders of unions who have either forgotten, or intentionally departed from, the old time purpose of a strike. Radical left-wing political activists are now on the executives of many unions and have spread themselves around the shop floor. In the same manner, they are opposite in the guise of several members. I specifically include members such as the member for Salisbury, the member for Elizabeth, and others, who accompany these political activists. Sadly, these people use the strike weapon or take to the streets whenever they get a chance, not neccessarily for better working conditions as in days gone by, but for political non-industrial gains.

One serious aspect of strikes that worries the public is the situation when a union executive with members working in the fields of essential services calls his members out in sympathy with another union on strike, but not in that field of essential services. The Labor Party and the left-wing activists who have infiltrated it are rapidly moving to set up a network by which they can clamp off the jugular vein of this State whenever it politically suits them.

Yesterday we had Ms Leonie Ebert, one of the most radical communist sympathisers in the South Australian Institute of Teachers, elected as its President. On her right hand she has Mr Andrew Alcock, President of the High School Teachers Association, a wellknown practising communist; and on her left hand she has another left wing socialist, Dave Tonkin. Her line to other union executives of similar political leanings is through the A.L.P. Shadow Minister of Education, the member for Salisbury, Mr Lynn Arnold.

It is not difficult to see the member for Salisbury using his expertise in mobilising mass civil disobedience in the streets to act as the vehicle to ensure that other militant unions will strike in sympathy with Leonie Ebert and her Executive. It is quite feasible to see a union involved in essential services aligning itself with another union to squeeze South Australia's jugular vein for political non-industrial aims. That is not for wages, but to bring down a Government.

For the benefit of members who do not think that Leonie Ebert and the member for Salisbury are capable of aligning themselves together or, if there are any members who believe the member for Salisbury lacks the bloody-mindedness to bring this State to its knees to seek his own political goals, then let me enlighten them by quoting from some of his press statements in days gone by. I refer to the *Advertiser* of 23 September 1970, some five days after his arrest when he was leading the moratorium march up King William Street in Adelaide. To give you a picture of the mind of that man, I will quote, as follows:

> After a meeting of the committee last night, the Chairman—

this is the Chairman of the Vietnam Moratorium Co-ordinating Committee, which put together that great effort of defiance and civil disobedience in the streets of Adelaide—

> said this would be done by 'attempting to bring the life of the nation to a standstill in transport, factories, offices and education institutions'.

This is the mind of our shadow Minister of Education. The report continues:

> It will also be done by such means as occupation of city streets for a considerable period.

The next paragraph is interesting, because he is referring to the committee, of which he is Chairman. It states:

> The committee rejected as 'unjustified' the Government's insistence that organisers of all future demonstrations and processions fully inform the Government and police of their intentions . . .

In other words, they were saying to the Government of the day, which was sympathetic, I would have thought, 'We

will not listen to you. We will defy you and carry on with our disruption and civil disobedience.' The report continues:

Mr Arnold said the committee realised its methods would create inconvenience—

just imagine, 'inconvenience'—

to business and some sections of the public and that it was illegal. But the committee believes that such actions are justified.

I also refer to the *Advertiser* editorial of Friday 18 September, which refers to:

lawless, anarchistic and communist elements involved in the organisation of the demonstration.

Of course, the *Advertiser* is referring specifically to the now shadow Minister of Education as being the lawless, anarchistic, and communist element involved in organising the demonstration. It also quoted the influence of communist and—

The Hon. J. D. WRIGHT: I rise on a point of order. I may be wrong, but I want to find out exactly from the member for Morphett what he said in reference to the member for Salisbury. It is my understanding that he accused him of being involved in communist influences. If that is the case, I demand a withdrawal.

The ACTING SPEAKER (Mr Russack): There is no point of order. It is the member who has been offended who must rise on a point of order. If the member is not here, the opportunity is given later by means of a personal explanation.

Mr OSWALD: Further, referring to the *Advertiser* editorial, if we take the editor's knowledge, not necessarily mine, the quote states clearly:

The influence of communists and some 'to the left of the communists' in this planning has become increasingly clear . . .

Of course, we all know who was the Chairman of the committee who planned it. Another quote is:

It all points to a definite aim not only to advance communist interests . . . but to encourage a trend here towards 'government in the streets'.

This is interesting:

The originally professed aims of the movement have plainly taken a minor place in the calculations of those seeking to manipulate today's demonstrations for their own purposes.

In other words, they were not worried about what was happening overseas. They were worrying about creating a political situation. I submit that that same leader is in this House now, and has close ties with union leadership and the public would be well warned to keep a very close eye on activities of the member for Salisbury in his close liaison with those in the ultra-left, the radical left, and the communists that are infiltrating into the trade union movement. I see no difficult problems with this Bill. Law-abiding citizens in this State should have no fears about it. It is designed to protect innocent people in our community and defend those who believe in the right to work.

It protects our democratic right to be allowed to go about our personal business without being held to ransom by a bloody-minded union executive who may or may not even have the support of his membership. I never want to see a situation develop in South Australia in which we find that the public is without bread and milk because a union leadership has decided it is desirable to bring this sort of pressure to bear on the public to induce an employer group or a Government to give way.

What a disgraceful situation this would be in South Australia in 1981. I trust that this Bill will serve as a check to the strong-arm tactics of the radical left wingers, the communists and other law-defying sections that have infiltrated the union hierarchy and who attempt to hold the public to ransom to meet both their industrial and political goals. I support the concept of the Bill.

Mr HAMILTON (Albert Park): I welcome the opportunity to speak on this Bill. First, I concur with my Leader's sentiments and with his proposed amendments. I followed the tirade of abuse and jack-boot irrelevancies we have heard from the member for Morphett. It is clear, from the way he delivered that speech, that it had been prepared for him and that he was reading it to the Chamber. His intention was to try to bludgeon the trade union movement into his views and those of his Party.

His reference to the trade union movement and to the communists and extreme left within the trade union movement, trying to tie it up with the Conciliation and Arbitration Act, lost me. He should know, if he stands there talking about industrial matters, that a member of any union has the right to challenge any undemocratic decision of that organisation. As I have said so often in this House to the member for Henley Beach, it is about time that Government members should at least tell the truth about industrial matters. Their ignorance of industrial relations is abysmal. It is appalling.

Mr Randall: Tell us how—

Mr HAMILTON: If that idiot from Henley Beach would be quiet, I may be able to get on with it.

The ACTING SPEAKER: Order!

Mr RANDALL: I rise on a point of order. I find the word 'idiot' offensive and I ask that the member for Albert Park be made to withdraw.

The ACTING SPEAKER: The member for Albert Park, the member for Henley Beach has found the word 'idiot' by which you referred to him, offensive. I ask the honourable member to withdraw it.

Mr HAMILTON: I withdraw that word and substitute the word crypto-fascist.

The ACTING SPEAKER: Order! I ask the honourable member to resume his seat.

Mr RANDALL: I rise on a point of order. In consideration of the sorts of activities that have taken place in this House over the past few days, and the sorts of comments that have flown across the Chamber, I believe that whatever comment the member decides to use in an offensive way can be offensive to any member of Parliament. I take the point that he is trying to get away from your ruling and is trying to find terms that he can use to be offensive to me. I therefore say—

The ACTING SPEAKER: Order! The honourable member will come to the point of order. It must be related personally to the honourable member for Henley Beach.

Mr RANDALL: The point is that I find whatever word the honourable member uses offensive in the way in which he uses it. I believe he should refer to me as the member for Henley Beach, and that is all.

The ACTING SPEAKER: Order! I uphold the point of order in the sense that members of this House should refer to other members as 'the honourable member for' and then name the electorate.

Mr HAMILTON: Thank you, Sir. It is quite obvious that, when things are not the same, they are different. It is all right for Government members to try to tip the can on other members, particularly those on this side of the House, but, when the boot is on the other foot, they do not like it. They are like Paddy's dog: they can give it but they cannot take it. It is about time the member for Henley Beach grew up, instead of making infantile remarks similar to those we have come to expect from him and from the member for Morphett.

Turning now to the real issue, the Bill before us, we have seen the hypocrisy and the blatant untruths demonstrated here today in this Parliament by the Liberal Party. Leading up to the last State election, we heard all the promises of what they would do in an attempt to solve the problem of

industrial disputation in this State. The classic example, I gather, is the introduction of this Bill into the Parliament. Where are the dispute solving procedures that we heard so much about leading up to the 1979 election? They have not even hit the deck—another one of the broken promises, following in line with all promises made by their Federal colleagues.

The intention is obvious: make all the promises leading up to the election and, once you get in, do not give what you have promised the people; hopefully, they will forget. We have heard a great deal from the Minister of Industrial Affairs about how he wanted to consult with the trade union movement. He said he wanted consultation, not confrontation, but what have we seen in this session of the Parliament? Two Bills have been introduced and, if they become law, they will no doubt lead to further confrontation between the Government and the trade union movement.

The penalties proposed in the Bill are, to say the least, another attempt to bludgeon the trade union movement into submission and to deny workers what they are rightfully entitled to. It is obvious that the Government has no conception of the problems within the industrial arena. The Minister and his Party colleagues have forgotten what working men went through many years ago when they were bludgeoned into submission on many industrial issues—the attempts to get better working conditions and better rates of pay, for instance. The Government must realise that those days have gone, and that workers are entitled to better conditions and better rates of pay.

It is obvious to me that this Government is attempting to reduce the wages and living conditions of workers in this State. It talks in terms of essential services, so let us look at some of the essential services in South Australia. We have, for example, people who are required to work in hospitals, in public transport, in sewage treatment works, in garbage collection, and so on. Is it wrong for those people to say, and to direct their union officials accordingly, that they want better wages and conditions?

As one with many years of experience in the trade union movement, I have seen many times the delaying tactics adopted by employers in protracted negotiations and protracted cases before the commission. I vividly recall one instance of 18 months of protracted negotiations and discussions in the Industrial Commission, because the employers were not prepared to concede some of the conditions to which the workers were justly entitled and which they subsequently got. In that delaying period, many industrial disputes occurred as a result of those tactics, because of the frustrations of the working people, especially the shift workers, who were being denied what they were entitled to.

In that instance, they eventually got what they were entitled to, but not without considerable monetary loss. They were well aware that they would lose that money through the industrial disputes, but nevertheless they were not prepared to go on living without the increases that they knew they were entitled to. In essential services areas it is quite clear that the Government will be able to use this legislation to bludgeon these people into staying at work. They will be able to say that the hospitals, railways, the bus areas, the sewage treatment works, the garbage collection areas, and so on, are essential services, and the provisions of the legislation will be invoked. Because those people work in essential service areas, this Government will attempt to deny them an opportunity to take industrial action.

Clearly, the trade union movement is not prepared to cop this legislation. It is my view that the Government is hell bent on creating industrial disputes. If that is not so, I would like the Minister to tell me why the trade union movement was not consulted about the introduction of this Bill. The Minister of Industrial Affairs promised and said publicly, within and outside Parliament, that he wanted conciliation, not confrontation. If that is so, if he wants that, whey were not the trade unions consulted? This legislation can only bring about further confrontation, and I can envisage employers, for example, whipping up hysteria, going to the Government, and saying, 'We cannot get these blokes back to work,' even though the workers may have a legitimate demand for better wages and conditions, and the Government then will invoke the essential services legislation. There is no way, in my view, that it will bludgeon the trade union movement into that situation. It will bring about more industrial disputes—and be that on the Government's own head.

Mr ASHENDEN (Todd): I am speaking to this Bill because I believe that members opposite are attempting to put the wrong emphasis on the Government's intentions in relation to this matter. This Bill is absolutely necessary to provide protection against the misuse of union power, and that is all it is about.

As I have said many times before (and I say it again, and I say it slowly so that members opposite can hear it this time), I am not a union basher. There is no doubt that unions are absolutely essential, but I am not sure that trade unions are the correct type of union to have; I would like to see industry unions. However, the worker undoubtedly requires a union of some kind to protect his interests. If the union carries out that protection, it is behaving responsibly, correctly, and as it should. Unfortunately, we have seen on too many occasions that the unions, instead of protecting the interests of their own members, go far too far and not only do not protect their members' interests but also abuse their power. This, of course, is not endorsed by the general membership, and certainly it is not endorsed by the public at large.

Mr Hamilton: Give us an illustration.

Mr ASHENDEN: I will be coming to that. I will be delighted to do that, as it is one of the points I have down here to speak about in relation to the latest spate of strikes. Just be patient; I will get there.

Legislation of this type is, unfortunately, necessary because of the misuse of union power by the power brokers within the union movement. The speakers opposite unfortunately are interested only in the interests of the unions; they are not interested in the general membership, and they are certainly not interested in the public at large, because if they were they would certainly be supporting this legislation.

We have seen far too many times the deliberate inconveniencing of the public by unions. In other words, they have flexed their muscles not to ensure that their members gain what is rightfully theirs but frequently to get far more than what is rightfully theirs. It is noticeable that the unions will always attempt to pick a time of maximum inconvenience to the public. The public is the last group of people that they tend to think of. Although the recent A.B.C. dispute certainly could not be considered to be related to an essential service, the fact that the workers chose the time of the fifth Test in the United Kingdom to go on strike was not a coincidence. They could have gone on strike at any time, but they went on strike when they could cause the maximum inconvenience to the most people. Many people would have liked to see the Test, including the English members opposite, who would have been delighted to see some of the play that was going on, and those of us who are Australians, instead of condemning the union, should perhaps be thanking it for making sure we did not have to put up with the pain of the defeat we suffered. However, there is no doubt that the A.B.C. union

executive chose that time because they wanted to inconvenience the general public as much as they could. It is because of this type of irresponsibility that this legislation is necessary.

Another point I would like to raise is that unfortunately unions frequently do not accept court decisions. Many times they go to arbitration and when a decision is handed down against the union they say that the decision is not satisfactory and that they will go on strike. If this action relates to an essential service, it is criminal. The protection for the public must be available. I can imagine what members opposite would say if an employer refused to accept a decision of the court and said that there would be a lock-out. Can you imagine what would be said then? An employer having a lock-out and preventing his people from working is no different from unionists going on strike to make a point. I do not believe that members opposite should agree with that sort of thing.

They believe that it is all right for the courts to bring down a decision which the employer has to accept, but it is not all right if the union has to accept it if it is not what it wanted. The spate of strikes that occurred during the last few weeks included areas of essential services which had a major effect on South Australians. As the member for Morphett so rightly pointed out, I guess we are supposed to be eternally grateful to the unions for allowing us supplies of bread and milk. However, the inconvenience to the housewife is still being felt. Certainly the supermarket at which my wife buys her goods still has not been able to stock up its shelves because it is still unable to get some of the food items it normally carries. This is a result of the recent strike of the Transport Workers Union. When it comes to foodstuffs, I do not think any Government or the public should be forced into a position where action cannot be taken to ensure that the rights of the general public are protected.

At no time have members opposite heard me say one thing which is an attempt to remove the rights of the trade union movement to carry out its rightful actions.

Mr O'Neill: Which is what?

Mr ASHENDEN: That it is necessary to protect the interests of their members. They have a right to go on strike but before they do that they should explore all the other avenues, including arbitration, but they normally go on strike either to soften up an employer so that they can get their way or because they will not accept a decision of the court, and they have to try to force the employer into a position where he is the loser again. Members opposite fail to realise that by doing this to the employer the unions are reducing his income and therefore reducing his ability to employ. I really wonder whether some of the unions have the interests of their own members at heart, let alone the interests of the general public.

This Bill is designed to protect the innocent, and nothing more. If the unions carry out their rightful actions, this legislation will never have to be acted upon. This legislation is being brought in for protection only in the event of a strike in an essential service. Let no-one make any mistake on that point. It will be used only to protect the rightful interests of the general public in the provision of essential services. I fail to see how any right-thinking person could be critical of such legislation.

Now is the time to bring in such legislation. I can remember that, when this Government attempted to bring in legislation some months ago in relation to a petrol strike, members opposite said, 'This should not be brought in now in the heat of the moment. The Government should have introduced it before this occurred so that it could be considered calmly and logically and without emotion.' Now that the Government is bringing in this legislation, the Opposition is saying that we should not be bringing it in now because it is not needed at the moment. For goodness sake, how can there be any logic in those two totally dichotomous approaches? We have seen unions, unfortunately, frequently abusing their power. This Bill will only protect the public from that abuse.

I would like to make it clear that I am not referring to the ordinary worker and the ordinary union member. I notice the member for Albert Park is not here. He asked me to bring up some examples, and I am about to do so, but he is not here. He did say that he was patient, but obviously not that patient. Perhaps he did not want to find out some of the truth of the matter.

The rank-and-file worker was most unhappy with what was going on in the last spate of strikes. I would not mind a dollar for every trade unionist who came to my office and said, 'For goodness sake. You people are a Liberal Government and are supposed to represent areas other than the trade union movement yet you are allowing the trade union movement I will not use in this Chamber the language they used, because I do not believe it is right for this Parliament, but they certainly used a term which indicated—

An honourable member: Are you criticising the member for Brighton?

Mr ASHENDEN: Of course I am not criticising the member for Brighton. When he raised this point he was using language which was being used by some teachers in some schools, and all he was doing was pointing out that language to members of Parliament. If that upsets you, how do you think parents of the children who are being subjected to that language feel?

I do not believe that it is necessary to use that language now. This is a different situation. I come back to the point that those trade unionists made it clear that they considered that their trade union executives were doing their best to bring the economy of this State to a standstill, and that is putting it in the politest terms. They said that they wanted to work, that they did not want to be on strike, and that they wanted the goods to be available.

They said, 'We want this State to go ahead, we want our wages,' but they were not able to work. This is the point: unfortunately, there are some key union executives who are not considering the ordinary working man out there. Therefore, again, this legislation is necessary, not to protect the public against the ordinary rank and file unionists but against the irresponsible action of some union executives. The public is sick and tired of irresponsible union action. I feel that now, whenever strikes occur, whether they are legitimate or not, the unions are going to find it difficult to get the public on side, because they are fed up to the teeth with the irresponsible action that has been occurring. Certainly, the feedback I am getting on this legislation is that the public is saying, 'For goodness sake, we are delighted you are doing it. Why on earth did you not do it earlier? It is time that protection was brought in for the ordinary person like you and me against the actions we have been subjected to so much recently.'

I believe that there are many reasons why this legislation is essential. The Minister last evening touched on these, and I have emphasised those which I see as important to me and to the many people who have approached me about this legislation. It is unfortunately necessary because of past irresponsible actions. The State of South Australia will now be in a position where, if a union becomes irresponsible in handling the area of supplies and essential services, the public will not be disadvantaged. I support the Bill.

Mr TRAINER (Ascot Park): I am pleased to have the opportunity to support my Leader in the remarks he made about this Bill, which we oppose unless we can amend it into some sort of reasonable shape. Members opposite have

given the game away. They have made it quite clear that they have no idea how trade unions operate. They cannot identify with the working man. They do not represent the working man or woman, and they are hostile to unions. What they want are weak, servile unions. Every so often, to try to pretend that they are not hostile to unions, members opposite say, 'We are not opposed to unions in general; we are just opposed to strikes.' When you pin them down on that they say, 'We are not really opposed to the principles of strikes, but we just do not like this particular strike.' When you pin them down on that, they say 'Well, it is not that we are really opposed to the union, it is just the executive that runs the union and ignores the rank and file,' and other similar twaddle that is spoken from time to time. We have heard some of these knee-jerk type reflex phrases from people like the member for Morphett and the member for Todd and, with some of his inane interjections, the member for Henley Beach, who uses the same knee-jerk reflex-type phrases to describe working-class activity and organised trade union activity.

Members opposite say that they are not opposed to the concept of strikes. However, I have never heard any of them come out in support of a union about anything. If members opposite are really as concerned as they say, and if they really do have the unbiased approach to which they sometimes lay claim, then from time to time (even just once in a blue moon) we would have seen them come out on the side of unions. But no, it is always on the side of the employer, without fail. Just think of some of the garbage that the member for Morphett came out with, talking about 'a stranglehold on the jugular vein of the community (great sanguine stuff!), 'the militant unions', 'communist unions', 'left-wing unions', 'bloody minded unions', and so on. There is also all this eternal criticism of union executives as if the executive is somehow distinct and separate from the rank and file, as if the executive did not come from the rank and file. Just how long do members opposite think an executive would last if it tried time after time to pull the capers members opposite accuse them of? Do members opposite really think that the ordinary working people are as gullible as they pretend? The member for Morphett conceded earlier that, when there was something vaguely approaching an emergency recently, or when essential services were at some sort of risk, the T.W.U. did exercise restraint. Unions will exercise restraint when it comes to that particular point.

From time to time we have members opposite talking about how unions are going to bring the country to its knees, but no union has expressed any desire to do so. One of two things is true: either members opposite are correct in saying that a union does have the power (or that unions collectively do have the power) to bring the country to its knees, or they do not. If they do, then it is very strange that that has never happened. Trade unions have been part of the Australian political and social landscape for a century. Why has this cataclysm not happened? Because the members of the unions and the executives know exactly what sort of restraint is required when it comes to that important point where essential services are at risk. However, time after time we have people on the conservative side of politics carrying on like the fairy tale of Chicken Little, who kept running around day after day saying the sky was falling down, yet somehow or other they seem to get away with it. They seem to find that union bashing is a very effective way of politicking.

Members opposite say that they are not anti-union, but time after time in public they oppose everything that a union needs to do to be effective, everything it needs to do even to exist. One can only conclude that members opposite really desire that the only unions we have in this country be ineffective, weak, toothless unions, unions like the Government-controlled unions in Poland prior to the organisation of Solidarity in recent months, or unions like the Zubatov unions that were organised by a secret police chief in Russia prior to the 1905 revolution, a police chief in the Okhrana by the name of Zubatov who set himself up to try to deceive the working class people in that country.

Some people may be aware of the role originally played in those unions by the Russian Orthodox priest Father Gapon, who had faith in these organisations and unwittingly led thousands of people to their slaughter in the square outside the Tzars palace on Bloody Sunday in 1905. They are the sort of toothless, weak unions that members opposite really want.

We oppose this Bill unless it can be appropriately amended. It is imprecise. It is vague. It is Draconian and heavy-handed, heavy-handed in a way one would not expect from a Government that claims pride in its small Government approach—it is a rather interventionist approach we have in this particular instance for a Government that commits itself to small Government. For example, there are very vague definitions in clause 2. It is not made quite clear exactly what are essential services. That clause, for example, talks about the social life of the community and it is not made clear—

Mr Randall: Read the definitions.

Mr TRAINER: I am reading the definitions, you goose.

Mr RANDALL: I rise on a point of order, Mr Acting Speaker. Members opposite seem to delight in expressing terms against me, terms that I have pointed out to the House I find offensive. I think members opposite should refer to me as the member for Henley Beach and not use the term used.

The ACTING SPEAKER (Mr Russack): What was the term used?

Mr RANDALL: He called me a goose, Mr Acting Speaker.

The ACTING SPEAKER: The honourable member for Henley Beach has taken exception to the term used by the honourable member for Ascot Park. I ask the honourable member for Ascot Park to withdraw that remark.

Mr TRAINER: Being a pretty agreeable fellow, Sir, I will withdraw that remark without hesitation.

The ACTING SPEAKER: I point out, again, that it is the normal procedure in this House for one member to refer to another as 'the honourable member' and to then name the district.

Mr TRAINER: Thank you, Sir. In the definitions the phrase 'the social life of the community' is used, and it states that an essential service is a service which is involved in that social life of the community. What that means is a little vague. That definitely does not clearly distinguish between what one can call the essentials of life and matters of social life that are just inconvenienced. I think that there is certainly a difference in scale between inconveniencing somebody and actually putting essential services at risk. I would say that, if one was to accept the Government's definition, which implies mere inconvenience and which is apparently sufficient reason to apply this particular piece of legislation, there would be no industrial action that could be indulged in without this legislation being used because it is impossible to take any form of industrial action without inconveniencing someone. That is one of the decisions that those members of the union have to make when they take part in a particular industrial action.

Clause 2 provides that a period of emergency means 'a period declared by proclamation under this Act to be a period of emergency'. However, it is still not made clear exactly what is an emergency, other than that it is whatever the Government happens to decide it is, which means that,

as far as the ordinary working people in the trade union are concerned, the Government has the approach of 'heads we win, tails you lose'.

What are essentials of life? Certainly one would not anticipate that this Bill would cover petroleum, because petroleum is covered by another piece of legislation. Possibly it might involve something that members opposite might have an interest in, judging from their speeches, and that is sewage, but in the case of sewerage systems being at risk I am sure that the unions concerned would not take any action that would put the public at serious risk. Similarly, ambulances, hospitals, water supply—in every case, quietly, as a result of consultation, the unions concerned make appropriate arrangements so that those services are not really at risk. There may be areas, however, where the Premier is quite willing to put someone else at risk. Recently in the press he claimed that he would be quite happy to cut off gas supplies to New South Wales. I am not quite sure whether this legislation would cover an event like that.

What about this matter of inconvenience? If public transport is taken out of action, that indeed, is very inconvenient, but not really a risk to life and limb. Sports telecasts are not an essential of life. It is inconvenient if a particular telecast is interrupted, but I would like the member who spoke earlier on the subject of the cricket telecast to tell us exactly when a union involved in telecommunications could take industrial action without depriving someone of a programme somewhere—it is just not possible. People involved in a particular union have to sum up that situation carefully and make their decision based on their assessment of the facts of the situation. There should be much more at risk to justify an emergency than just a few shop customers having their shopping interfered with.

Mr Ashenden: It is not important for mothers to get food?

Mr TRAINER: I did not say that.

Mr Ashenden: It sounded like it.

Mr O'Neill: What about the mothers that are going to be affected by the Liberal Government's tariff policy in Canberra?

The SPEAKER: Order! The member for Ascot Park has the call.

Mr TRAINER: Thank you, Mr Speaker. In clause 4 there are references again to the Minister being given *carte blanche* to decide what is and what is not. It states:

> In the opinion of the Minister he may give discretions in regard to the provision or use of proclaimed essential services.

Similarly, clause 5 states:

> If, in the opinion of the Minister it is in the public interest to do so, he may . . .

It then gives a series of things which can be involved, such as seizing of property, conscripting labour and all the rest of it. This is rather a capricious power to give a Minister, that is, some sort of divine right which rather downplays the role of Parliament. I would have thought that, if there was a genuine emergency in existence, the first responsibility of the Government of this State would be to summon the community's 47 elected representatives in the Assembly and its 22 in the Council to assess the situation on behalf of their constituents. The Government certainly seems to have changed its attitude since a time when it was in Opposition back in 1977. At that time, in relation to similar legislation, the present Premier had this to say:

> The Government of any State or any nation is responsible to the people through Parliament. Nothing should take away from the democratic rights of members of Parliament their ability to represent the people of this State.

He also said:

> Emergency legislation deals with the future and with a hypothetical situation and sets out reserve powers that can be initiated without the specific approval of Parliament.

Regarding that particular bit of legislation, he said:

> In other words, Parliament is today being asked to accept legislation for a hypothetical situation that may arise in the future.

That suggestion at that time concerned the Premier, who was then Leader of the Opposition, a great deal. He said:

> The fact that we are prepared to deal with an emergency should never be used as an excuse to keep the subject or the cause of the emergency, the direct set of circumstances, out of Parliament and away from Parliamentary debate and examination.

At that time the then Opposition, he said, believed that:

> Each emergency, if it is serious enough to warrant introduction of emergency legislation, is serious enough to warrant the calling together of Parliament if it is not sitting, or the immediate consideration of the problem by Parliament if it is sitting.

How things have changed! Further, we find that the Minister is above the law. Clause 11 states:

> No action to compel the Minister or a delegate of the Minister to take or to restrain him from taking any action in pursuance of this Act shall be entertained by any court.

The member for Todd referred earlier to the innocent being protected, but anyone who falls foul of the Minister, who is not happy about the Minister's proposal to seize his goods or conscript his labour, or whatever, is deprived of any protection of the law. Under the provisions of that clause, the Minister cannot be taken to court, the Minister is above the law; the Minister has been given something like the divine right of kings. This would seem to me to constitute another assault on freedom, and freedom is an indivisible quantity. We had necessity being pleaded as the justification for this particular freedom being taken away.

I remind members of the words of William Pitt in a speech to the House of Commons in 1783. He said, 'Necessity is the plea for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves.' Freedom, when it goes, is taken away step by step. One such step is to give such unbridled power to the Minister, to give the Minister the power of a commissar or a Gauleiter, and in that context of the Gauleiter, which is the title in German given to a person put in charge of a district or a Gau by Adolf Hitler—

Mr Millhouse: I always thought it was pronounced 'Gow'leighter.

Mr TRAINER: However it is pronounced, I would not think that is important in this context.

Members interjecting:

The SPEAKER: Order!

Mr TRAINER: This legislation enables the Minister to by-pass the normal procedures of Parliament, and the member for Peake commented on this last night when he referred to the enabling Act that was passed in Nazi Germany in similar circumstances to suppress the ordinary working people. I want to read some extracts from a book *The Rise and Fall of the Third Reich* by William Shirer, which I had a quick look at this morning at home after we rose.

The Hon. R. G. Payne: Was it Wednesday or Tuesday?

Mr TRAINER: Well, it is a bit difficult to work out whether it was Wednesday or Tuesday.

Mr Millhouse: Give us back our Wednesday. We lost our Wednesday altogether.

Mr TRAINER: When the Gregorian calendar was being introduced, I think there was a bit of complaint at that time about people having several days of their lives taken away.

The SPEAKER: Order! The member for Ascot Park will resume his seat. I would draw the member for Mitcham's attention to the warning given previously this afternoon; that warning still applies.

Mr TRAINER: The big industrialists in Germany in the 1930s rather welcomed the advent of the demagogue with the little toothbrush moustache that we know so well.

Around the time of the 1933 elections, the last relatively free elections Germany was to have, they expressed their pleasure at the sort of actions that Adolph Hitler had promised them. I quote from Shirer as follows:

> The big businessmen, pleased with the new Government that was going to put the organised workers in their places and leave management to run its businesses as it wished, were asked to cough up.

They did this. They contributed most generously to Hitler's campaigning, in the same way some people contributed rather generously to another campaign that culminated on 15 September 1979. At a fund-raising endeavour Hitler spoke to industrialists. He said:

> Private enterprise cannot be maintained in the age of democracy . . . Goering, talking more to the immediate point, stressed the necessity of 'financial sacrifices' which 'surely would be much easier for industry to bear if it realised that the election of March fifth will surely be the last one for the next 10 years, probably even for the next hundred years'.

I will not pretend that members opposite desire to have no further elections, but they would be quite happy to cheat and win every election. The sort of approach used in the election of 1933, with the exception of the nationalist xenophobia and the racism, involved—

Mr Peterson interjecting:

Mr TRAINER: Xenophobia means fear of foreigners and aliens. There was also anti-semitism that was most evident then. The campaign then did nevertheless have certain elements in common with the sort of campaign which was waged in 1979 and which I am sure we will see again in 1982 or 1983. Members opposite have given us a few glimpses of the anti-union type of campaign they intend to run again and all the gobbledegook about the Red menace. Despite all the talks of the Red threat in 1933 about the terrible dangers from Bolsheviks, trade unions and all the rest, despite increasing provocation by the Nazi authorities, there was no sign of a revolution, of communists or socialists bursting into flames as the electoral campaign got under way. The union danger inconveniently refused to emerge, but if it could not be provoked, it might have to be invented.

There was the incident of the raid on the Communist Party headquarters in Berlin and the seizure of some propaganda pamphlets which were then produced to the world (although never actually shown), as documents proving an imminent revolution. The reaction, according to Shirer, of the public and even of some of the conservatives in the Government, was one of scepticism. It was obvious that something more sensational must be found to stampede the public before the election took place on 5 March.

We had the wellknown incident of the Reichstag fire, which is so well known that I will not deal with it. Hitler lost no time in exploiting the Reichstag fire to the limit. On the day following the fire, 28 February, he prevailed on President Hindenburg to sign a decree 'for the protection of the people of the State', suspending the seven sections of the Constitution which guaranteed individual and civil liberties. They were described—

The SPEAKER: Will the honourable member for Ascot Park please resume his seat. The honourable Deputy Premier.

The Hon. E. R. GOLDSWORTHY (Deputy Premier): I move:

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

Motion carried.

Mr TRAINER: At that time the particular proclamation was described as being a defensive measure against communist acts of violence endangering the State. That was a complete fiction, just like the sorts of threat that are portrayed by members opposite. Nevertheless, with one stroke Hitler was able to not only legally gag his opponents and arrest them at his will, but by making the trumped up communist threat 'official', as it were, to throw millions of the middle class and the peasantry into a frenzy of fear that unless they voted for National Socialism at the election a week hence, the Bolsheviks might take over.

This is just like the frenzy we saw regarding the Trades Hall march on North Terrace of September 1979, and the same sort of virulent and anti-union campaign I am sure we will see next election. The Nazis were able to gain their majority in the Reichstag. They got 288 seats, plus 52 from an extreme conservative Party, which gave them a narrow majority, but the narrow margin was short of the two-thirds needed to establish dictatorship with the consent of Parliament.

Hitler intended that the Reichstag would be asked to pass an 'enabling Act' conferring on Hitler's Cabinet executive legislative powers for four years and that the German Parliament would be requested to turn over its constitutional functions to Hitler. By the decree of 28 February, which he had induced the President to sign the day after the Reichstag fire, he could arrest as many Opposition deputies as was necessary to assure his two-thirds majority.

This so-called 'enabling Act' was put to the Reichstag. I will not try to read its German title but in English it is translated as the 'Law for Removing the Distress of People and Reich'. They all voted for it. The communist members of Parliament (or deputies) had been removed from the Reichstag. The conservatives, who would be nearest to the Australian Liberal Party, voted for the 'enabling Act'. The equivalent of the D.L.P., the Catholic Party, voted for the 'enabling Act'. The only people who opposed the 'enabling Act' in 1933 were the equivalent of the Australian Labor Party, the 84 Social Democrats.

It was this 'enabling Act' on its own which formed the legal basis for Hitler's dictatorship. From 23 March 1933 onwards, Hitler was the dictator of the Reich, freed of any restraint by Parliament. Without that restraint, he turned all his fury onto the workers organisations.

On 2 May, after a phony march on 1 May of trade union organisations that had been organised, the trade union headquarters throughout the country were occupied, union funds confiscated, the unions dissolved, and leaders arrested. Many union leaders were beaten and lodged in concentration camps. Dr Robert Ley, the alcoholic Cologne Party boss assigned by Hitler to take over the unions and establish the German Labour Front, began his work. Shirer says:

> Within three weeks Hitler decreed a law bringing an end to collective bargaining and provided that henceforth labour trustees, appointed by him would regulate labour contracts and maintain 'labour peace'.

I suspect it is the same sort of labour peace as some members opposite would like to see. Shirer continues:

> Since the decisions of the trustees were to be legally binding, the law, in effect, outlawed strikes. Ley promised 'to restore absolute leadership to the natural leader of a factory—that is, the employer.

These are the sort of people with whom the member for Todd sympathises. 'Only the employer can decide,' they said. Many employers have for years had to call for the 'master in the house' (meaning that they had to consult with the workers who produced their goods). 'Now, they are once again to be the "master in the house".'

Yet, the same consultation between workers and management that they disliked in 1933 has, in post-war Germany, been the major factor in the post-war economic miracle of that country. Overall, back in 1933 business management was pleased. The generous contributions which so many employers had made to Hitler's Party were paying off. I suspect some of the generous contributions that were made at the last State election are paying off now.

The reason for this Bill being introduced at this time is as a diversion. It is part of a general attack on the trade union movement, but it is also a diversion from the very low standing of this incompetent Government, a failing Government taking refuge in union bashing. It is a historical fact that many Governments (I am not just talking about Parliamentary-type Governments, but monarchies, absolute monarchies, all sorts of Governments) in the past when they have had problems, have sought an external threat or internal threat, or both, for a diversion.

A favourite tactic of Liberal Governments is to indulge in union bashing. This sort of Bill is typical of their clumsy heavy handed approach to industrial relations, their sort of surgery with a meat axe. There is nothing in this Bill about consultation with the people who are involved, yet, as I have stated earlier, when it comes to the crunch, unions are prepared to negotiate and make sure no-one who is innocent is deprived of any of the essentials of life. The Transport Workers Union recently in their dispute made arrangements for essentials to be looked after.

Union members and their leaders are not ogres. They are not the sort of evil men portrayed by members opposite as seeking to wreak havoc on the community. The sort of people about whom they are talking only exist in the wild conspiracy theories of their own paranoid frenzies. The Government is in dire trouble. It is seeking a diversion and is finding it in old-fashioned union bashing. The Government is aware that media coverage for unions is very bad and that the public image of unions is not good. About 99 per cent of the union coverage by the media ignores the cause of the dispute and it ignores what happens after the dispute is eventually settled. It ignores what unions are doing on the other 364 days of the year. It concentrates perhaps on the one day when a dispute is occurring, and, above all, it concentrates upon the side effects. The real issues are ignored.

The Government should be condemned for its contemptible cynicism in introducing legislation such as this. It portrays once again Liberal Party ignorance in the field of industrial relations. It shows its insensitivity to the working-class people, working-class aspirations, and working-class institutions such as trade unions. On that basis, I oppose this legislation, unless it can be amended appropriately.

Mr RANDALL (Henley Beach): Having listened to some speakers opposite in the debate, one is prompted to participate and put some other views, some of which may be somewhat similar to those of Opposition members, and some of which obviously will not be held by them. The member for Ascot Park spent quite some time trying to demonstrate his concern about union bashing. He particularly spent much time talking about actions in other countries by other people, particularly other cultures. Following that, he tried to transfer those sorts of actions to Australia, and South Australia. Unfortunately, I think he has lost contact with reality, if he believes that the sort of German Nazism is the sort of thing that we are headed for here. I believe that we can resolve our problems as a community, certainly by negotiation, consultation and discussion.

As a Party and a Government we have shown our willingness to negotiate, consult and talk. One only has to look back over two years to see that we have consulted with teachers about ancillary staff problems. We sat down with S.A.I.T. and talked, for instance about teacher housing. We found resolutions largely promulgated by the S.A.I.T. executive, on behalf of its teachers. The Minister of Education has sat down, talked and resolved what he feels the union has pushed strongly for in teacher housing.

One looks with interest at the sorts of comment made, about whether S.A.I.T. executive had support of its teachers when it pushed forward that policy and negotiated with the Government. We are a Government of negotiation. This Bill is a last resort. We should be talking about why we got to such a stage. The member for Ascot Park believes that union management knows how far to go in Australia. I believe that some union managements have lost contact with reality, and are too power struck and have the glory of being front-page news and TV. They have camera lights in their eyes. Unfortunately, the executive often loses contact with its community responsibilities and goes too far.

If the member for Albert Park was in the House he would quite rightly say that union members have the opportunity to question how far union management goes. They have the mechanism whereby they can put pressure on the executive to slow down, to change the decision. When one looks at the speeches made in this House, soon after I came here I pointed out clearly how the Telecom union executive, A.T.E.A., got the message to its membership about a political fiasco it tried to implement in South Australia some time ago. It back-tracked, changed direction.

Unfortunately, today in a union meeting when strike action is discussed, if a member puts his viewpoint, all sorts of intimidation start to be applied to him. One area, connected with Labor Party policy, is this alternative Government's policy of compulsory unionism. In other words, you have to be a union member before you can work. Obviously, they want that power, and we know why. If a member decides to object to what a union is doing, it can threaten him with loss of membership. Therefore, if he is no longer a member, he cannot work.

That is a classic type of intimidation that takes place from time to time. It is very difficult, unfortunately, to get the union executive or Secretary to put it in writing. But, if a union member dares to defy the union executive, when he has been told to go out on strike, and goes back to work, all sorts of subtle little pressures are applied on that member, such as telephone calls, and all sorts of subtle pressures are applied on the employer. That is just because an individual exercises his right to work in our community.

The union wants control of the work base so that it can use this form of intimidation to control its members. It does not want rebels in its ranks or freedom of speech for members. The executive wants to control the union so it can negotiate with employers. It wants to do it its way. It does not want to be told by its membership that it is going too far. It wants all the glory and power at the time of the strike or any other action.

As I have pointed out many times, the other side of politics has its problems also, which I am the first to acknowledge. The employer has responsibilities. That is why I have maintained a consistent attitude towards consultative committees, where employer and employee sit down and thrash out their problems before it reaches an action stage. That is the direction in which we should be heading. Unfortunately, as I have pointed out, the unions are tied to the Australian Labor Party. That is part of our problem in South Australia.

In many cases in South Australia the Secretary is a delegate, and, therefore, a member, of the Australian Labor Party, representing so-called overall membership of his union in that Party forum. The problem is that the Australian Labor Party has limited itself to the unions. Politics should be kept out of unions. Give the unions a fair go. Do not politically manipulate them, as has happened here. Unfortunately, once the Secretary of the union gets to the Australian Labor Party as a delegate he quite often progresses further along the line and begins to sit on the executive.

Mr Peterson: Why unfortunately?

Mr RANDALL: It is unfortunate because when they do that, they become tied into the political system, as I am about to demonstrate. They get on to the executive and go into a decision-making role in the A.L.P., like the T.L.C. They then find that maybe it is the in thing to go on strike and put pressure on the South Australian Liberal Government. It spreads almost like a disease from one Secretary to the other. He reports back to his next executive meeting and possibly to his next council meeting, that it may be that political pressure should be applied in an area. The meeting decides 'Yes', unfortunately, because many members do not go to their meetings. That is another problem and it concerns me. Members of unions do not always take an active role.

I am sure that, if they did so, much of this political manipulation would be lessened, because the secretary would be responsible for his actions, and would be taken to task if he was promoting the fact that he believed certain issues should be politicised in this State. He would be questioned about his political affiliation with the A.L.P.

The Australian Telecommunications Employees Association has a secretary, Mr John Sutter, who is now on the executive of the A.L.P. in this State. The former secretary of the union of which I am a member has moved up the ranks of the union society and has elevated himself to the area of politics. One has only to look opposite to see a number of members on the other side who have come into this House, trace back their history, and see their union involvement. Parliament is a stepping stone for many members of this House, through the Party machine. Unfortunately, the machine has its hiccups from time to time. Those people who are prepared to stand and count the cost are intimidated, threatened, and exposed to all forms of tyranny, all forms of pressure, and one has only to look opposite to see the Independent Labor member for Semaphore, to see what kind of treatment he got in his early days in this House, and the isolation that still takes place.

I do not think he attends A.L.P. meetings when members opposite have their Party Caucus meetings. I am sure that he does not, but here is a member with the same philosophy as that of his Party, barred, because he did not go through the system. He broke the rules. The same thing happens at union meetings. Anyone who breaks the rules is intimidated and isolated, and the union makes sure they get the message.

I am not here to union bash, because I was a unionist myself. As a union member, I had a vote in Labor Party matters. As a Liberal Party member, I also had a vote in Liberal Party matters. One could ask how a working class person could have such a capacity with a vote in Labor Party matters. That was through the union secretary, who proudly stands at A.L.P. meetings as a delegate of my former union, waving his flag of X number of thousand votes, one of which is mine. When members of unions sometimes find out that they may be Liberal thinking people, and that their vote is part of the voting system of the A.L.P., some want to withdraw and abstain, saving the union possibly 30c or 40c in sustentation fees, part of the contribution to the funds of the A.L.P. That person might try to arrange the withdrawal of his name from the list, and I imagine unions have rules about that. I am not sufficiently familiar with all South Australian unions to know how many South Australians have had their name taken off the list, but surely that is their right, as union members. If they want to say that there should be no politics in their union, they should be able to take their name off the list.

Mr Mathwin: They ascertain how many—

Mr RANDALL: It is stronger than that. They have a membership list and they know how many members are on the roll.

Mr Mathwin: For the purpose of voting—

Mr RANDALL: Perhaps recent action is an indication of that. So, the union member in the community sometimes is faced with a dilemma, particularly if he joins the Liberal Party. I have expressed myself consistently in the area of getting politics out of unions. I believe in a strong union, one in which the members are active and taking a keen interest in union affairs. I issue a public challenge for union members to get back into their unions, even if it means accepting some of the intimidation. I know what it is like. I have felt it myself, and I can empathise with some people who come to my office with concern about what is happening in their union.

In South Australia, fortunately, we live in a free society and we believe in individual freedom, as I am sure do members of the A.L.P., so the people can surely express their concern within their union meetings. It is a sad day for South Australia if they cannot do that, and I do not think members opposite would disagree.

The member for Norwood attempted to make the point that the basic fundamentals of democracy are the base on which we operate in this community. His concern was expressed along the lines that he believed that the legislation we are debating today would be a tool for this Government to use in many strike actions. I believe it may be a tool, but it will be a minor one, used in times of crisis. One has only to look back to recent days to see times of crisis, and to look overseas at some of the crises there.

I have covered the point that the member for Albert Park has quite often challenged me in this House about the right of members within the union to question executive membership decisions. If the honourable member wants me to refresh his memory of the incident, I will be happy to read it into *Hansard* again, but I do not think that that would be necessary. Let us look at the recent postal strike, a strike in an essential service in our community, and one in which much human suffering was felt.

Mr Millhouse: It's not a very good example.

Mr RANDALL: That may be so, but a person came into my office, and I think this will illustrate the point. She had written interstate for a visa to travel overseas to see her father in a near Asian country. He was in poor medical condition and she wanted to travel urgently to see him. Unfortunately, she needed a visa.

Mr O'Neill: Which country?

Mr RANDALL: Just over our borders, in the Asian countries. She had sent to Canberra for a visa. Unfortunately, it had been put in the post. Because it was in the post, in a registered article, and because we were having bans which extended over a week, with the sorters on strike one day and the drivers on strike the next over a number of weeks, the article had become lost in the system. We ascertained that the article was put into registered mail in Canberra on a certain date, and we found out the registration number on the article. We waited daily, and telephoned the Adelaide registry office in the hope that, in the trickle of mail coming through, she would be able to get the article. Unfortunately, that did not occur.

The member for Ascot Park said that he believed union management was responsible, so I thought perhaps the management would grant permission for the postmaster or the person in charge of the security section to open the vault and look through the bags of mail from Canberra in the hope of picking out the article, because we knew the number. That was not to be; the doors were to remain locked, and no-one was allowed into the area. Therefore, an

essential service was being denied an individual in a time of crisis.

It may be a poor example, but it is an example of human suffering and needs to be put on the record in this House, because I am sure that that example could be repeated time and time again. In future, there will be other examples that can be put on record, but I use that one because it is fresh in my mind.

Unfortunately, the days when the public servant was a true public servant seem to have faded. When I joined the Public Service, I believe that I signed a document which said that I recognised, as a public servant, that I was to serve the community that employed me. My area of service was in the Postmaster-General's Department. Over a period of years, that pride of service to the community for which I was employed seems to have gone down the drain. Many Public Service unions today have developed tools, techniques and pressures that they use to put pressure on the public as a means of achieving unjust claims.

That is what we see in many of the Public Service unions such as the A.T.A. and the A.P.T.U.—they impose bans. They have not got the guts to go out on strike and force their members to lose pay. They impose bans; they put a black ban on this and that but their members still get paid for the work they should be doing but are not doing. The members of the union sit in their places of employment all day and drink coffee, because they are directed to do so by the union management. Over a number of weeks, because of these bans the jobs that would normally be done build up. For instance, during a ban on work in the postal system the number of mail articles increases tremendously. During the Telecom strike, the number of unfixed faults built up tremendously. Once the union has resolved its grievance, there is backlog of work to be caught up, and the members have to work overtime to do so. In these cases the imposing of bans, which is an industrial action, is in effect a racket, a profit-making business.

We must look at ways in which the message can be got across to members of unions, so that members who want to defy the executive ban and exercise the rights of freedom they rightly deserve can do so. An example of this is the case of the postal clerks at the Woodville post office who were fed up with being told to put bans on this and to put bans on that. They wanted to get the system back to normal. They were the workers who had close contact with the community and they knew how the community was feeling about the bans. The management did not know this and it had gone too far. When they spoke out publicly they were black banned.

One of the tactics used by the union of which I was a member, in its attempt to get its message across to the Government when it was negotiating strike action, was to impose its bans on the lines connected to businesses. At one meeting I attended we were told to make sure that the telephone exchange in the St Marys area did not maintain any business lines in the southern area. This tactic was being used because the union believed that those businesses would contact the Liberal Party, because the union believed that only the Liberal Party looked after businesses. That is what the unions believe. They do not believe that we look after the workers.

Unfortunately, they have misjudged the situation. The Telecom union used that tactic hopefully as a method of getting their message across. Members of the union were instructed to black ban any repairs on business lines. This may be a short-term solution to the problems, but in the long term it will do much harm. Today many big businesses are urging the Federal Government to form an alternative communication link in Australia for businesses. That alternative information link for big businesses would use a satellite. Unfortunately for Australia, we do not yet have our own satellite. We will be the last country of the Western world to launch its own satellite, which will be done in 1985. However, there may be some positive advantages in hanging back. Pressure is certainly being put on the Government of the day to make sure that big business can have its own personal satellite. In other words, big business does not want a Government-owned satellite. This is where the union will get itself into strife.

Big business wants its own satellite because it wants to be able to transmit video-conferencing. A recent report, Technological Change, Impact of Information Technology, 1981 booklet, refers to video-conferencing in the following terms:

> . . . attendance at conferences and meetings is an important part of business life. The long distances and rising costs of transport in Australia are combining to make face-to-face meetings increasingly costly. Well engineered conference rooms (on company premises) with video cameras, bothway voice and high speed facsimile are gaining acceptance in the U.S. as a substitute for a significant part of business travel. Similar facilities in Australia could make a significant impact on travel budgets;

This new technology can help enhance our lives in the community. By putting on this pressure and trying to lock up the system, the unions are really bringing much closer the day when this computer communication system will be used. Another service included in the capacity of a communication satellite is computer-to-computer communication, and the report about it is as follows:

> . . . the information-carrying capacity of the analogue telecommunications network has constrained computer systems design. The capacity offered by a satellite channel can enable one computer to access directly another computer or files in its filing system at computer speeds up to 45 million bits per second (about five million characters per second);

Therefore, because of the system and the constraints imposed on the system by Telecom in times of union disputes, big business wants to have no constraints imposed. It wants to have freedom of access to information available continually without the threat of politically motivated strike action. Another area in which business is interested is that of the very high-speed facsimile, the report on which is as follows:

> . . . facsimile transmission at speeds of 30-70 A4 pages a minute are now under development, expressly for use with satellite channels. Use of such devices can speed corporate document distribution and bypass the increasingly costly and untimely alternatives. In contrast, facsimile machines using present telecommunications channels operate at the rate of one page every ½-3 minutes.

Obviously, the technology is there, but unfortunately for the community many unions are inhibiting its introduction. Big business is now putting on the pressure; it is prepared to launch its own satellite, set up its own channels independently of Telecom.

The SPEAKER: Will the honourable member please indicate to which clause of the Bill he is referring?

Mr RANDALL: I am speaking in general to the whole Bill, which is an attempt to prevent dislocation of essential services. I used as an example Telecom, which I believe is an essential service to the community and the need for such a Bill to be introduced.

Unfortunately, Telecom also covers radio and television transmission. During the last T.W.U. strike the message that on certain days members of the public who had number plates ending in an even number could get their supply of petrol was communicated by radio and television. Had a ban been imposed on our radio and television transmissions, the Government would not have been able to get its message across. That could have caused grave communications problems. We must ensure that protection is available in such a case to ensure that the public is informed. In the case of an earthquake, or the recent suspected high tides at the

local beachfront, had we not had essential services we would have been in trouble, because many people telephoned the State Emergency Service and Government offices looking for information to help allay their fears. If we had had a strike at that the time and communications were inhibited, we would have had problems, because the community at large uses the communications channels to allay some of its fears in times of emergency.

I believe that unfortunately unions in the area of communications do not know how far to go. They tend to go overboard, and in doing so they prohibit and prevent communications and the carrying out of essential services.

The last point I want to make is in response to the member for Ascot Park. He seems to feel that we as a Government will misuse this power given to us. It may be that he is over-concerned, or that that is just a fear he wants to promulgate in the community for his own political ends. I refer to clause 3, which provides:

Where, in the opinion of the Governor, circumstances have arisen, or are likely to arise, that have caused, or are likely to cause, interruption or dislocation of essential services in the State, he may, by proclamation—

The matter is taken out of the hands of the Parliament. It is taken out of the political hands of any Government, because the Governor must be satisfied and convinced that to issue such an order is in the best interests of the community, so the political aspect can be, and is being, removed by clause 3 of this Bill.

Mr Trainer: That is a constitutional fiction, and you know it.

Mr RANDALL: The member for Ascot Park quite clearly, by his interjection, indicates to the House his attitude to the Governor of this State. I do not wish to debate that, but perhaps I have more faith in the Governor of South Australia than he has.

Mr MILLHOUSE (Mitcham): With very great charity towards the member for Henley Beach, I failed to understand how anything he has said had any connection at all with the Bill we are debating. Even the example that he used of Telecom (which is apparently the field of his previous employment) would be outside, as far as I understand, the purview of this Bill.

Mr Trainer: Of his future employment, too.

Mr MILLHOUSE: That may be. Yes, he will have to do something. What he said had absolutely nothing to do with the Bill that we are debating. It was an interesting talk about trade unions, and so on, but totally irrelevant to the purpose for which we are here at the moment. I had to listen to him, as I have had to listen to the member for Ascot Park, because I understand that I missed the call a little while ago. I thought that the member for Ascot Park rather overdrew the picture; the comparison between South Australia and a pre-Nazi Germany was a bit far fetched.

Mr Randall: A bit?

Mr MILLHOUSE: No, it has enough relevance to justify his mentioning the point, because there is no doubt whatever (and I think I have made this point in debates about similar Bills) that Hitler came to power quite lawfully and was able to manipulate the Parliament to get that power. Heaven forbid that that should happen here, and it does not look likely to happen here in the foreseeable future, but it could, and it is something we, as Parliamentarians, should be careful to guard against.

Mr O'Neill: The only thing they are lacking is a Leader.

Mr MILLHOUSE: I cannot agree with the member in his saying that. I do not think we have gone quite as far as that. One thing I must say to the member for Henley Beach is that we are members of Parliament and are not concerend only with the present Government and what it may do. I know that there is a great temptation when in Government to assume, as one hopes, that it will go on forever, but it will not, and we all ought to scrutinise every piece of legislation on the assumption that it will be used with the worst possible motives by our political enemies. If we do that, we will get a better result than if we assume that our Government will always be in office and that it can never do any wrong.

I come now to the Bill. With some unwillingness, I am prepared to accept that it is necessary to have an Act of this nature of the Statute Book. It is a sad reflection on our society, but it does seem to be becoming more and more lawless and it may be that in certain circumstances something like this is necessary. I am not sure what the Labor Party is doing about this Bill. I have not quite picked up whether it is opposing it outright, or not. Certainly, I have seen a few amendments floating about the Chamber, most of which seem to be quite good. Regardless of whether they are or not, I think that in their heart of hearts Opposition members know that some such Bill as this is required.

Let me look at the objections which I have to the Bill and which I hope to see rectified, certainly not in this place, because pride of office will prevent that from happening, but perhaps in another place. First (and I see from the amendments that the Labor Party has picked this point up), the definition of 'essential service' is so wide as to mean anything, at the moment. That definition is:

'essential service' means a service (whether provided by a public or private undertaking)—

I am not sure what an 'undertaking' is. I suppose it is a natural person or group of persons, either a private limited company or a Government corporation. We will assume that a court could make some sense out of the word, 'undertaking'—

without which the health of the community would be endangered, or the economic or social life of the community seriously prejudiced.

The 'health of the community', I suppose, if the community as such has health, may have some meaning. What the 'social life of the community' may mean, I do not know, and 'seriously prejudiced' is another gloriously vague phrase which could mean anything or nothing. That definition is so wide, certainly given the other provisions of the Bill, as to enable a Government, if it has power, to control anything. It could tell me to walk to Timbuktoo, or certainly to Oodnadatta, and I would have to go if I were not to break the law. If this Bill was passed in its present form—

Mr Trainer: And you couldn't appeal.

Mr MILLHOUSE: The member for Ascot Park, contrary to my impression earlier, has studied the Bill. I would not be able to go to any court to stop it, as the Bill stands at the moment. The Government could direct anybody in any way, this definition is so wide, I certainly would not accept the definition of 'essential service'. In all fairness to the Government, I know that that is a problem that it has seen and I have been told it has tried to get an acceptable definition. All I can say is that it has not succeeded, so far.

Then we come to 'proclaimed essential service', which simply means 'an essential service declared by proclamation' and anything can be declared by proclamation, it seems to me. The definition of 'service' is not an exclusive one. It includes production, distribution and supply of goods, but that does not exclude other things, so that is very wide. Then, in clause 3, we have the phrase 'in the opinion of the Governor', which in fact means in the opinion of the Government. I do not like that clause, because it puts us entirely at the mercy of the Government of the day. Clause 3 (1) states, in part:

. . . circumstances have arisen, or are likely to arise, that have caused, or are likely to cause, interruption or dislocation of essential services in the State . . .

Well, the Government is to be the total and sole judge of that, so I do not like that. Then there is a period that can be declared for not more than seven days, and so on. In my view, probably the best way out of the problem of this Bill is very closely to circumscribe the period that may be allowed and to cut it down from 28 days, which the Government is seeking in clause 3 (2) *(a)*, to seven days. It has been objected to me that it may be very inconvenient to call Parliament together in seven days—it may be Christmas time or something. Blow that, this is so important that however inconvenient it may be Parliament should be called together if we have an emergency. To that extent I agree with something that a member on this side of the House said. Inconvenient or not, I am inclined to think that this is the best way out of giving such sweeping powers.

I will try to cut the powers down, if I can, but we want to keep as much Parliamentary control as we possibly can. Reducing the period of time for which this legislation can operate very substantially from the 28 days to seven days may be the best way to do it. Then, again, in clause 4 we have 'in the opinion of the Minister'. I point out that under subclause 2 he can give a direction to a specified person (that is, to me to walk to Oodnadatta) or class of person, or to members of the public generally.

Mr Langley: You'd have sore feet by the time you got there.

Mr MILLHOUSE: Yes, I would have to run I think. That is why I was away and missed the call, I went to buy a pair of running shoes. They are the best running shoes, and I also went to my favourite massage parlour and had a leg rub. That is why I was away.

Mr Langley: You must have been at 130 Goodwood Road.

Mr MILLHOUSE: No, it was down Hindley Street, actually.

Members interjecting:

The SPEAKER: Order! The honourable member for Mitcham is participating in a very important debate.

Mr MILLHOUSE: Thank you, Mr Speaker. I am glad of your reminder on that matter: I was talking about very important matters. Again, under clause 4 (2) *(d)* a provision is made that the Minister may 'impose a restriction or prohibition which may be absolute or conditional'. This Bill has been drawn with the aim of embracing the widest possible set of circumstances and giving the most undefined, if that is grammatical, sweeping powers to a Minister.

Mr Oswald: You still support it.

Mr MILLHOUSE: I do not support those provisions, and I point out to the honourable member, whose name I cannot remember—I cannot remember where he comes from—that unless some of these provisions, if not all, are taken out of the Bill, I venture to say that it will not pass through Parliament in any form at all.

They are a few of the things that I point to, which are not by any means an exhaustive list of the objections I have to the Bill. Clause 6 refers to furnishing of information, which again is very wide, and the draftsman has put in for cosmetic purposes subclause (2), which states, 'any information sought under subsection (1) must be relevant for the administration of this Act'. But who on earth is going to say what is relevant and what is not spelt out, and there is no sanction whatever if it is irrelevant, so that provision might just as well not be there.

The last one that I will mention, of course, is the one that the member for Ascot Park chimed in about a little while ago, and that is clause 11. For some reason, the Government (and the Labor Government was just as bad—no doubt because the Government has the same advisers) is paranoid about a court, a judge of the Supreme Court, giving an injunction in certain circumstances. Clause 11 provides that no injunction can be granted. In my view that is absolutely and utterly wrong. Even if it is a dire emergency, I do not believe that the Government should be above the law as well as having sweeping powers like this. This is where we are getting pretty close to Hitler's Germany in the early days of his power in 1933.

I am utterly and absolutely opposed to that clause. After all, Supreme Court judges are responsible citizens; they do not give injunctions capriciously. There are procedures which are laid down and which they must follow. The person against whom the injunction is applied for must be given an opportunity to justify his actions and to be heard. It is absurd to be afraid that a Supreme Court judge will so interfere with the processes of the working of this Act, if there is an emergency, as to nullify them. I do not accept that for a moment. I do not believe that clause 11 should be retained in any form at all.

That is about all I need to say. In this place we are used to having very long and irrelevant speeches. I hope I have said enough to indicate how I feel about the matter. Although I have not discussed each and every one of these things with my colleague in another place, I believe I know how he feels about them. If the Labor Party is sincere in his opposition to some of these matters, they will be taken out of the Bill, and the Bill, although it is distasteful to have to have it all, will pass in a modified form, but if the Labor Party sticks and these things are not taken out, I can tell the Government that it is very unlikely that the Bill will pass at all.

Mr O'NEILL (Florey): I oppose the Bill, but in the event that amendments are put forward I will reappraise the situation at the appropriate time. However, I am afraid that, given the realities of life in this place, the Government will probably not entertain any amendments, and therefore, we will be faced with the fact that we have nothing left to do but oppose it. I had not indeed to speak in the debate because I thought it would be quite adequately handled by my colleagues.

However, I felt impelled to speak, after the irresponsible outbursts of the member for Morphett and after the hysterical way in which he carried on. The subterfuge, or the device, which he used is well known and one which has been used down through the years. It is the Red smear tactic of screaming 'communist', 'socialist', 'left-wing', and so on, which the honourable member did throughout his contribution. He was not interested in any intelligent debate on the matter. He wanted to create hysteria.

I suppose he might be able to do that on his side of the House, but he will not create any hysteria on this side with that type of action because members on this side know members of trade union executives and members of the trade union movement. Some of us have been in those positions, and we know that what the member for Morphett was saying was a load of rubbish. It bears no relationship to the real state of affairs and it ignores altogether the fact that members of the trade union executive committees are, in all of the unions that I know of, rank and file members in the first instance. They must be to be able to stand for a position in a particular union.

To be elected they must present themselves in ballots which are held under very strict requirements of the Conciliation and Arbitration Commission, whether it be State or Federal, and when they are elected they have a responsibility to carry out their duties in that position in the best interests of the membership of the organisation. Anything

else would be a dereliction of the duty for which they were elected.

The book I referred to last night, the *I.P.O. Review*, April-June 1981, may to have some extent have engendered the hysteria across the Chamber, contains an article entitled 'Union Power—a countervailing influence needed'. In respect to the leadership of unions and the fact that they are often powerful and militant, it states:

> Such leadership must be expected. There is an element of the illogical in the often heard call for union leaders to act 'responsibly' if it means getting less than they could for their members.

That is true. There are a few other gems in the book which I may refer to if I have time. For a responsible member of Parliament to get up and rave on as the member for Morphett did will do nothing to stabilise the industrial situation in this State: it will only worsen it. As a former trade union officer, I want to say to the member for Morphett and to other members opposite who may be interested, especially the member for Henley Beach, that it will do them no good to continually refer to the fact that trade union leaders mislead the membership.

When there is a mass meeting of members of an organisation (and there usually is when it is in respect of the possibly of a strike), it is amazing that that is about the only thing in which members opposite are interested regarding the trade union movement. They get paranoid about the word 'strike', which has now become an international word with various spellings, usually phonetic. It has gone right around the world and is used as a device by the employers and the upper classes in various countries to engender fear into people and to try to denigrate the people who have withdrawn their labour.

When a proposition of this nature is put forward, it is the responsibility of the trade union leaders to put the arguments to the membership, which can vote and make its own decision. Last night, the member for Elizabeth gave us an example of what happened in Britain in a very large strike, when the organisation was forced to conduct a secret ballot (which is another talisman of the members opposite). It turned out that it made the situation a darn sight worse. They got a much bigger vote in support of the withdrawal of labour than they did initially at the meeting where they voted on a show of hands. Because of the stupid laws that have been processed by the conservative Government at the time, they caused the strike that lasted a fortnight longer because they had to organise another secret ballot after an accommodation had been reached between the employers and employee organisations, to get the people back to work.

So, when members talk about misleading people they do not know what they are talking about. It is an elementary fact of trade union leadership that one may mislead ones members once in a withdrawal of labour; but, one will not do it twice. I am talking about a situation where it is unnecessary and against the interests of the members of the organisation. They are not a bunch of mindless idiots: they are intelligent people. The only difference between them and other people in society may be that they have not the advantages that put them in a position where they do not have to rely on the fruits of their labour to eat, drink and provide themselves with shelter. I do not want to waste all my time on that gentleman.

The member for Todd went on about the effects of the strike by A.B.C. technicians. This must go into the same category as the diatribe from the member for Henley Beach, who has a particular hang-up about the organisation to which he used belong. I suppose that he knows more about telecommunications than anything else, because that was his occupation before coming into office. The member for Todd was talking about the A.B.C. technicians and stopping the tests. As a previous speaker has dealt with one aspect of this, I will not go over it again.

Has the member for Todd given any consideration at all to the provocation that the Government in Canberra, which he supports, has given to these people? That Government has mucked these people around since 1976 and refused them every time that they took their propositions to arbitration. No attempt has been made by the Government to do anything to resolve the matter. In the final analysis, they did quite the opposite. When the technicians tried to reach an accommodation with their employer, the Government deliberately interfered and intervened to try to compound the issue to stop these people getting money. The Government did this because it had a financial interest in the matter. It was linked up with their strange budgetary legerdemain, the juggling which has been going on in Canberra over a period of time and which is clearly a political motive.

If anyone can tell me that the carryings on of the Federal Government in the Treasury and that the financial affairs of this country are in the best interests of the general public, you could have fooled me, and I do not think that the general public would agree with that. If this Bill was placing some restrainst on the lunatic policies of the Federal Government and, to a lesser extent, on the lunatic policies of this Government, I might be prepared to vote for it. If I could see a possibility of some direct action sorting these things out, it might have some value.

The honourable member went on to talk about lock-outs. This is an archaic term and is not used as much as strikes. It had a relevant meaning in the early days of industrial relations. The term is not used any more but the device is still there. It is a little more sophisticated, but, nevertheless, just as deadly to workers when they are confronted with unscrupulous employers. We had a couple of instances in this respect not so many years ago, in this State. I will not mention any names.

When an entrepreneur decides that he can make more money by engaging in a tax avoidance scheme or manipulation with one or two companies, he has no compunction about closing down a company and kicking out all the people who work in the company and throwing them on the industrial scrap heap. He has no compunction about doing that. What recourse do the people have then? What do the Government members care about that? It has happened in relation to financial juggling, taxation avoidance schemes, and so on. There is no protection for the ordinary person. Yet, the member for Todd gets up and sanctimoniously talks about letting the people have the bread and the milk. At least his Minister had the decency, in his second reading speech, to indicate somewhat ungraciously (nevertheless he put it on record) that the trade unions involved in the recent transport stoppage did talk with the Government and made arrangements to see that certain goods and services were provided.

It ought to go on record that the Transport Workers Union in that recent dispute (and I know this legislation has no relationship to other States; I recognise that fact although a couple of members opposite ignored it with gay abandon) did make arrangements with Governments around Australia to provide services, and this minimised the effect on the general public. This they did responsibly and with compassion for people who might be inconvenienced by their actions. They were not aiming at the general public. They were not even aiming at the employers, because the employers had reached an agreement and come to an understanding with them based on the productivity, and so forth, in the industry. The employers said that they agreed with the workers that there was a case for a $20 a week increase.

Who were the irresponsible people that plunged this country into a transport strike? The Federal Government did it. What effect will this Bill have on the Federal Government? Government members should not be talking to us and asking us to pass repressive legislation in this House. Members opposite should be talking to their (I was going to say 'comrades', but I do not think you use that word), confederates in Canberra and drawing their attention to the fact that they are the irresponsible people who plunged this country into a national transport strike. They will probably do more because they are representing the interests of big business.

I congratulate the Government on the way in which it has misled the public of South Australia; its counterparts in Canberra have misled small business men all across the nation. When Government members say that they represent the interests of big business, I agree with them. However, they should not say that they represent the interests of small businessmen because they do not. Government members put them through the wringer by their support of big business. Members opposite are subservient to the aims of big business, and that is what this Bill is all about. It has nothing to do with the services to the public. Government members have tried to go along with the aims of big business or the big employers ever since conciliation and arbitration was introduced into this country. The primary reason—

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

Mr O'NEILL: Prior to the dinner adjournment, I was demonstrating to the House that, quite contrary to some of the opinions on the Government benches, in the recent T.W.U. dispute it was not the union that was creating a state of emergency across the country, and in particular in South Australia; nor was it the employers who were responsible for the state of emergency—it was the totally irresponsible Federal Government which had precipitated the emergency.

I have previously indicated that, in respect of the A.B.C. technicians, it was the totally irresponsible Federal Government again which was responsible for the state of emergency. Therefore, whilst there is a tendency for members on the Government benches to become somewhat paranoid in cases such as this, they are definitely right off target when they try to attribute the blame to the trade union movement. I am sure that the National Country Party member in the Chamber would agree with me that the actions of certain private enterprise entrepreneurs in Australia have done more damage to the rural community, to the primary producers in Australia, in what has come to light in recent days than ever the trade union movement has done.

Mr Randall: Who?

Mr O'NEILL: The owl on the opposite bench says, 'Who?' If the honourable member for Henley Beach does not know to what I am referring, then I will not disturb his composure. I would have thought that everybody in Australia would know that the whole of the beef industry in Australia is now under threat because of the actions of some private enterprise entrepreneurs, who have done something more dastardly to the primary industries in this country than anything that the imaginations of members on the Government benches may have dreamt up.

When we talk about creating states of emergency in this country, let us get our priorities right. Right at the head of the queue stands the conservative Federal Government, which has probably done even more than the last group to which I have referred. I pointed out before the dinner adjournment that I had not intended to come into this debate, but I was somewhat disturbed by the wild assertions—one might be unkind enough to say the rantings and ravings—of some members on the opposite bench. I did pay a tribute to the Minister in charge of the Bill in that he was at least—whilst I do not agree with the propositions he has included in it—fair enough to mention the fact that the trade union movement in this State in the last so-called state of emergency had made sure that there would be no real emergency in the supply of goods and services to the general public.

On that matter, if we want to look at who is really creating shortages for the people who are on what might be called the median income (those people who get $200 and less a week, of whom there are thousands, and hundreds of thousands in this State, and millions across the country), who is the authority or the body creating the real state of emergency? We find out, if we were listening to the debates today in Canberra, that the necessities of life (the consumer durables which have become accepted as necessary under the Australian standard of living) are being taxed, as we are told there are increases of 2½ per cent in sales tax. In reality, if we look at it (and I do not want to labour this point), that 2½ per cent increase is a misnomer. In fact, it is a 100 per cent increase on the tax charged on those articles before.

The Federal Government again is creating a state of emergency in the economies of thousands of households across this country because of its irresponsible actions, which are directly attributable to its economic policies. The member for Henley Beach went on at great length about the role of the trade union movement and its relationship to the Australian Labor Party but, as far as I could see, he was way off beam in talking about this Bill, or rather in speaking at this time, because he was not in any way talking about the Bill. He was talking about a situation which is totally under the control of the Federal Conciliation and Arbitration Commission and the Federal Government. He was off beam, but I think in fairness to him it should be pointed out to the House that he is a schizophrenic.

The poor gentleman has a split personality. He is on the other side of the House on the Government benches, but everything that was instilled into him as a youngster, everything in his upbringing, tells him he is really a traitor to his class, that, for reasons best known to himself (expediency or opportunism, I would not know), he got himself a seat in Parliament which he will probably hold for the remainder of this term, and then he will go back to where he came from. But the situation is that, to try to justify to himself (not to anybody else) his actions, his desertion, he must stand up in this place and malign people and an organisation for which I have considerable respect. He has no compunction at all about resorting to wild terminological inexactitudes. He says the first thing that comes into his head, and he engages in a bit of self-martyrism.

I have heard him go on at great length on a number of occasions about how he was mistreated by the organisation to which he belonged. I do not want to bother the Parliament with the other side of the story, but when one hears that one can quite clearly see that this member suffers from what the honourable member for Semaphore says is paranoia. I think that would probably be close to the mark. The problem he has is, of course, that, like a number of people in the work force—and I do not condemn these people—he suffers from the syndrome that he aspires to all the benefits which accrue from the organisation of the trade union movement, and he aspires to the standard of living which has been achieved by the trade union movement in this country, but he has been afraid of taking the actions that were necessary to achieve that. He has actually been a freeloader on his colleagues in the trade union movement

who have had the intestinal fortitude to go out and fight for things. I do not like to sit in this place and hear him saying of his former organisation and members of his former organisation that they have not got the guts to go on strike.

Mr Randall: They haven't.

Mr O'NEILL: You see, he says they have not. I do not want to engage in a discussion across the Chamber with the member for Henley Beach, but the longer he goes on the more he shows his ignorance of what is the real purpose of trade unions, and the more he shows his ignorance of the tactics which are required by trade union organisations to make gains in the face of the very real antagonisms which exist in the industrial climate in this country. He should not try to kid us about this business of equality, and so forth. He professed membership of the Liberal Party, and I suppose he is a member.

Mr Randall: With individual freedom.

Mr O'NEILL: There we have an interesting statement by the member who talks about individual freedom. We saw him in a recent debate where he inadvertently shot his mouth off. Before he had been got to by the disciplinarians in the Party and before he had been given the Party line, he was foolish enough to go to the press in this State and mouth off about his opinions on a rather controversial issue.

The SPEAKER: Order! The honourable member will come back to this issue.

Mr O'NEILL: Yes, Sir. I am trying to point out, in relation to this Bill, how defective the honourable member's reasoning is and, to some extent, also his morals in relation to politics. Nevertheless, I come back to the point he was making about his former organisation, which he said did not have the guts to go on strike. I was trying to point out to him that his paranoia over strikes is rife. It must be infectious on the Government benches, because the so-called strike or withdrawal of labour is only one of the methods that organisations of labour find necessary to apply in their negotiations with employers.

Before the dinner break, I pointed out that we should not kid ourselves about the tactics used by employers. From my personal experience over many years in the trade union movement, I know that they use coercion; they use blacklisting of trade union members. Their own union has been known to stand on business organisations that are not members. They have been known to strong-arm them into the dreaded closed shop, and that raises another point I have not covered.

As to coercion and standover tactics, when I was Secretary of the Labor Party, prior to the 1977 election, a gentleman called at my office and identified himself as a prominent businessman in Adelaide. He handed me $1 000 and said, 'You can have this, as long as you take it anonymously and never mention from whom it came.' I said, 'Certainly, you have that guarantee and I will give you a receipt for it now.' I took it. He then said, 'I will now tell you the reason why I gave it to you, and that is because the Liberal Party came to me and demanded $1 000 to support its campaign. It thinks it has put it over me, that it has extorted $1 000 from me, but it will not get away with it. I do not support the Labor Party, but I am giving the Labor Party $1 000 to make sure the Liberal Party does not get any political advantage by using standover tactics.' I do not want the members of the Government sitting on that side of the House with sanctimonious expressions on their faces, and using phrases of condemnation against the trade union movement, and thinking they are better than anyone else in this Chamber. The trade union movement in South Australia and, in the main, throughout Australia, has an honourable reputation. It fights for what it believes in and that is its right.

So far as this Bill is concerned, there is a section in it, along with many others, which concerns me, and it is clause 5, which provides:

> If, during a period of emergency, it is, in the opinion of the Minister, in the public interest to do so, he may—
>
> *(a)* provide, or assist in the provision of, a proclaimed essential service;
>
> or
>
> *(b)* provide, or assist in the provision of, a service in substitution for a proclaimed essential service.

He has the power to commit Government funds. What concerns me is that here we are looking at an attempt by government, by covert means, to set itself up in a position in which it can finance attacks on the trade union movement under the spurious claim that an emergency exists in South Australia.

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

Mr PETERSON (Semaphore): I would like to say that it is with pleasure that I rise to speak to this Bill, but I am afraid I do not find the legislation at all pleasurable. I have heard many comments during the debate about bloody minded unionists and bloody minded employers, and I think, in all fairness, both terms have had application across the spectrum of industrial negotiations in this State and Australia over the years. I take a little umbrage at the many references to irresponsible union representatives, having been involved myself in the union movement. I have been a union member since I commenced work. I have had the pleasure and honour, as I see it, of being a union representative, a union official, and I see myself as a moderate and reasonable sort of person.

I do not lean on anybody at any time, and yet many times in my own experience I have seen situations brought about because of the attitude of employer representatives. In my opinion, in many cases they have been unreasonable attitudes, brought about because of an attitude maintained by the organisations represented by these people which really did not accurately reflect the situation and which was more of an attempt at avoiding what was finally settled anyhow. On many occasions, just a simple attitude of delaying a matter has caused many more problems than were necessary.

At the moment it worries me how one now obtains wage justice in Australia. The key wage indexation system we had for many years, which in my opinion was a good system, has been destroyed by too much interference; it has now been abolished.

Mr Randall interjecting:

Mr PETERSON: There are opinions on both sides. I think indexation could have worked if it had been worked at by both sides.

The Hon. J. D. Wright: It didn't work because the Liberals wouldn't let it work.

Mr PETERSON: That is one aspect. There was certainly a lot of Government interference with the indexation system and it was eventually destroyed. I do not know in which direction we are heading now with wage negotiations. I think, in all honesty, one must say there was a lot of Government interference in that former system.

The question now arises where the workers do turn now for wage justice or wage results. It seems to me that rather than interfere by emergency legislation enabling the replacement of labour and services when there is confrontation, it would be far better to work for a situation in which the confrontation would not occur in the first place. However, apparently we must look at a situation where intervention is going to be worked for.

It appears to me that this legislation in itself is a clear indication that this Government does not anticipate at any

stage any system being evolved whereby negotiation and conciliation will take the place of whatever system we have now. It also seems to me that this legislation is the other part of actions being undertaken by the Minister or the Government. I was going to use the word 'Draconian', but that word has been kicked to death over the last few hours but, if the legislation did pass, it would give the Minister and the Government awesome powers over the workers and the populace in general.

The Government must be aware of the possible effects of this Bill, if its powers are ever used, and there are many examples in this country of situations where strong legislation such as this, or strong action by Governments in trying to intervene and dictating what will and will not be done, have failed. In the stevedoring industry, in which I worked for many years, there were classic examples of intervention and the fining and gaoling of representatives, but such tactics did not work, and they will not work. In my opinion, the application of this legislation will create a massive reaction among all workers, all unions, and, in the main, the populace of the country.

It has been suggested this evening that there are deeper reasons behind this than simply having emergency legislation, such as the ability to foment industrial unrest at an opportune time to allow political advantage to be gained out of it. In all fairness, I have not yet heard that discounted in this House. It is a reasonable assumption.

I see this legislation as being necessary at some time, because it is quite feasible, with the industrial situation as it is today, and the way in which things are moving, that such legislation may be necessary in this State. If it does become necessary, I see it as legislation that should be decided by the Parliament as a whole, and debated in depth. I would not like to see that power in the hands of a single State Minister.

I am against having such legislation on the Statute Book as standing legislation at any time, but I would like to turn briefly to the Bill to see what it contains. I will cover one point that seems to me a significant one, although I have not heard it mentioned previously in this debate. It seems to me that the legislation provides for the conscripting of labour to take over essential services at any one time of disruption in the community. To explain that, I will cover various areas of the Bill. Clause 4 states, in part:

4. (1) If, during a period of emergency, it is, in the opinion of the Minister, in the public interest to do so, he may give directions in relation to the provision or use of proclaimed essential services.

(2) A direction under this section:

(a) may relate to proclaimed essential services generally, or to a particular proclaimed service;

(b) may be given to a specified person, or class of persons, or members of the public generally;

Remember that: members of the public generally. Clause 4 (3) states:

(3) A direction under this section:

(a) shall be made in writing;

and

(b) shall be regarded as having been duly given to the person or persons to whom it is addressed if:

(i) a copy of the direction, or a document setting out the terms of the direction, is served personally or by post on the person or persons to whom it is addressed;

(ii) the terms of the direction are communicated to the person or persons to whom it is addressed by telegram or telex;

or

(iii) the terms of the direction are published in a manner determined by the Minister.

Clause 4 (6) states:

(6) Where:

(a) a direction is given under this section to a particular person, or class of persons;

and

(b) that person, or a person of that class, incurs expenses in complying with the direction,

he may recover the amount of those expenses from the Minister as a debt.

I turn now to clause 5, which states, in part:

5. (1) If, during a period of emergency, it is, in the opinion of the Minister, in the public interest to do so, he may:

(a) provide, or assist in the provision of, a proclaimed essential service;

or

(b) provide, or assist in the provision of, a service in substitution for a proclaimed essential service.

(2) For the purpose of providing, or assisting in the provision of, a service under subsection (1), the Minister may:

(a) employ at not less than award rates such persons as he thinks fit;

and

(b) enter into such contracts or arrangements as he thinks fit.

I do not know what has been written into the legislation and how it has been seen, but it appears to me that any person can be directed by the Minister to work in a proclaimed essential service, can be paid by the Government at those rates while he is working there, and can be paid any expenses to get to where the work is to be carried out. That means, for instance, that if there are unemployed workers in Whyalla, and if there is a problem in Adelaide with, let us say, transport workers, the Whyalla people could be directed to come to Adelaide to do that work. They would receive their expenses, they would be paid to get here, and, when they arrived, they would be paid the award rate to do the job.

It seems to me that, with the powers conferred on him by clause 6, the Minister can require any person to give any information about any job in any situation at any time he wishes during any declaration of the legislation. Clause 6 states, in part:

6. (1) The Minister may, by notice in writing, require any person who is, in his opinion, in a position to do so to furnish information specified in the notice, relating to the provision or use of an essential service.

(2) Any information sought under subsection (1) must be relevant for the administration of this Act.

(3) A person required to furnish information under subsection (1) shall, within the time allowed in the notice, furnish the information sought in the notice to the best of his knowledge, information and belief.

The penalty if he does not comply is $10 000. So, we have to supply the information and get the job done, or there is a $10 000 fine. If there is anyone involved in the stoppage, that is $10 000, if a worker will not say how to start the truck, how to put the milk in the van, or how to pump petrol, or whatever it may be. If a person happens to be directed by the Minister to do a job, he must do it; otherwise, a penalty is provided. If he refuses to do it, there is a penalty of $10 000. The only exemption, as I see it—and this is quite pleasing—is that members of Parliament may get an exemption, because the Minister may give exemptions in writing. Clause 9 states, in part:

9. (1) The Minister may, by instrument in writing, grant an exemption from the provisions, or any specified provisions of this Act, or from any specified direction given under this Act in respect of:

(a) any specified person or class of persons;

I do not know whether politicians would fit into that, but I suppose that we could be a specified class of persons and could be given a blanket exemption. In the case of a stevedoring strike, the Minister could give us a written instruction to unload a steel ship or lump bags of wheat, as I read the Bill. I do not know how members of this House would go at lumping wheat, but that is how I see it.

I am sure the answers will be given by the Minister when he arrives, but those clauses are in the Bill. Another aspect of the legislation disturbs me greatly. This legislation, linked with the amendments to the Industrial Conciliation and Arbitration Act now before the Parliament, would provide

the Minister with an awe-inspiring set of powers and abilities. To me, it is totally unacceptable that those powers should be given to a Government Minister. I cannot accept that situation. I cannot see how it ever could be accepted.

The significant point is that previous speakers from both sides have spoken about how, in other places, at other times, the Parliament has been used to confer powers on people who, from that point onwards, have taken much greater steps on legislation. It has been used in other places as the starting point for the erosion of the rights of people, whether workers, or whatever. As I said previously, I cannot accept such legislation in its current form, and I would not vote for it.

Mr LANGLEY (Unley): I, like the member for Semaphore, oppose this Bill, for many reasons. The first is that it will never work, for the simple reason that if specialist people moved away from their jobs, and others were asked to do them and refused, they could be fined $10 000. No-one in South Australia can afford that. If this Bill becomes law that will not happen, because it will not work. When that happens matters will start going through the courts, with lawyers making all the decisions.

I have got much information from the library about unions over a period of years. No member on the other side of the House agrees with unions. Members opposite say that they do, but when it comes to the crunch they do not believe in unions. I would not have spoken in this debate if the honourable member for Henley Beach had not spoken. I am a member of the Labor Party and I can assure all members opposite that we are looking after the people in this State, including the small people. The member for Henley Beach got up in this House and said we are union orientated. If there was no Labor Party, I would not be here today. In a recent Parliament, 16 members on the Government side had not been union officials, so for the member for Henley Beach to say what he said is incorrect. That does not matter.

I have listened to union members on this side of the House saying that all members are given an opportunity to vote on these matters. The member for Henley Beach was not in the House at the time and has not done the work I have done relating to this matter of the number of union-orientated people. We are members of the greatest Party in Australia, the Australian Labor Party. What can we do about this legislation? Nothing, because the Government has the numbers. However, I ask the Minister; when something happens at the power house and electricians go on strike, where is he going to get people to do that work? He is not in a position to do the things set out in the Bill during a major strike.

I assure all members that this Bill will just not work. The only way to make things work in this sphere is to talk to people. I remember that, when the member for Hartley had to make a decision, he called all the people involved together. There is only one way one can do things and that is by calling people together, conferring and getting on with the job. The member for Hartley is an Australian and does his best for Australia. Under this Bill, the Minister will have sweeping powers. However, the first time something happens, he will be in a greater mess than we are in today. I do not want to talk for long about the Bill—

Mr Olsen: Hear, hear!

Mr LANGLEY: I would like the honourable member for Rocky River to think what he would do if there was something wrong at the power house and he was asked to go out and do a job there. There would be no power at all. That would be like asking me to go out and do a plumbing job. That is part and parcel of this Bill, which is too far-reaching. I may be wrong, but I think that there are few members on the other side of the House who are not members of unions of some kind, such as the United Farmers and Stockowners, or that sort of thing. I suppose that one could possibly say that the Liberal Party is a union. Members opposite who are in a union expect to get something from it, as I did when I was a member of the E.T.U. I am not a member now. I was not forced to join that union, but I expected that it would look after my cause if I paid something. If I was not a member of a union, why should I have been entitled to the benefits that that union got for me? I could be called up as an electrician, because I have a tradesman's ticket, and be asked to go and fix up something for somebody in trouble and not have any say about it, under this Bill. I would most likely do that, but when one is told to do something it is totally different.

Maybe the Minister is saying to himself, 'We will knock the unions as much as we can.' I can assure the Minister, and all members of the House, that whatever anyone may say, this will not happen because the persons directed to do something will not do it. What happens then? How can you get blood from a stone? You cannot! People are human and will do the right thing if they are given the right opportunities.

The Minister was a schoolteacher, and I do not begrudge him that. He may have been a Principal or deputy head. The Government is now moving into the sphere of schoolteachers. Previously, schoolteachers were never known to go on strike. What will the Government do if all the schoolteachers go out? Will the Minister go and teach school again? What will happen, because those people cannot be replaced? Their wages can be taken from them, and they may be hurt by that, but this Bill is so far-reaching that it is impossible for it to work in those circumstances.

Imagine something happening at the power house or with specialist tradesmen. This Bill would not work if a tradesman did not want to go along and do a job and said he would not go. What will happen in the end is that members on the other side of the House will have to get down and talk things out—they will get nowhere if they do not. There is such a thing as give and take in these negotiations, and I am a great believer in that. I do not want to take everything, or give everything.

It may be that things are getting worse all the time, but most people are human and this Bill is not humane in any way at all, so it will not work. I am sure that this Bill will pass this House and I am sure the Minister agrees with me, because politics is a numbers game. However, we must look at whether this Bill will work or not. The two points I wanted to bring forward are that this Bill will not work, and that we should look at the humanitarian aspect of it. If the Transport Workers Union strikes many people can drive trucks. But people cannot be plumbers, electricians or doctors. What would happen if doctors went out on strike? What could members in this House do about that? Absolutely nothing!

Whether they would do it or not I cannot say. I doubt whether they would. People do not want to go on strike. There is no doubt about that, but that is about the only weapon people can use concerning these matters. As I have said before, the Government must get down and talk to the people and by doing that it will find that it will finish up achieving what I am saying now: there will be both sides of the argument, both sides will sit down and get somewhere. After having said those few words, I oppose the Bill.

The Hon. E. R. GOLDSWORTHY (Minister of Mines and Energy): I thank members for their contributions to the second reading debate. I made a few notes of some of the speeches made and will attempt to deal with some of those points. While the remarks of the member for Unley are still

ringing in my ears I want to say that that is one of the best speeches I have heard him make in this place, and I do not disagree with a lot of what he had to say.

The contribution was essentially a plea for discussion during industrial disputes. No-one for a moment argues about that. The fact is, though, that there are times when discussion does not lead to a conclusion in a dispute, and the community in fact is threatened. I do not want people to imagine that this Bill is aimed solely at the union movement; most of the debate has been concentrated on this aspect of the Bill. At the outset I must say that probably the situations which are most likely to occur where essential services are threatened, endangered, or cut off, could well be as a result of industrial disputation for which a solution cannot be found. I am not disagreeing with the member for Unley.

The other interesting thing in the member's speech was the fact that he opposed the Bill. I understood the Leader of the Opposition to say that he was supporting the Bill, certainly to the second reading, but I did not get the impression from some of the speakers opposite. Some of them said quite clearly that they were opposing the Bill. I assume that what they are really saying is that they intend to oppose the Bill if the amendments foreshadowed by the Leader are not carried, but that is not what they said.

The Leader made a number of points in his speech. It was noticeable that his manner and delivery perceptibly brightened up when some of his members came into the House and he finished up on a higher note than he was on when he started.

Mr Bannon: I was trying to warm things up.

The Hon. E. R. GOLDSWORTHY: Well, the Leader was very sluggish indeed when he started his remarks, but at one period during the debate there was an influx of his members. Suddenly 10 or a dozen appeared and he brightened up enormously. The first point he made was that the Opposition did acknowledge the need for some legislation of some type. It would be strange if it did not, because the Opposition sponsored legislation (not all similar to this) during its period in office. The Opposition does, in fact, support and acknowledge the need for this type of legislation. It is rather curious, having had a look again at the legislation that the Labor Party brought in, to understand just when it would use the legislation, in view of the fact that the Labor Party seeks to go to extraordinary lengths to protect the trade union movement. This legislation is not specifically aimed at the trade union movement.

Mr Bannon: Your speakers gave a distinct impression of that.

The Hon. E. R. GOLDSWORTHY: I did not hear all the speeches from this side of the House; I heard one or two and there were one or two references to the activities of some members opposite from time to time. The legislation is not aimed particularly at the trade union movement, but by the same token we do not believe there should be a specific exclusion from it.

Mr Abbott: Some of them gave the impression that they were getting ready for the election.

The Hon. E. R. GOLDSWORTHY: I do not know what construction members opposite, including the member who has just interjected, put on it, but it sounds to me that it might be a bit fanciful, in view of my knowledge of the situation. It is very hard to comment on that when one does not know the speech to which the honourable member refers. The Leader said that when the Liberal Party was in Opposition it was strongly against the legislation. That is not a statement of fact; the fact is that legislation passed this House and it would have passed the other House if amendments which were sought to be inserted there had been acceptable to the Government. As members will recall the problem then was the Government was at all costs seeking to have a particular exemption from the trade union movement in relation to their legislation.

The Leader also made the point that circumstances are now different and he referred to the petroleum shortages legislation and natural disasters legislation, but it would be quite fanciful for the Leader to suggest that that covers all situations that we seek to cover. The point he was raising does not detract from the necessity of having legislation that covers a wider field. Of course, he must acknowledge that.

This legislation is not designed to circumvent the arbitration system as was suggested by the Leader, and again by other speakers during this debate; it is certainly not designed to circumvent that. A point that arose and which was reiterated again, as I recall, by the member for Norwood, concerned the policy of the Liberal Party at the last State election. It was suggested that the Liberal Party suggested that it would establish dispute solving mechanisms whereby disputes would in fact be solved in times of emergency. That policy was, as I have said, in relation to amendments to the Industrial Conciliation and Arbitration Act with a view to solving disputes in terms of that Act, and in due course there could well be further amendments to that.

The Government has engaged Mr Frank Cawthorne to undertake an investigation of the arbitral laws and in due course he will be reporting to the Government on that aspect of the Government's policy. I point out that that policy is designed to apply in terms of the Industrial Conciliation and Arbitration Act, and certainly not to deal with crisis situations, which I think is the correct term to use when talking about this legislation. We are talking not about normal industrial disputes but about a crisis situation which could well occur as a result of industrial disputes. However, the legislation is wide-ranging, because one cannot envisage all circumstances in which an emergency may arise and endanger the public interest.

The point was made by the Leader that we needed feedback. I acknowledge the fact that there was no consultation as was advised by the trade union movement because we knew perfectly well, from the legislation previously before the House, precisely what its attitude would be. In fact, in the weekend press I saw the attitude of the trade union movement reported in relation to this Bill and also the other Bill which has recently left the House. The attitude was perfectly clear and the Government did not need any sort of crystal ball to indicate to us what the attitude of the trade union movement would be to this legislation. It was made perfectly when similar legislation was introduced by the Labor Party.

The Government knew perfectly well that the trade union movement would be looking for specific exemptions from the ambit of the Act, as indeed it had in the past. As far as feedback is concerned, the Government knew perfectly well from events during the past three or four months, both in this State and interstate, what the position was in relation to the trade union movement and, indeed, the reaction of the public and the call from the public for action at times when essential services, foodstuffs, and the like were being denied to the community.

As far as that point is concerned, I think the Leader is making a request which would not have produced any knowledge that we did not have. The Leader then wanted to know why I was handling the Bill. One of the reasons—

Mr Bannon: The Premier was embarrassed.

The Hon. E. R. GOLDSWORTHY: No, the Premier was not a bit embarrassed.

Mr Bannon: He should have been, after all he said—

The Hon. E. R. GOLDSWORTHY: No, the Premier was not a bit embarrassed. The fact is I handled the petroleum shortages legislation because I am the Minister of Mines and Energy, and it seemed appropriate that I handle that Bill. It also seemed appropriate that, as this legislation is similar in many respects to that, I should handle it. It is also considered by the Government that a senior Minister should handle it. I think the Deputy Premier handled the legislation in Victoria. There is no magic in the fact that I am handling the legislation, and there is no significance at all in the point the Leader sought to raise in relation to why the Premier was not handling it. When in Government the Leader's Party (from memory, although I am not certain), I think the Hon. J. D. Corcoran did so. I am just told that I am wrong, but I thought I read in one of the Bills that he handled it. Anyway, that is not a major point.

Mr Bannon: It had better not be a major point, because it is not very convincing.

The Hon. E. R. GOLDSWORTHY: Seeing that the Leader's point was not a major point and was not convincing at all, he would hardly expect the rebuttal to be earth shattering. Nobody is hiding anything. I have been deputed to handle this legislation, and there is nothing particularly significant one way or the other in that.

The Leader is worried about the time scale associated with the Bill. He is worried that the Government has these extraordinary powers in an unfettered and unlimited fashion. The provisions of the Bill are designed so that a review will and must occur, in the first instance up to a period of 28 days. The first proclamation can be made for only a week, and then a separate proclamation must be made to review it. There is nothing Draconian in a Bill which has to have a regular review and cannot extend beyond 28 days without the recall of Parliament. In interstate legislation where this provision applies, I think from memory that the term is 30 days. In one interstate Bill, I do not think there is any time limit. The emergency can be declared, and there is no time limit at all. This is a safeguard. In seeking to suggest that the Premier is now in some way adopting an attitude which is inconsistent with his earlier remarks, I point the Leader of the Opposition to the provisions which demand that the matter be reviewed at weekly intervals for a maximum of four weeks (up to 28 days) before Parliament must come together before any further proclamation can be put into force. I draw the attention of the House to the identical provisions which exist in the fuel shortages legislation. In my view, that worked successfully on the two occasions where we had to invoke that legislation. I was overseas last year when it was invoked, but I was here this year when we had to make a proclamation in the terms of that legislation. The legislation worked remarkably well. We reviewed the proclamation twice, and it was a most useful power as a safety measure. We did not have to act under the terms of the proclamation.

It is difficult to call Parliament together at short notice. Emergencies crop up quickly, and this is a problem. Regarding the provisions of the petroleum shortages legislation, the problem arose on a Friday. We had to institute the shortages provision on the Friday afternoon. It would have been impossible to call Parliament together. It is physically impossible to notify members, the Speaker and the President of the Upper House in under two days.

Mr Bannon: You could have done it within a week, though.

The Hon. E. R. GOLDSWORTHY: Yes, but the problem would have been that all petrol stations would have run dry.

Mr Bannon: You could have proclaimed the legislation and called Parliament within a week.

The Hon. E. R. GOLDSWORTHY: Under those circumstances we could have done so, but in other circumstances it is very difficult to call Parliament together in the middle of a long recess, for example.

Mr Crafter: What if there is a war?

The Hon. E. R. GOLDSWORTHY: We are not contemplating those dire circumstances; we are contemplating circumstances which we hope will not occur. We were able to renew that legislation as a stop gap. If we did not do this, we would have had to hang fire and, after a week, hope nothing blew up. If it did and the dispute had been renewed, and the bans had continued, we would have had to call Parliament together, two days would have elapsed, and the fact is that in that case petrol stations would have run dry and we would have been in a much more serious position. Although we had the power to renew it and we did it as a safety valve, we did not have to act on it. If we had to call Parliament together and did not have that power, it could have created a serious situation.

I believe the provisions of the Bill are a very sensible compromise. Having seen the fuel legislation work and knowing the safety valve effect of being able to renew, although it is not necessary to act under the terms of the proclamation, knowing that one can act quickly in rationing petrol, was an immense advantage. The situation was far from clear, having the period of a week pass and then having to hang fire and hope it did not erupt again. If it did erupt, the only way one could act was to recall Parliament. As the minimum time lag was two days, we could have had a situation on which petrol stations ran out of fuel, and there could have been chaos in the community.

I do not believe these provisions are Draconian. I believe they are a sensible compromise in relation to the ability of the Government to renew a proclamation during what could be a very difficult period. There is the time lag of having to call Parliament together with a minimum time (and if the weekend intervenes, it is more difficult) of at least two days, so the community would be very much at risk.

I do not want anybody to think that this Government does not understand the good sense of negotiating with unions in times of difficulty when the Government can be helpful to those negotiations. That is precisely the way in which the Government acted during the transport workers dispute. When the Government looked to be in trouble in relation to fuel supplies, it sought out the union movement, met with it, and reached agreement in relation to the delivery of foodstuffs.

Union officials come and go, as do union hierarchies, and I think that we in South Australia have been very fortunate that, in the main, we have had very moderate and sensible union leaders. As I say, I do not believe that every other State has enjoyed that happy situation.

I acknowledge the fact that Governments can enhance relations with the trade union movement and can exacerbate difficulties. This Government has not the slightest interest in unreasonably confronting the trade union movement. The fact is that situations do change, and, if we had not been able to reach an accordance with Mr Cys and the other people from the T.L.C. on Sunday, the position in South Australia would have been very, very difficult indeed by Tuesday. Indeed, by Monday it would have been difficult and by Tuesday virtually impossible. So, I would not for a moment suggest that one should not negotiate.

As I said in my second reading explanation, one would contemplate using this legislation only as a last resort. However, experience elsewhere, and experience that we had as a Government during that time in South Australia, indicated the necessity of having that as a backstop, because we know that it had to be invoked. Similar legislation had to be invoked in Victoria, where foodstuffs, milk, and so

on, were not being delivered. It was necessary to invoke the legislation finally in that State, and I am one of the first to acknowledge that industrial relations in this State are far superior to those particularly in Victoria.

The fact, though, is that we are vulnerable; the State is vulnerable and the public is vulnerable, unless the ability exists to act in times of crisis. The Labor members opposite acknowledge this, or they would not have sponsored legislation of their own. The argument really, when one gets down to the nitty-gritty, revolves around whether the trade union movement is to have some special exemption from provisions that apply to everyone else in the community, or whether they are not to have that specific exemption. That is what the argument boiled down to in 1974, and that is what the argument boils down to when one really examines the speeches that have been made by members opposite in this debate.

I said during the petroleum shortage, and I say it again now, that no legislation will be successful in the short haul or in the long run unless it has the support of the community. I am talking not just about one little group in the community but about the general support of the community at large. Members opposite are fooling themselves if they think that the community at large believes that there should be an exemption for the trade union movement in relation to the operation of emergency powers and essential services that apply to everyone else in the community. That is what the argument boiled down to in 1974, and that is what I believe the argument will boil down to again when we get into Committee.

I stress that no-one in this Government seeks deliberately to confront the union movement. When excessive demands are put upon the community and when the community is denied essential services, the Government has a responsibility to see that that wider community has its needs and the essentials for health, welfare, and so on, delivered.

The member for Peake spoke, I think, after the Leader. He used fairly colourful arguments, and acknowledged that he was putting a point of view of one of the trade unions—I forget which one. In his reference to rather copious notes, the honourable member acknowledged that the speech reflected the views of a certain union. He described the Bill as being irrational and reactionary, and spoke in rather stronger terms than did his Leader. In fact, his speech tended to conflict. One found it hard to conclude from the remarks of members opposite that they were in fact supporting the Bill to the second reading. The Leader said that, but almost every other speaker gave the strong impression that he was going to oppose the Bill lock, stock and barrel.

That was certainly the impression I gained from the member for Unley, who spoke last, and the member for Peake certainly left that impression. He talked about the Bill being a Gestapo measure. He said he could visualise the bright lights and the rubber hoses. It really was good stuff. It reminded me of a speech made earlier in this House by the member for Mitcham. I think that whoever helped the member for Peake compose his speech must have read the speech by the member for Mitcham, because he talked about how Hitler came to power in Germany, the Gestapo, legislation which led to the rise of the Third Reich, and so on. We got another dose of that from the member for Peake.

I repeat that in a democracy, where we come up for election every three years, a Government is judged on its performance and on the way in which its legislation has worked. No legislation will be successful for any period of time unless that legislation and the way in which the Government operates under that legislation have community support. To suggest that the rubber truncheons and bright lights will be out is quite fanciful. Really, the speech would have been more telling if there had been a degree of moderation in those remarks. The honourable member also spoke fairly strongly in relation to clause 6, but the fact is, from the speaker's remarks and from my knowledge of what the Opposition is proposing in relation to amendments, that there does not seem to be any particular argument for clause 6. However, it seems from his remarks that the member for Peake finds clause 6 quite Draconian.

The honourable member also referred to clause 11. I point out that the Bill which gives the Minister immunity from prosecution or injunction is precisely the same as was the petroleum shortages legislation, and I do not recall strong opposition on that occasion, except, as I say, from the member for Mitcham. I would expect that honourable member to oppose that clause. He opposed it quite strongly, and all of the argument on clause 11, when that Bill was in the House, came from the member for Mitcham.

Mr Crafter: It eliminates legal action.

The Hon. E. R. GOLDSWORTHY: I know. I can understand the member for Norwood opposing the clause. It keeps his colleagues in work. I can understand the member for Mitcham opposing the clause, because lawyers love nothing better than to get into court. That is their bread and butter. The only member who spoke against a precisely similar clause in the petroleum shortages legislation was the member for Mitcham.

The speech by the member for Peake was interesting, because it was colourful. It was overblown, but whoever helped him write it certainly created some interest. He said history is going to record me as an ogre because I have introduced this Bill. I found that to be an interesting comment. I might point out that this legislation had the unanimous support of the Liberal Party, so we are a Party of ogres under those circumstances. I was quite amused to think that, in some circles, I would be deemed to be an ogre because I have had the temerity to introduce this legislation.

I repeat that any prudent Government would use this legislation only as a last resort in times of dire necessity. As I have said, the legislation must have community support and, quite frankly, the Government using this legislation must have community support or it would fail. Any Government that did not have community support would have to back off very smartly. However, I thought that that speech was one of the better efforts, because at least it was interesting. Unfortunately, I cannot refer to every speech that was made, because I had to chair a meeting which had been arranged over a long period in the latter part of the debate, and no-one dreamt that the programme would be as protracted as it has been this week. So, I assume that the Leader speaks for his Party when he says that the Bill is being supported to the second reading. I thank honourable members for their contribution to the debate. It was, as I said, a rational debate.

The Opposition's main thrust is perfectly clear, as one would have envisaged from previous debates in this House; the Opposition will desperately try to get some specific exemption from the terms of the Bill for the trade union movement. I knew perfectly well that the legislation would be opposed by the Opposition when I read the comments in one of the week-end papers in which comments from the union movement were recorded. I understood perfectly well that both this and the earlier measure would be opposed by Opposition members, unless there was some protection for the trade union movement. Again, I thank honourable members, and believe that it is essential to have this legislation on the Statute Books as a last resort to protect the community in times of dire necessity.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Interpretation.'

Mr BANNON: I should like to look at one of the definitions that I think requires far greater explanation than that given by the Minister. I refer to the definition of 'essential service', which is as follows:

'essential service' means a service (whether provided by a public or private undertaking) without which the health of the community would be endangered, or the economic or social life of the community seriously prejudiced.

I think that we are owed a reasonably detailed explanation of what the phrases 'the health of the community' and 'the economic or social life of the community' mean. We should be told how they may be endangered and how they may be seriously prejudiced. It is important that the Minister give the Committee a fairly precise definition, because upon the definition of 'essential service' hangs the whole Act and all the provisions relating to it. It is really the key.

So, that definition is the one from which everything else stems, and, unless we are clear in our minds as to what the Government intends with it, it is very difficult indeed to consider seriously the rest of the Bill. So, I ask the Minister to give us a detailed exposition of that definition of 'essential service.'

The Hon. E. R. GOLDSWORTHY: It is very difficult to envisage every situation that may arise to cover the wide homily that the Leader asks of me. One seeks in writing a definition clause to write words that will encompass all the situations which may arise and which have a serious and damaging effect upon the community. To cover precisely every situation that the Leader believes the Government envisages is, of course, asking the impossible.

Therefore, my first point is that it is extremely difficult to cover every situation that could arise in relation to the delivery of an essential service to the community. When talking about the health of the community, I recall being in Queensland during the fairly recent power dispute, during stages of which the health of the community was at risk. People on kidney dialysis machines, for instance, had to take themselves to hospital; they were at risk. Also, people requiring surgery in some locations had to be transported elsewhere. So, I think the honourable member knows what we are talking about when we talk about the health of the community.

When we talk about the economic and social life of the community being seriously prejudiced, and about the economic aspects of life, we are talking about their foodstuffs, essentials of life, what is needed to sustain their way of life and their income. Likewise, when we talk about social life, we are talking about their way of life. I do not know precisely—

Mr McRAE: Mr Acting Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

The Hon. E. R. GOLDSWORTHY: The point that I am making was made by the former Premier, Mr Dunstan, when he was being challenged as to definitions. He said that it was impossible to anticipate every situation or emergency, and that is the case here. One wants a definition clause to be wide enough to cover situations which may emerge and which are perceived to be essential for the community's well-being. If the definition does not allow that, then the definition is not satisfactory.

I would defy the Leader of the Opposition to explain exactly how wide he thinks his definition goes. I find myself very much in agreement with the explanation given by the former Premier when he introduced his Bill for an Act to make exceptional provision for the peace, order and good government of the state in cases of emergency. They were his words. He said this in relation to the emergency:

A state of emergency is where we cannot continue the essentials of life to a section of the community or the whole of it; where we cannot provide that the normal essential services of the community are continued; and where an emergency can arise where people's very conditions of existence are endangered. This is not new drafting. This measure has been copied from measures on the Statute Books of other British speaking jurisdictions. It is not possible to spell out the particulars simply because there must be a discretion in relation to matters of this kind.

That is what the former Premier said: It is not possible to spell out all the particulars and all circumstances, but of course a Government simply would not get away with invoking this legislation frivolously or in circumstances which did not have public support. The Government would be laughed out of court by the news media and by the public. It would invoke this legislation only in dire circumstances. One asks that the clause be drafted to cover situations which may arise, and the definition must be that broad. More especially, the former Premier said this in defining essential services after he had indicated that it was quite impossible to screw down all situations that might arise. He talked about the maintenance of food, fuel, and shelter, and the movement essential to those things. I believe that the definition of essential service in the Bill is quite consistent with the view of the former Government. It is a bit unrealistic of the Leader of the Opposition to believe that it is possible to spell out every situation that may arise.

The member for Mitcham has come into the Chamber, so I will quote his attitude, as recorded on previous occasions. He opposed the 1974 legislation, on that occasion describing it as dangerous, because it gave the Government of the day wide powers to act. He also claimed that the definition in the Bill was too vague. In particular, he referred to the essentials of life as 'a term so broad as to be completely meaningless'.

However, on that occasion in Committee the member for Mitcham did not seek to screw down the definition in any way. I would not be surprised if he perceives that the Opposition is attempting to do that; I will be interested to know how the Opposition is trying to screw it down by the amendment, if that is what is intended, but from what I see the amendment may be interpreted as broadly as anything contained in the definition as drafted.

The member for Mitcham did not on that occasion attempt to move an amendment to screw down the definition, although he said it was so broad as to be almost meaningless. I had looked at the amendment, and it could be interpreted just as broadly as can what is in the current drafting. I agree precisely with what the former Premier said, what he envisaged, and the limitations he put on spelling out in detail every circumstance.

Mr Bannon interjecting:

The Hon. E. R. GOLDSWORTHY: I am saying that the Bill is consistent in this instance with what the former Premier said, and I defy the Leader, under the terms of what he thinks is improving the definition, to describe every situation in which he thinks his prescription and definition will apply, in situations where this definition would apply and his would not. We are not yet debating his amendment, but I have read it, and the definition in it could be interpreted by a thousand people in a thousand different ways, just as this one can. In the end, it comes down to the good sense of the Government and the fact that the public is out there censoring and watching carefully everything the Government does in what is perceived as an essential service.

Mr BANNON: I think the reply from the Minister was very defensive and not terribly enlightening. It was defensive in that he made certain assumptions about what I was

or was not asking him to do, assumed that I was asking him to narrow the scope of the definition, and described every possible situation which it covered. That was not my intention. My intention was to try to get from him some legal interpretation, some interpretation of the scope of the words provided. If we adopted what he said was Mr Dunstan's formula, he would content that this is a very wide definition, and we would agree. I also agree that we cannot define each and every circumstance in which the legislation should operate, but I think the definition must relate to the purposes of the Bill.

I am not speaking to my amendment, although the Deputy Premier sought to introduce that into the debate. At this stage I am trying to understand precisely what the Government has in mind, and we did not get very much assistance in that response. Let me try another tack by concentrating on a phrase: the social life of the community. That seems an extraordinary phrase to be contained in a definition of essential service in this way. One could argue, for instance, in the industrial situations that the Government is so keen to see this Bill applied in, that, if the Festival Centre and all theatrical venues were closed, the social life of a large section of the community would be prejudiced, particularly at the time of the Adelaide Festival of Arts. Is that considered to be an emergency of the kind that would have this legislation invoked?

Secondly, for instance, there could be a major dispute involving public parks or recreation centres, again drastically affecting the social life of the community. International sports events could be involved. Is that seen as an emergency that would invoke the extraordinary provisions of this legislation? I would be very concerned if that were so. I think that definition of essential service is quite repugnant. I am not trying to circumscribe the definition of essential service; I am simply trying to ascertain the true meaning of it as it appears there. Some of these words are not just misleading but are inappropriate to be contained in a definition of essential service, however wide it is meant to be.

Will the Deputy Premier address his mind to that phrase and, in particular, to that aspect dealing with the social life of the community and some of the examples I have suggested? I think it goes beyond what is contemplated by the legislation and has no real place there. If he has some legal precedents or definitions that he can put before us, let us hear them.

The Hon. E. R. GOLDSWORTHY: I am not a legal man—and I am rather proud of that, quite frankly.

Mr McRae interjecting:

The Hon. E. R. GOLDSWORTHY: The honourable member can take offence if he wishes. I am prepared to take legal advice. The Leader has some legal training, and I am prepared to take legal advice as to precisely what is meant.

Mr Bannon: Presumably you're the Minister mentioned in the Bill, so you've got to have that.

The Hon. E. R. GOLDSWORTHY: It is a fairly fruitless exercise to try to postulate every possible circumstance that could arise in relation to the operation of this legislation, so that the definition of essential service is drafted and the net is fairly wide so that all situations, many of which have not been contemplated, will be covered.

The Leader suggests that if the Festival Theatre were put out of action for a period of time the legislation would be invoked. I would not imagine that if that was out in isolation that the legislation would be invoked. However, if the social life was disrupted because transport generally was interrupted and people could not travel to see their sick relatives, to the theatre, or to work, then that interruption could well have dire consequences. People not being able to get to work could have dire consequences for the social life of the community, so it would be a combination of factors that would apply at the time.

If the Leader wants a legal definition, then I am afraid he is going to have to ask a lawyer. I notice that most of the people in the House at the moment are lawyers, and I imagine that lawyers will have a field day. However, it is the good sense of the Government that will have to prevail, and if a Government sought to invoke this legislation in those sorts of circumstances where isolated incidents occurred, where a special amenity was cut off, for instance, then the Government would be deserving, and would get, the condemnation of the community. I repeat that it is impossible to define every situation in which this legislation could possibly be invoked, as was acknowledged earlier and must be acknowledged by the Leader now.

Mr McRAE: The definition of 'essential service', as it appears in this clause (and I shall not be referring to the proposed amendment because that is out of order), is quite disgraceful. It is the sort of clause that Mussolini would have been delighted with. It states that 'essential service' means a service without which the health of the community would be endangered. I can understand that part of the clause, and that is something with which the Opposition would agree. In other words, if there were a strike, lock out, or some other form of civil disturbance and the health or life of human beings was endangered, of course the Government of the day should have the power to intervene. However, the next phrase is that which worries me most, as it does my Leader. It states:

. . . or the economic or social life of the community seriously prejudiced.

I know that the Deputy Premier and his law officers would no doubt place some emphasis on the word 'seriously', but I doubt that that really assists in the vital dispute between the Government and the Opposition of the day. As my Leader has pointed out, to seriously prejudice the economic or social life of the community can range from things that are quite extraordinarily grey. Let me give an example of that. As I see it, if a situation arose (and let us face it, this Bill is linked with the notorious Mussolini Bill, otherwise known as the Industrial Conciliation and Arbitration Act Amendment Bill now going through another place) where there was a strike to interrupt the supply of food services to the community, quite obviously that would seriously prejudice the economic life of the community.

Dr Billard: And Health.

Mr McRAE: As the honourable member for Newland has said, while interjecting from out of his place, there is also health. That is one example at one end of the scale. Equally, I would say that if there was strike or go-slow by the caretakers at the Adelaide Oval, I could certainly say in my case that it would seriously prejudice my social life not to be able to go to the Adelaide Oval and watch a test match. What does the Government of the day do? Does it then bring this Act, as it may become, into operation? I am not saying that it necessarily would, or that the Minister would do that, but that is the width of the matter. One does not have to be exotic about the whole thing. One can still think of other examples.

The Leader spoke of the Festival Theatre and I can think of less exotic examples than that. What if zoo attendants went on strike? That might well be said to seriously prejudice the social life of the community, because I am a strong supporter of the Botanic Gardens and Zoological Society and would hope that these facilities would be open to people. The point the Opposition is making is not that the power should not be there with the Government of the day; of course it must, but it must be under proper safeguards. What my Leader has put I strongly support: If the

power is going to be there it has to be strongly hedged, otherwise, one leads oneself into a twofold situation where you either have a Mussolini situation where you have the power and use it (and I am sure nobody in Australia wants that), or the ludicrous situation that exists in Victoria, where you have the power and never use it because you know full well in advance that it simply cannot work.

How often in Victoria have we seen this paper tiger situation when the power services of the State are cut off but the Essential Services Act of that State is never brought into operation. Why? Because it cannot be brought into operation. My leader reminds me that it was during the transport strike, but it did not work at all.

Taking it to the ultimate, this sort of provision we are looking could only work in Australian conditions if there is an agreement, a concordance of all the broad spectrum of opinion across the community. In America they can evoke emergency powers because of the unique way in which their Constitution has grown up. Therefore, it is possible to have emergency American legislation which permits for instance, a State militia to actually fire upon the people of its own State. I do not believe that the South Australian police, or the Australian army, for that matter, would seriously get themselves involved in a situation of this kind unless it reached the point where life or health were seriously endangered.

That is really what we are talking about. Short of life or health being seriously endangered, the rest of the things are things that can be worked out with the existing mechanism. I think that is the real query that we are putting. Why is it necessary to have this broad net? The Minister states that it is necessary because it is necessary because it is necessary. I ask, 'Why is it necessary?' Confront the issue, why do you need to go further than the endangering of the actual life or health of the community?

The Hon. E. R. GOLDSWORTHY: I have said previously, it is imposible to imagine every situation that could arise, so that definition has to be necessarily broad, in my view. I believe that members opposite have a point in relation to the question what is meant by the words 'or social life of the community'.

One would not contemplate invoking this legislation for isolated incidents or situations, as the members opposite have postulated. If, for instance, the Festival Theatre was cut off and performances interrupted, the social life of the community, one would not contemplate invoking this Act, or if for some reason or other there was a problem at the Adelaide Oval and the honourable member's social life was interrupted, then of course, one would not contemplate using this legislation, because that would be a narrow incident only.

I am perfectly happy to accede to the request of the members opposite and obtain a further legal opinion in relation to precisely what is meant by the words 'or social life'. I believe it ought to be obvious to members opposite that it is referring to a service without which the health of the community would be endangered or the economic life of the community seriously prejudiced. If a large number of people in the community are being deprived of their wages, for instance, because of some situation which has arisen and which is widespread, that is a serious situation and could well build up to a crisis situation. If a situation arose where the economic life of the community is seriously prejudiced over a period of time that could well reach crisis proportions, and I think that is perfectly clear.

What is most likely to occur is that the economic and social life of the community are likely to be disrupted together. I cannot conceive of a situation where the social life of the community would be disrupted to the extent that this legislation would be invoked, without the other consequences occurring concurrently. If any query is raised in my mind (and there is as a result of the remarks from members opposite), it concerns the word 'or'. I cannot conceive of every possible situation that can occur but if a situation ever occurred, where solely the social life of the community was disrupted without these other things occurring concurrently, I would be surprised.

I believe it is necessary to make reference to the economic life of the community being seriously prejudiced. I think that is important. I do not think any situation should arise in this State, for instance, where the income of a great mass of people, who constitute the economic life of the community, is prejudiced over a long period of time. A crisis situation could well arise. The inclusion of such provision in the definition is perfectly justified. I am flattered by the fact that we have four lawyers in the House all paying careful attention to this Bill. The only other member opposite in the House—

Mr Peterson: A bush lawyer.

Mr McRae: We are all paying attention.

The Hon. E. R. GOLDSWORTHY: That is fine. It is hard to imagine where social life would be affected in isolation without all these other things happening concurrently; it is hard to imagine that they would occur to the extent where a crisis situation would be reached. I am perfectly happy to get advice on this matter. It may be found that 'or social life' is not the appropriate wording. Off the cuff, perhaps 'and social life' may be more appropriate wording. If the Government believes that it is necessary to modify that in some way then that can be accomplished in another place. Until I have the benefit of further legal advice, I believe wording of the clause should remain as it is. As I have said, it is quite impossible to conceive of every situation, as the member for Mitcham said when he was in the House earlier. In the case of the definition in the Labor Party's legislation, it was so broad as to be meaningless. The fact is that it must have meaning and the breadth must be there so that if a situation arises and a crisis situation eventuates, that can be covered by the invoking of the legislation. I am quite sure that the lawyers must appreciate that point.

The member for Playford then raised a point which I think was largely irrelevent. He talked about the power strike in Victoria and how this type of legislation was not invoked. All he was really doing was highlighting that there are certain people in the community in situations of extreme power, if I may use that word, and that is not meant to be a pun. They are in situations where certain key workers can dislocate the whole community. That has occured in relation to power supplies in Victoria.

All the honourable member is really saying is that a few people are in a very strong position to blackmail the community if they so desire and bludgeon the community into submission. If he thinks that is a good thing, I do not. The fact that it is very difficult to come to grips with such a situation is no condemnatin of this Government. If the member for Playford can advise the Government or his own Party of a way to cope with that situation, I would very much like to hear it. As I said in the second reading debate we have been fortunate in South Australia in our industrial relations and in the main (not in all cases) we have had moderate union officials leading the unions and the rank and file of the unions here are moderate.

Mr Bannon: A very effective union leadership.

The Hon. E. R. GOLDSWORTHY: I acknowledge that.

Mr Crafter: With the best record in Australia.

The Hon. E. R. GOLDSWORTHY: Yes, the best record in Australia and one we are proud. It did not magically happen when the Labor Party came into office. It is the continuing history of South Australia.

Mr Bannon: It is under threat at the moment, which legislation like this will. It is more perfectly balanced than you believe.

The Hon. E. R. GOLDSWORTHY: Referring to the other legislation, the Leader of the Opposition would have to believe that the public interest and the economy of this State are vital to the well being of the whole of this community. If he wants to argue against that, he would be arguing against a very strong tide of public opinion, and I think he knows it. I do not think the point raised by the member for Playford, namely, that because there are people in the community who might blackmail the community because they are in key industries, is really the point.

If the legislation could cope with that situation, that legislation would be enacted. This legislation is a genuine attempt to come to grips with situations which may arise where the wellbeing of the community at large is threatened in the ways I have indicated. If after further consultation the Government and I are of the view that 'or social life' is redundant, then I would not be opposed to a minor amendment of the defintion in that regard. The only query which has been raised in my mind by the members opposite is the use of the word 'or', which possibly should be 'and'.

Mr CRAFTER: While the Deputy Premier seeks advice on this matter, I ask him to look at a matter which concerns me. I am concerned not only about the words 'or social life' but also about the way in which 'essential service' is defined in clause 2. The use of the words 'health', and 'economic or social life' specifically refer to three aspects of life in the community. As I understand the interpretation of Statutes, when you specifically mention a number of areas you exclude others. I have grave doubts about the meaning of 'social life', as words that should be included in the essential services legislation in any way.

One of the prime factors which ranks equal with health and which is certainly superior to economic or social life, is the security of the community. I refer to the recent disputation in the prisons. If prison services collapse, it will not greatly endanger the health, economic or social life of the community as much as it will endanger the security of the community. If that happens, does it mean it would not invoke the essential services legislation if that became a massive problem in the community. I would have thought that security generally would have been, if one was going to be specific about criteria, one of the areas to invoke essential services legislation. I am attracted to a more general definition in the grasping of this nettle of the definition of essential service. If social life is to be the definition that the Government adheres to, whether it is 'and' or 'or', I would like to know whether the Government would see such insurrection as has occurred in New Zealand with the visit of the Springbok's rugby tour to that country, as the sort of disruption to social life that would invoke this sort of legislation. That would give members on this side of the House some idea of the breadth that the Government sees in this defintion.

The Hon. E. R. GOLDSWORTHY: The honourable member is now arguing to broaden the definition even further. That sentiment appeals to me, quite frankly. If the sort of situation the honourable member envisages is not included in this definition, I would agree with him. Any definition is open to interpretation and, generally speaking, this definition is broad. If the Labor Party is seeking to broaden it further, I will not argue against that. Quite frankly, I cannot contemplate a situation where the social life of the community would be prejudiced to the extent that one would consider using this legislation, without the economic, health, and other factors being affected. I would be happy to change 'or' to 'and', which makes it more embracing, and does not isolate social life by itself.

I point again to the immense difficulty in defining an essential service and having a net wide enough to catch every situation that might arise. It seems to me that we are haggling over hypothetical situations which might or might not occur. I come to the fundamental point that was acknowledged in Premier Dunstan's definition of essential service. It is impossible to cover in a definition every situation which may arise.

This is open to the interpretation of the Government of the day, and it could find a lawyer who would find something in the definition which would enable it to invoke the Act. The legislation will be effective only if it overcomes the crisis situation and has the support of the community at large. This is the only way in which any legislation of this type will be successful.

Crisis situations place enormous pressure on the community and Government. When in Government members of the Opposition have probably encountered those situations. Offhand I cannot think of any particular case, but they do arise. If the Government takes drastic action, it is in a period of turbulence or crisis in the community and the Government is under very close scrutiny. If the Government acts in a way which does not have the support of the community, the Government has no option but to back off smartly. If the definition is not broad enough to cope with that situation, then the legislation is deficient. If the Opposition is arguing to broaden this definition, I would like to hear the way in which they intend to broaden it.

An honourable member: By the amendment.

The Hon. E. R. GOLDSWORTHY: I read the amendment; I thought it was an attempt to narrow the legislation. I took legal opinion, and that was the opinion of that lawyer. It is very difficult, as has been acknowledged earlier, to get a definition that is broad enough, and I guess that is why 'social life' was included. I take full responsibility for the clause. It is seen to be broad. I acknowledge freely that I cannot imagine a case involving 'or social life', taken in isolation, that would ever warrant invoking this legislation. I think 'or' should be 'and'.

I shall be happy to make this legislation broader. However, the argument so far has been that it is too broad, that it lacks definition and is imprecise. You cannot have it both ways. It is either too broad or not broad enough. The Leader of the Opposition is arguing that it is too broad, and the member for Norwood is arguing that it is not broad enough.

Mr Crafter: I will have to explain it to you.

The Hon. E. R. GOLDSWORTHY: That is okay. I am not all that hung up on this definition. We seek to have a definition which is broad enough to include situations which may arise and which have a drastic effect on the community, whereby this legislation could be used as a last resort. If, as a result of further legal advice, that definition can be broadened, we will listen to that argument.

Mr BANNON: I move:

Page 1, lines 6 to 8—Leave out "the health of the community would be endangered, or the economic or social life of the community seriously prejudiced" and insert "the community, or a section of the community, would be deprived of the essentials of life".

In moving this amendment, I would explain to the Deputy Premier precisely how one can both broaden the definition and circumscribe the test to which it applies. There is nothing inconsistent with what the member for Norwood said and what I said. We are confronted, indeed, in this Bill with a definition which we believe is far too broad, because what it provides is the possibility of the use of this Act in trivial circumstances. I think we have rather exhaustively, and I believe adequately, explained how they might

arise, particularly in relation to the phrase 'economic or social life of the community'.

The point is that, as the definition stands, the test seems to be not whether something is essential but whether it is seriously prejudiced. The Bill really should be directed to essentials. I think that is the nub of what the member for Norwood was saying. Apparently the Deputy Premier cannot understand that point. The definition here is inadequate; we concede that. It could be made more broad, and the amendment achieves that, but in broadening its scope, in one sense, we must also narrow the tests which are aplied to it in another sense and go back to the basics of the Bill.

The Bill is not about whether something is or is not prejudiced: it is about whether something is essential and it is being deprived. That is what the definition should reflect. I hope the Deputy Premier does understand that distinction. We are not talking about prejudice; we are talking about deprivation of an essential. That is why I am moving the amendment.

Incidentally, the previous Premier has been invoked in this context, and this phrase was one used in the 1974 legislation moved by an earlier Government. It does meet former Premier Dunstan's test which, apparently, the Deputy Premier approves of, in that it provides a broad definition and scope in which the Act might be used, but it also circumscribes that aspect of the Bill which is vital: that is, that it operates only in the case of the deprivation of an essential. Therefore, the definition removes the phrases 'the health of the community would be endangered' or 'the economic or social life of the community seriously prejudiced' and replaces it with the phrases 'the community, or a section of the community, would be deprived of the essentials of life'.

The Bill is one about essential services. We believe that the definition of 'essential service' must contain the concept of an essential of life. Thje very word 'essential' gets us back to the basics. If one uses a dictionary definition of that word—'of or constituting a thing's essence; fundamental; indispensable; exceedingly important'—one can see the nature of that word and the way in which this legislation would be invoked. I think our definition achieves precisely what the Deputy Premier has been advocating, that is, it does not attempt to define specific situations. The definition we have before us in the bill does that. It does circumscribe, in some senses, specific situations, and, as we have discussed, they can be quite trivial situations.

The definition we propose in the amendment ensures that it goes right back to the essential nature of the Bill—that it applies the right test, not the wrong test, to the definition of 'essential service'. It provides that protection which is fundamental in legislation of this kind. The Deputy Premier has indicated that he is prepared to look again at the definition. He has already conceded that some of the objections we raised over the phrase 'social life of the community' and the connector 'or' in that situation create problems. I think he should look very seriously at the amendment we are moving, because I believe that achieves precisely what he wants it to achieve. It is within the spirit of the legislation and it avoids all the problems emobodied in the definition as it stands.

I do not think I need to say any more in support of the amendment, but I just hope that the Deputy Premier now understands the distinction we have been attempting to draw, an argument of myself saying, 'It should be narrower' and the member for Norwood saying, 'It should be broader'. We believe it should be broader than is embodied here, but that it should be broadened within the scope of the essential purpose of the legislation.

The Hon. E. R. GOLDSWORTHY: One can interpret the definition of the Leader of the Opposition in a myriad of ways. I have precisely the same sort of difficulties with his definition as he had with that in the Bill. In a sense, it broadens the definition and in another sense, in an ambiguous way, it narrows it.

The ACTING CHAIRMAN (Mr Russack): Order! Order! There is too much audible conversation.

The Hon. E. R. GOLDSWORTHY: It is open to a whole series of differing interpretations. With the definition as the honourable member has moved to amend it, in a sense he is broadening the definition when he talks about a section of the community. Someone could say, 'Who is that—the ticket collectors?'—is a section of the community—or 'the toilet cleaners, the painters' union or the Country Women's Association.' I suppose they could be defined as sections of the community. If the C.W.A. has a ban placed on them by somebody or another, are we going to invoke this legislation? It is similar to the arguments advanced by the honourable member in trying to be specific in relation to the definition as drafted in the Bill. Therefore, when he talks about a section of the community, it could be half a dozen people. Does the Labor Party contemplate invoking this essential services legislation because a group in the community of six or eight people have the essentials of life denied them? What does he mean by 'the essentials of life'—essentials, plural? Does he mean all the essentials of life? You need food, drink, water supply, and sanitation. If the water is cut off, or if the water supply fails, that is not 'the essentials of life'. That is one essential.

One can interpret this definition in a whole host of ways. The Opposition lit on the Festival Theatre or a football match. I agree that we can pick isolated instances. It says that, because the definition is broad, therefore it is no good. As I said, no sensible Government is going to invoke that legislation unless it is a sensible cause which happens in a crisis situation where the community is clamouring for action. Likewise, if the ticket collectors, a section of the community, have water, power and everything cut off (essentials, plurual; the essentials of life; all the essentials, the logical interpretation), I say that, if they have one of the essentials of life cut off, they ought to be protected.

It is just as valid when we try to screw a definition down, as the Opposition did in relation to that in the Bill. If the ticket collectors have all the essentials cut off—it cannot just be the water supply or their food, but the whole basket—then this legislation can be invoked. In a sense, they narrow it to a section of the community, and that defies further definition. A section could be three people or 50 people. As I have suggested, it could be the Country Women's Association, the football team, 'a section of the community'.

The Opposition cannot have it both ways. If it wants to dream up hypothetical situations which could occur under the definition as drafted, when they had to be able to listen to arguments where hypothetical situations can be envisaged in terms of their legislation (and the argument is equally valid), that makes a nonsense of the definition. That is what they were saying to me, and that is what I am saying to them. It simply highlights the point that it is impossible to draft a definition which screws down every possible situation that could occur in relation to an essential serivce. When members opposite talk about the essentials of life I, as a bush lawyer, would interpret as meaning that all essentials would have to be denied—essentials, plural. That is nonsense. The fact is that, if an essential of life is denied to the section of the community or the community as a whole, one would envisage invoking this legislation. One of the essentials of life is food; another is drink—water. In terms of this definition, they all had to be cut off before you would invoke the legislation. That is the way it reads

'deprived of the essentials [plural] of life'. That is a perfectly valid interpretation of that definition.

Mr McRae: Why quibble?

The Hon. E. R. GOLDSWORTHY: Does that not indicate that it is a fairly fruitless exercise to try to envisage every situation? I have made the offer. I am prepared to take further advice, and, if the definition is superior and it does cover situations, the amendments will be accepted in another place, but I do not for one minute believe that this alternative definition of then makes any more sense or is more capable of sensible definition in relation to all situations that may arise than is that which is currently in the Bill. In fact, I believe it is quite faulty, when one talks about the essentials of life. No-one would dream that all essentials of life would be cut off before one would invoke the legislation. I cannot go further, other than to say that, at the moment, we are prepared to look at an alternative definition. We are not prepared to have it screwed down so narrowly. I think the member for Norwood raised a legitimate point when he mentioned that, if correctional services broke down and we had prisoners swarming all over the place, then that could well develop into a crisis situation. He acknowledged that that was so. I do not believe that to be catered for under the terms of the Labor Party definition. I believe he made a legitimate point.

You cannot have it all ways. You certainly cannot have it both ways. If the definition is capable of improvement, the Government will be prepared to accept amendments in another place, but I am far from convinced that this alternative definition, as laid out in this amendment, improves the situation in relation to trying to cover situations which may arise when a Government may invoke this legislation. It highlights the very point I have made all along; that no Government, no matter how incompetent it was, would invoke this legislation unless the situation was one of direct circumstances, because no Government would get away with invoking this legislation in those hypothetical situations which can be dreamed up, whatever the definition is of essential services. You can dream up some situation like the football match, or the ticket collectors having the essentials [plural] of life cut off under the Opposition's definition, the football match under the definition of the Government. You can dream up these hypothetical situations. The fact is that, in the real world in which we live, that just would not occur. The Government would be laughed out of court, and rightly so. For that reason, I am not prepared to accept the amendment, but I am prepared to have the current definition in the Bill examined and the Labor Party's definition examined and, if the Labor Party is seeking to constrict the thing (in one sense they are and in another they are not) then I do not believe we should support the amendment, because situations can arise which one does not or cannot envisage, where the community may be clamouring for the use of emergency powers such as these.

Mr McRAE: It is quite obvious that this is one of the most important pieces of legislation I think the Parliament has ever had to consider. It is all very well for the Deputy Premier to talk about reasonable Governments, respectable Governments and respectable Ministers. Of course, if all those things are true, then no matter what the legislation, one would not have to worry, but the reality of the situation is that, once the provision is on the Statute Books, there are not necessarily reasonable or respectable Governments. That is what politics is all about.

The Hon. E. R. GOLDSWORTHY: You would admit that your definition could let in some rather strange uses of this Bill, just as strange as the situations you are envisaging with the definition that is currently in the Bill.

Mr McRAE: That was a fairly lengthy interjection. I hope that *Hansard* has picked it up. I could only answer it by saying that I think the Deputy Premier is somewhat embarrassed tonight. He knows that 18 members are out of the House, and we are considering one of the most important civil liberties issues in the history of this State, a State based on freedom to dissent; when we are considering the most important restriction on the freedom to dissent ever in the history of the State, 18 members are absent because of the ludicrous hours we have sat during this week.

The Hon. E. R. Goldsworthy: If you want to raise that—

Mr McRAE: He is trying to extend this debate.

The ACTING CHAIRMAN: Order! I would like the honourable member to link the remarks with the amendment.

The Hon. E. R. Goldsworthy: If the honourable member descends to that leve, I am quite happy to get into it again.

Mr McRAE: I am sure the Deputy Premier is happy to get into it again, because I think he is working out deals in another place, dealing with the Industrial Conciliation and Arbitration Act, Amendment Bill, which of course is linked with this Bill. The two run hand in hand. I am not going to be caught by that con trick. I just want to tell you, Sir, with great respect, what my own beliefs are. I am only going to speak once and I am going to leave it at that. I want to get my views on record. Unfortunately, because of incidents earlier in the week, I was not able to get my views on record on another Bill. I will not be dealing with that other Bill because I know that that is out of order, and you would immediately pull me up and it would be quite correct for you to do so. I am going to talk about this Bill. I believe that this Bill and other legislation that has been going through the place this week are really a smoke screen for one essential purpose, and that is to enable the Government to put a blanket of resistance over the teachers' salary claims, the Public Service claims, and every other wages claim that can be reflected in the State Budget so that, immediately before the next election, this Government can have an expansionary Budget. I believe that this House has been inflicted with the misery of this week under a smokescreen. Others can deny it, but that is my belief and I have that on record now, and I will let it go at that.

I will now come back to this piece of legislation. It is now good the Deputy Premier talking about resolving it in another place. You know my view on the other place, Sir. You were once there as a member. I am not reflecting on you. I am sure you were a very excellent member there, as you are here. We have our respects here and we have to vote accordingly. Of course there will be legal artuments. It is no good either side of the Housing turning to its own definition and saying 'This is the best the law officers could do', because the fact is that the law officers can only do as well as the instructions they are given.

If the Government wants one type of instruction and the Opposition wants another, obviously the law officers draw up their definitions accordingly. We have to look at the realities of the situation. Surely it is a fair enough thing to say that we have to draw a line between what can be construed as inflammatory and unnecessary legislation and what can be construed as necessary legislation in a crisis situation. I will readily admit that there must be a line drawn on strike action.

I have acted for all classes of men, for trade unions right across the board, from Maoists, Moscow communists, Australian communists, A.L.P., D.L.P., the lot, Independent, deregistered, everyone, Brisbane to Adelaide, so I have had much experience in this area, and I have heard the views of trade unions across the board. I am not influenced by any particular line. I say that every man who is employed has a basic right to strike. He must have; it is his only bargaining position.

I also agree that there must be a limit on that right to strike, but where do we put the limt? Surely, that is what we are here to talk about tonight. I put that limit at the essentials of life. Let us take a couple of practical examples. If hospital employees, for example, said in the course of a strike, without regard to any consequences, without regard to the merits of the case, without regard to any other factor, that they would cut off the supply of all drugs, all food, and all water, I would say that is beyond the pale. That is foolish, and no Government could tolerate that, because the whole basis of the State, under any Government—Liberal, Labor, Conservative, or whatever you like—must be law and order. If the sewer workers or the water workers said, without regard to the consequences of disease, famine or anything else, that they would have to intervene. All the Opposition is trying to do is to so demark the area that there may be a consensus.

I am putting four things. I hope the Deputy Premier is listening, because I am very serious about this and I am trying to approach the matter with some degree of moderation and reasonableness. First, I am putting that I do not like the tactics of the Government, although it does not matter whether I like them or not. Secondly, the Bill is here. Now that it is here, let us at least try to make it reasonable in the traditions of our community, which is a unique community of which we can be proud, and I am proud to be a South Australian. Let us try to accommodate that situation. I agree that no definition will be perfect, as the Deputy Premier has said, but let us try to get one that accords with our tradition, somehow. I would say that the definition that we have put forward here is more in accord with the traditions of our community, more acceptable across the broad band of community thought, and therefore more likely of enforcement than is the Government definition.

The third point is that there is no point in having legislation which will put some sections of the community so against it that it becomes useless, as happened in the case in Victoria, and there was Commonwealth legislation of a Draconian type against the waterside workers, and that failed. The fourth point is that it should not be a situation where we stand off here, in the people's House, and say that we will let the House of Review sort out the mess. We should adjourn now, while other negotiations are going on, and the Leader of the Opposition and the Deputy Premier should confer with the law officers and reach some sensible agreement. That is not impossible. Why can it not be done? I am the first to agree with the Deputy Premier that 'the essentials of life' could equally well read and might well more sensibly read 'an essential of life'. I am the first to agree with the member for Norwood when he talks about matters of security. Why cannot that be done? There is no reason why it should not be done.

I am happy to live it at that. That is my point of view, and I believe in it strongly. I am sorry that, because of the events of the week, which I am not permitted to talk about, I was not allowed to get into the real substance of the debate, but I have managed to outline what I might have said had I been here.

Mr CRAFTER: I support the amendment. I think the Minister has told the Committee that he sees some fault in the present definition in the Bill of the meaning of 'essential service'. As the member for Playford has said, this is a most serious piece of legislation, and it should not pass through this place without the matter being clarified to the best degree of which we are capable. I am not happy about letting it pass on to another place to be attended to, because this is the House in which the responsibility of government resides.

In my earlier comments pointing out what I see as the pitfalls of this provision, I referred to a maximum of statutory interpretation, and the maximum that I was referring to, I have now discovered, states:

An express reference to one matter indicates that other matters are excluded.

In this definition of 'essential service' we have specific areas of community life mentioned, such as health, economic and social life. I think that that is limiting. If the Minister wants to interpret what the Opposition wants to achieve as broadening it, he may, but I prefer to refer to it as providing a more accurate definition, one of which the community can be more certain, and all the people who are being asked to deliver essential services in our community in particular, and that should be the aim of the House. I am sure the Minister would agree that we are about achieving the most accurate definition of what we hope to achieve.

The defintion as it presently stands is inadequate. The comments expressed tonight show that the words 'social life' are a fairly nebulous concept, and quite a strange concept to be included in this area. That is why I think a broader definition, one that is more accurate in the circumstances, is the one that has been moved by the Leader of the Opposition. I agree with what has been said about there not being any really clear definition forthcoming in a matter such as this. That is not possible, but I think we can improve on the definition that we have before us. As this is such a fundamentally important piece of legislation, and if that requires some adjournment of the proceedings so that legal advice can be obtained or so that there can be further consultations on this matter, that should occur. I do not think we should have legislation passing through this House in a less than satisfactory condition.

The Committee divided on the amendment:

Ayes (12)—Messrs Abbott, L. M. F. Arnold, Bannon (teller), M. J. Brown, Crafter, Hemmings, Langley, McRae, Millhouse, O'Neill, Payne and Peterson.

Noes (15)—Messrs Allison, Becker, Billard, Blacker, D. C. Brown, Eastick, Evans, Glazbrook, Goldsworthy (teller), Olsen, Randall, Rodda, Schmidt, Wilson and Wotton.

Pairs—Ayes—Messrs Corcoran, Duncan, Hamilton, Hopgood, Plunkett, Slater, Trainer, Whitten and Wright. Noes—Mrs Adamson, Messrs P. B. Arnold, Ashenden, Chapman, Gunn, Lewis, Mathwin, Oswald and Tonkin.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Clause 3—'Declaration of periods of emergency.'

Mr BANNON: I move:

Page 2—
Lines 11 to 13—Leave out paragraph *(a)*
Line 14—Leave out 'other'

This clause allows the Governor, if he is of the opinion that a particular emergency has arisen, to make proclamation. Such proclamation cna extend for seven days only, no more. Subclause (2) allows the Governor to issue further proclamations in successive periods up to a total of 28 days. If the emergency is to be continued beyond 28 days, it can be done only following the operation of subclause (2) *(b)*, which involves the resolution of both Houses of Parliament.

The amendment is simple but very basic and it is one that I am sure the Government will find acceptable, because it was on precisely this point that so much stress was laid by the Government when in Opposition and when it was confronted with measures of this kind. On many occasions we, when in Government, acceded to the desires of the Opposition. We certainly acknowledged the strength of the argument, which is based on the question of the accountability of Parliament in those circumstances. We recognise, and this legislation recognises, that a Government, con-

fronted with an emergency, must be allowed to act, but it takes time to call Parliament together. One cannot be powerless in an emergency situation while the machinery for getting Houses of Parliament to assemble is set in motion. It is conceded that a period must elapse before Parliament can direct its attention to the action taken by the Government. That is why we do not object ot that part of the clause that allows a stste of emergency to be declared and the proclamation to extend for seven days, which is an extremely adequate time for Parliament to assemble to consider the matter.

Honourable membgers must remember that Parliament is assembled to decide not whether action should be taken under a state of emergency, because that would have already occurred by dint of the action of the Government, but to either endorce the Government action in terms of continuing the emergency situation or to make its own statements or resolutions that it would bind the Government to act upon.

It seems to me to be a pretty fundamental principle of our Parliamentary democracy that the Government is accountable ultimately to the Parliament. When we are placing in the hands of the Government these enormous and very wide powers that cut across the democratic temper of our Westminster system, Parliament should be summoned at the earliest possible opportunity, to decide whether it endorses the Government's interpretation of the situation and whether it is prepared to concur in the action the Government has taken.

In saying that, I am simply repeating the remarks made from this side of the House and responded to from the other side on many occasions when such legislation has been before us. We believe that 28 days is excessive and that is why we seek to delete subclause 2 *(a)* to provide that a proclamation initially can operate for only seven days, and if a further proclamation is to be issued, it must be issued on the authority of both Houses of Parliament. Surely that is a very reasonable and practical response. In the second reading debate reference was made to this period: the Act dealing with petroleum, which was passed by this Parliament in the last session, was referred to. A distinction can be drawn between the provision in that Act and the provision in this Bill. The Act deals with the measures that can be taken to conserve fuel, which is a very essential and important commodity.

However, it is one that does not of itself affect the very livelihood of people as is contemplated by this Bill. This Bill deals with essential services that are endangered, danger to life, limb, property of health of a fundamental kind. As such, Parliament ought to be called together to consider the implications of that emergency and the action that the Government has taken at the earliest possible moment. If the Government has a power simply to keep extending a proclamation period, the temptation for that Government not to call the Parliament until the very end of that period is very great indeed, particularly if the Government is acting in some way that is controversial or subject to question in the community.

The longer it can keep away from the surveillance of Parliament, the more it can ensure that its actions are not subjected to proper scruntiny. It is surely a fundamental democratic principle that a Government should be allowed to govern, but that it governs with the authority of parliament. If Parliament is to confer powers embodied in a Bill of this nature on a Government, Parliament must also retain to itself some kind of control over the Government's exercise of those powers in terms of endorsement and in terms of assessment of the emergency situation.

Our amendment is simple, but I believe fundamental in its effect, and I hope that the Government looks at it seriously. We say not to allow the Government unfettered discretion by proclamation over a period of 28 days in this important area, but get the Parliament together as soon as possible, and require it in the legislation. A period of seven days is quite adequate to cope with any immidiate emergency and necessary action that a Government must take. A period of seven days is a quite adequate time for Parliament to be summoned, whether it is in the long recess or not, and for a quorum to be assembled to deal with the emergency and to endorse, or otherwise, the Government's action. Surely that is a fair proposition and one, I hope, that the Government will accede to. My remarks incorporate my amendment to line 14, which is consequential on the amendment to lines 11 and 13 to omit paragraph *(a)* of subclause 2.

The Hon. E. R. GOLDSWORTHY: The Government is not prepared to accept the amendment. We believe that the balance struck in this Bill is a reasonable one. The fact that the Government should not have the power to proclaim a state of emergency for an indefinite period is covered in the first instance by setting a period of seven days. The Government believes, equally, that if the emergency has disappeared during that seven days, it would be foolish to automatically recall Parliament.

If it looked as though the emergency would pass it would be foolish to summon Parliament. As I have said, that decision would have to be made about half-way through that seven days. The fact is that the Government has to review the situation at weekly intervals for a maximum of 28 days and then there is no choice but to summon Parliament if it is immediately required to continue the state of emergency. I point out to the Leader that what the Government is seeking to do here is to give more regular scrutiny than occurs anywhere interstate.

Mr Bannon: So it should.

The Hon. E. R. GOLDSWORTHY: The Victorian Essential Services Act, section 4 (3) provides that a proclamation shall not last for more than one month unless revoked by a subsequent proclamation or a resolution is passed by both Houses of Parliament. The Queensland Essential Services Act, section 5 (4), provides that proclamation shall be for a period not exceeding one month and that further periods not exceeding one month can be proclaimed. There is no requirement to recall Parliament. It simply says that the period can be proclaimed for a month and then the period reviewed and proclaimed for another month.

The Petroleum Shortages Act here is identical to the provisions we are proposing in this Bill and, as I said earlier in explanation, that was a most useful mechanism. We renewed the period because the situation was still fluid, but it would have been ludicrous to call Parliament together. At the end of the first week, it looked as though the situation had subsided. If the situation had blown up it would have taken two days to do that and the horse would have well and truly bolted. We would have run out of petrol, and that would have had all sorts of unfortunate consequences for the community.

The Energy Authority Act of New South Wales, in section 31 (3), provides that the proclamation shall continue in force for a period not exceeding 30 days. That is not up for periodic review as this proposed legislation is. The 1974 Bill proposed by the Labor Party, in section 5 (4), provided that regulations made as a result of proclamation (and the regulations were the operative part of that Bill) of a state of emergency would, unless sooner expired or were revoked, would expire upon the cessation of the existence of the state of emergency in relation to which they were made and that state of emergency would be deemed to exist on and from the day specified in the proclamation, terminating at the end of the period of emergency. It could go on until the

Government decided to terminate it. That was Labor Party thinking when it initiated its Bill. We have certainly pulled back a long way from that. The Liberal Party was entirely consistent with what we propose in this Bill. We have acted in the light of the interstate precedents (and Premier Dunstan drew pretty heavily on them in his Bill) and in concurrence with the view that the time should not go on indefinitely and that Parliament should be recalled, and in view of our experience outlined to the House in relation to the petroleum crisis recently, where there could have been a situation where, if we did not have that power to renew, the situation we were trying to avoid could have occurred. That could have easily happened if matters had blown up and the calling together of Parliament as a safeguard would have been a complete nonsense. If we had wanted to call Parliament together, we would have had to take that decision on Thursday. If we had got Parliament together and a crisis had not erupted, it would have been a nonsense. We would have had to call Parliament together and say, 'The crisis has not erupted. It might tomorrow, so go home and stand by and we might call you back.'

Mr Bannon interjecting:

The Hon. E. R. GOLDSWORTHY: Well, the horse could have bolted, and we would have been compelled to call Parliament together. That would have been a difficult decision to take in those circumstances. I believe that what we are proposing is a reasonable compromise and is workable. It does provide for weekly reviews of the situation and does provide that if this has been renewed for a period not exceeding 28 days Parliament must be called together. As I have said, it provides for reviews that do no exist in similar interstate legislation.

Mr CRAFTER: The concern of the Opposition is to provide some form of Parliamentary review of unfettered Executive decision making in this matter. I would have thought that the reasons given by the Deputy Premier this evening against this with respect to the practicalities or otherwise of calling Parliament together within a period of one week did not really hold much water.

In recent years Parliament has been called together at short notice. The aim in bringing Parliament together for a period of no longer than one week is to enable debate on the effect of a Government decision. If it has abused its powers (and, as we all acknowledge, they are enormous powers), there can be a debate on that and something can be done about it. The Government can be told in no uncertain terms about the effect of its decision-making process in relation to the delivery of essential services in the community. To deny Parliament a review of this, which the Minister is trying to justify, is contrary to the community interest.

This can only add further doubts to those that I already have regarding why the Government is now introducing this legislation. I should have thought that this Government or any Government, which is vested with such broad powers as those in legislation, would want to have those decisions reviewed. If the Government makes fundamental errors in declaring orders, in commandeering property, or in the demands that it makes upon individuals or corporations under the threat of very heavy penalties, it would want to review that as quickly as it possibly could.

If the body that is reviewing those decisions weekly is the same body that makes those decisions, there can be no independent review. The proper place for the review to be undertaken is in Parliament. I should have thought that there was no harm at all in notifying members of Parliament three or four days before the end of that week that they were on call to come in for a session on a certain matter. Indeed, they could prepare for that session themselves in that period. If the crisis is no longer in existence when Parliament is recalled, that session could be cancelled and the orders so made revoked. I believe that there is an important principle here, namely, the Parliamentary review of Executive action. I can only be suspicious as to the reasons why the Government wants to deny Parliament that role.

Mr BANNON: I endorse the remarks made by my colleague the member for Norwood. I would like to quote from an earlier debate in *Hansard*, because I think that these remarks made are particularly apposite to the point we are making at the moment. It states:

> Therefore, I believe that any emergency legislation setting out these reserve powers can only be treated with great caution and great care. It is necessary that we be prepared for an emergency any time. The fact that we (that is, the Parliament) are prepared to deal with an emergency should never be used as an excuse to keep the subject of the cause of the emergency, the direct set of circumstances, out of Parliament and away from Parliamentary debate and examination. Emergency legislation is no substitute for specific consideration of a specific matter, or a specific set of circumstances.
>
> For that reason, emergency legislation, when it is passed, must be of a transient nature only. The Opposition strongly believes that each emergency, if it is serious enough to warrant the introducing of emergency legislation, is serious enough to warrant the calling together of Parliament if it is not sitting, or the immediate consideration of the problem by Parliament if it is sitting. This is the crux of the matter which we are debating.

I endorse those words on this occasion. In fact, they are the words of the then Leader of the Opposition, the present Premier, in a debate on 3 August 1977. Those words say precisely what this amendment seeks to do, and I ask the Deputy Premier what has changed the Government's thinking from that time to result in this reversal by his refusal to accept this amendment.

The Committee divided on the amendment:

Ayes (12)—Messrs Abbott, L. M. F. Arnold, Bannon (teller), M. J. Brown, Crafter, Hemmings, Langley, McRae, Millhouse, O'Neill, Payne and Peterson.

Noes (15)—Messrs Allison, Becker, Billard, Blacker, D. C. Brown, Eastick, Evans, Glazbrook, Goldsworthy (teller), Olsen, Randall, Rodda, Schmidt, Wilson and Wotton.

Pairs—Ayes—Messrs Corcoran, Duncan, Hamilton, Hopgood, Plunkett, Slater, Trainer, Whitten, and Wright. Noes—Mrs Adamson, Messrs P. B. Arnold, Ashenden, Chapman, Gunn, Lewis, Mathwin, Oswald, and Tonkin.

Majority of three for the Noes.

Amendment thus negatived; clause passed.

Clause 4—'Directions in relation to proclaimed essential services.'

Mr BANNON: I move:

Page 2, after line 40. Insert subclause as follows:

(2a) A direction under this section:

(a) shall not impose any form of industrial conscription;

(b) shall not prevent a person from taking part, or continuing to take part, in a strike or other industrial action or from encouraging by non-voilent means other persons to take part in a strike or other industrial action;

and

(c) shall not otherwise interfere with a strike or other industrial action.

The subclause deals with an exclusion to directions that may be made under this section. The section is very wide and the directions that can be given relate to just about anything that can be done by the Minister.

The Opposition believes that there is one very important and basic exception to this which is embodied in our amendment. We contend that a direction shall not impose any form of industrial conscription; shall not prevent a person from taking part, or continuing to take part, in a strike or other industrial action or from encouraging by non-violent means other persons to take part in a strike or other indus-

trial action; and shall not otherwise interfere with a strike or other industrial action.

The broad philosophy behind this amendment has been canvassed very fully and adequately in the second reading debate. To the Opposition it is fundamental to this measure. The measure is about essential services, not about interference in industrial disputes, and elaborate machinery has been established by this State (matched by that in the Commonwealth) covered under separate Acts of this Parliament and the Federal Parliament dealing with industrial matters. The emphasis of those Acts, which include an arbitral procedure, is on conciliation and arbitration—on conciliation in particular. We believe that other measures of this Parliament should not cut across that basic legislation which has been in existence for so long. Clearly, without the exception we have moved in this amendement, it would so cut across the role of the Conciliation and Arbitration Commission.

The Deputy Premier has told us both in his opening second reading explanation and in his response that this legislation is not really about industrial disputes, that they may be involved in an ancillary fashion but that is not the whole thrust of the legislation. If that was true, perhaps such an amendment as this would not be needed, but it plainly is not true. I think every single speaker from the Government side, with the exception of the Deputy Premier, laid great stress on the industrial implications of this Bill and saw it primarily as a weapon to be used in industrial disputation.

The response from a wide range of members on this side has pointed out that this is a totally wrong approach, and that where such powers exist interstate they have not been invoked, with, as far as I know, only one exception, namely, in the recent dispute in Victoria. They have been waved around at times with singular ill effect. For instance, I refer to the intervention or the threat of using these powers made by the Commonwealth Government in the air traffic controllers dispute which prolonged that dispute for another two weeks beyond the time which it would have gone. Similarly, the threat of invoking such legislation in the recent transport workers dispute prolonged that dispute by at least a week, because the issue turned away from the particular industrial matters concerned towards a Government threatening the trade union movement and workers pursuing their legitimate right, that is, the right to strike.

In this free society let us not back away from that: the right to strike is fundamental. It appals me to see members opposite, who dance up and down about the situation in Poland, for instance, who talk about the great job that the trade union group, Solidarity, is doing in taking on the Government and ensuring that it democratises and responds to the will of the people of Poland, suddenly confronted with that situation here in our own country, back away and say that it is outrageous, that this weapon should not be used, and that this particular type of industrial action should not be used.

The Hon. M. M. Wilson: It is hardly a fair comparison.

Mr BANNON: You cannot have it both ways: either there is a democratic right to strike or there is not. If there is a democratic right to strike behind the Iron Curtain, then by God we in this Parliament should ensure there is a democratic right to strike in this State and this country. The legislation presented here over-rides that right. Protection must be built into such legislation: on the one hand the Act must protect the community in terms of essential services (and members of the Opposition are not disputing that), but on the other hand the legislation must not be transmuted or perverted in the way that the Government seeks to do by being used as an industrial weapon. It then becomes totalitarian; it then becomes anti-democratic, and in those circumstances this Parliament should not have a bar of it.

So, without the amendment I have moved the Opposition maintains that this legislation is totally repugnant. Again, as I called upon the words of the current Premier concerning control of Parliament, I refer to the words of the current Premier, when he was in Opposition. Again, I can call upon the present Government and its policies to support me in what I am saying, because in its published industrial policy it refers to the question of essential services in a dispute situation. I cannot find the precise reference; however, it has been mentioned earlier in this debate. The Liberal Party policy before the last election (this was the policy on which it went to the people) stated that it believed that the problems with essential services caused by industrial disputes should be settled by conciliation, and in fact the Liberal Party proposed that it would set up a procedure to do this. 'A procedure shall be established', I think were the words of the policy, 'to ensure that essential services be provided in such an industrial situation'. The policy went on to say that 'the basis of that procedure shall be conciliation'. There has been absolutely no evidence given by the Government that it has done anything about this. The fact is that the Government has not done anything about it or I am sure it would have said so. Instead, all it can do is brandish legislation such as this, and there was interference in the industrial arbitration and conciliation process embodied in the Bill that we were considering prior to this one, which is currently in the Upper House. That is their response when in Government; their policy has been thrown out of the window. I am arguing this question on a basic principle, a principle for which we have fought in this place for many years. I am also directing the Government's attention to its own policy and asking it on this occasion to stand by that policy and support the amendment.

The ACTING CHAIRMAN: In accepting the amendment moved by the Leader of the Opposition I realise there are other members who wish to speak to the clause, so we will dispose of the amendment and then opportunity will be given to members if they wish to speak to the clause generally.

The Hon. E. R. GOLDSWORTHY: We are treading familiar ground again. The Leader says quite vehemently that this is fundamental to the Labor Party.

Mr Bannon: To our democratic system.

The Hon. E. R. GOLDSWORTHY: Fundamental to our way of life, but I do not know that those words were used in relation to this amendment. When he was talking about the right to strike he was talking about our fundamental rights. Let me say that the defeat of this amendment is equally fundamental to the Liberal Party. I refer, for instance, to paragraph *(c)*, which states in part '. . . shall not otherwise interfere with a strike or other industrial action'. Nobody is denying that strikes occur and that there should be a right to strike, but there is a limit to which one can push these so called rights. The fact is, as occurred in Victoria and as could well have occurred in South Australia, if accommodation with the unions by the process of conciliation had not occurred, a stage could have been reached where the actual strike itself was denying some of the essentials of life in the community. How far does the Leader think the community is going to accept this divine right to strike? Of course people have a right to strike, but they do not have a right to strike and continue that strike to an extent where no-one else can do their job.

Mr Bannon interjecting:

The Hon. E. R. GOLDSWORTHY: No-one else could do their job, but they are allowed to strike. The Leader acknowledged that it would not have been possible in Victoria to get the milk and food flowing if legislation similiar

to that which has been proposed had not been invoked. That could not have done if such an amendment was accepted. How far is one going to push the right to strike? The Government does not interfere with the normal processes of conciliation and abitration, but sometimes they just do not work and we do reach a crisis situation where a strike or industrial disputation is dislocating the community to the extent that the community's welfare and the essentials of life are jeopardised. That is a plan statement of fact.

The argument advanced by the member for Playford that it does not always work does not abort the principle. He suggests that, because a few key power workers in Victoria can dislocate the whole of the community and the legislation does not work because no-one has the capability to do the job, that does not negate the principle in this legislation that no-one has the right to strike and for that strike to continue and to exclude anyone else from doing that work to the extent that the health and welfare and essential supplies are denied to the community.

No-one is arguing for a moment that the processes of arbitration and conciliation should not be followed to the ultimate, but situations do occur, as occurred in Victoria, where they do not work. One gets bloody-minded union officials in some situations when one must suspect their motives. It is equally fundamental to this side of Parliament that there should not be an exempt breed, that there should not be a class in the community that has exemption from the encumbrances of the legislation when the health, welfare and essentials of life are being denied to the community.

It makes nonsense of the Leader's fancy phrases about democratic rights. No-one, but no-one—striker, unionist, doctor, dentist, or any professional person—has the right to jeopardise the welfare of the community to the extent that they are denied the essentials of life. Any fancy principle about a right to strike is, as far as I am concerned, so much baloney. When one's right is pushed to the point that one jeopardises the community, it is no longer a right. I feel just as strongly as the Leader.

I feel just as strongly about the process of conciliation and arbitration, but it does not always work. It did work with this Government, and we would certainly use it. We sought to conciliate with the transport workers. We met them on a Sunday afternoon and they decided they would deliver food and milk. The problem was averted.

Mr Bannon: The transport workers are responsible people, yet you treat them like criminals. That's the problem!

The Hon. E. R. GOLDSWORTHY: They did not behave like that in Victoria. Everyone exhausts the processes of conciliation as far as one can. I have already acknowledged in this House that we have good industrial relations in this State.

Mr Bannon interjecting:

The Hon. E. R. GOLDSWORTHY: The experience during that strike was such that, if we had not reached a compromise at the eleventh hour, the community would have been in dire straits and dire peril if food had been cut off. We had to make arrangements to get oxygen to a Berri hospital during that situation. Do not let me hear this emotional nonsense about a divine right to strike so that no-one can do the work that they have the right to do, and no-one else has the right to do that work. Industrial conscription! I feel equally as strongly as the Leader—it is nonsense in a democracy. What about the right to hold the community to ransom and the fact that it does not work so that a few power workers can hold the community to ransom. That is not a condemnation of the legislation. What the legislation is aiming at is a condemnation of people who act in that fashion. We will not have a bar of the amendment.

Mr PETERSON: I have already spoken about the one matter that concerned me this evening. I was not aware of this amendment until I looked up the file. This sort of legislation is not necessary as standing legislation. Situations will arise, and have arisen previously in this State, where the situation must be examined and a decision made. The situation varies depending on the crisis, whether it involves petrol, milk, groceries or whatever. I am worried that this provision gives the Minister or the Government the power to press people into service. That is my interpretation. The Government can press and direct people to do certain jobs in certain ways, by writing to them, or in just about any other way. The Government can put it in the paper and say that persons X, Y and Z will do the job.

Who will be directed in the first place? What if it is the people directly involved in the dispute? In most cases they will not go back—that is obvious. They will accept the fine or go to gaol, but they will not go back to work. What happens then? Who else will be directed to do that job?

The Hon. E. R. Goldsworthy: In Queensland, they asked for volunteers.

Mr PETERSON: I came from an industry that experienced volunteers, and I am afraid that the memory of 1927 still remains. The name used then was terrible and, in fact, when I returned to the wharves some years ago people from 1927 were still employed in that industry, and they still called them by that name and they were still ostracised. That seems to be a pattern in some industrial areas. They were still held out. I would hate to see a situation arise where there is a call for volunteers in any industry or service in this State.

Once the Government does that, it sets worker against worker, man against man, and one will have a situation that one will never overcome. When I was growing up I was fed on stories of seamen's strikes and wharfies' strikes and other problems in the area, and those stories still remain. If the Government wants an industrial situation that it cannot handle and that it will not handle as a Government, it should call for volunteers or conscript labour. This Government will not handle that situation. Previous Governments could not handle it, and the Federal Government could not handle it. Such a situation would cause rifts and problems that the Government will not overcome.

I assume that in the first place the people involved in the dispute or disruption will be called. I am sure they will refuse, and who will be next? The Minister referred to volunteers. That term is different from the term used by the Leader of the Opposition. I doubt that any Government wants a situation arising where volunteers take over such work. In 1927 it was called essential services. People were killed and there are still bodies that they have not found since 1927. Women and children were injured through bloody police charges on horses on mobs and people in 1927. That is still remembered and spoken about. The scars still exist from many years ago. The Government should never use volunteer labour in this State. It will leave it with a scar that will never heal. It will leave a blot on your escutcheon that you will never be allowed to forget. Who will the Government use? Will it be the police? Will the Government press the police, who are Government employees? Under this Bill it could even give every member of this Committee, as I interpret it (and I am prepared to be corrected), a direction to do any job. It could be anything.

You have mentioned volunteers. I want to know how volunteers will be selected. Do you say, if there is a service to be provided, that you can take the electoral role and pick X, Y and Z? How do you say that this group of persons will do this job? I don't know.

The Hon. E. R. Goldsworthy: They are not volunteers if you direct them in that fashion, are they? I was saying that is what happened in Victoria in 1981, not 1927. How do you move the milk in Victoria?

Mr PETERSON: They were not volunteers in Victoria. They were the people who were producing the milk, and they brought it out because it would have been wasted. We are only talking about one aspect. What if it is not milk? What if it is loading and unloading a ship? I use this as an example, which is a different situation altogether. I am frightened to contemplate what will happen if you put volunteers there. In the end, it could be your choice under this clause.

I do not know where you will get volunteers. I am sure there are people in our community who would volunteer. You can direct them and you would have to pay their expenses. What I am trying to say to the Minister is that this sort of legislation is not the way to do it. If the conciliation, discussion and negotiating system is breaking down, that is where you ought to attack it. That is where the problem is. By trying to attack it this way you only aggravate the situation. You cannot put worker against worker. It will not work. It will cause disruptions and problems you will live with for the rest of your life.

You will not get other unionists to go in. You know that, I know that, everybody else in the House knows it. What worries me is that you have in that clause the capacity to direct any person in the State to perform any function in an emergency situation. If I can be told that under that clause it is not possible to direct any single person in this State to carry out any single function in this State, under the direction of the Minister or Government of the day, I will accept it, but I cannot see it.

With my industrial experience and knowledge of what has gone on before in this State in industrial situations, I cannot accept that, because I am aware of the problems that are in our community today as a result of events that happened decades ago, in exactly the same situation. This is not the way to do it, in my opinion. The way to do it is to find some better way to settle the problem or prevent it from occurring, not by trying to cure it by putting in volunteers and directing labour in there.

Mr O'NEILL: I rise to support the amendment moved by the Leader of the Opposition. I want to say that, unless the Government is prepared to accept that amendment, there is no way in the world it can accept support from this side on the Bill. It points up the great difference between the philosophies of the two Parties. There is no way members on this side are going to accept any legislation that takes way the basic right of human beings to withdraw their labour in pursuit of economic entitlement.

The Hon. M. M. Wilson: Whatever the consequences.

Mr O'NEILL: What are the consequences? I suppose the first great strike that has been properly recorded was that organised by Spartacus when he induced the slaves to get rid of their chains. We all know the end result of that, was that the former slave owners woke up to the fact that the workers had done them a favour. Employers have changed since those days, and in the main are quite smart. Prior to slaves being free, owners had to feed them and keep them. The responsibility was on the owners to keep the slaves in good condition to do the work. They found that, if they applied the principles and concepts of free enterprise, the slaves, with their new found freedom, had to feed themselves and look after their own welfare.

We have advanced since that day, mainly owing, in the latter years, to the activities of the trade union movement. We have reached a stage where the workers are able to obtain some measure of justice, but not a lot. As I pointed out here not long ago, a survey in Britain not many months ago showed that the distribution of wealth as far as the lower level of working class people is concerned has not changed at all since the mid-19th century.

The Hon. H. Allison: You are not living in Britain: you are living in Australia.

Mr O'NEILL: When one hears the inflection of some of the voices one could wonder. Nevertheless, what I am saying is if you exclude this amendment from the Bill, there is no way you can expect support. It is all right to talk about the consequences, but sometimes the failure to take action and the failure to force a decision on an industrial matter brings about consequences in the long term that are far worse than the short term disruptions that may take place in society. I do not want to go into all the problems that were outlined earlier in the debate.

If Government members and the people who follow their philosophy want to get rid of industrial problems, there is an easy way to do it, and that is to make sure that there is a minimum income level that allows people to live with some dignity and at a level that has been accepted in this country for some years now as a reasonable standard of living. One can be forgiven for thinking that the Federal Government in particular is hell-bent on changing the fabric of society in Australia and bringing about a much wider gap between the haves and have nots. To ask us to pass this Bill without the inclusion of this amendment would be much the same as asking the members on the other side to say to the bosses, 'You have to give up the right to hire and fire'.

That is an appropriated right by the owners of the means of production. They say they have the right. There is no natural law that says they do have it: it is an appropriated right. When the workers say they want to withdraw their labour if they are not receiving what they consider is a fair remuneration, then the very people who appropriated the right to hire and fire say, 'You are not going to take that as a right for yourself. If you are going to cause discomfort to people, we want to be able to adopt measures that will force you to stay on the job. If you do not stay on the job, we want to be able to use State moneys and services to obtain the services of people who are prepared to scab'. I have no compunction about using that word. That is what it is. Some people call them volunteers. Many years ago the word scab was used—

The Hon. M. M. Wilson: At the shearers strike?

The Hon. E. R. GOLDSWORTHY: It did not come from that. It was used long before the shearers' strike, not only in Australia. Jack London wrote the famous poem which in detailed terms sets out the nature of a scab. I do not want to go into that at this stage. I am trying to draw attention to the fact that, although some people talk about the need for us to reach an understanding, that there ought to be a better way of doing things; it may be that there ought to be, but it is a matter of give and take. It is not all going to come from this side.

We have found out by bitter experience over many years that, quite often, the only way to get any measure of social justice is to take industrial action, which sometimes requires withdrawal of labour. I am amazed at some of the things I have heard tonight. When I first came here I was rather upset about some of the derogatory terms used to describe me and others. It took me a little while to realise that it was the rhetorical language of advertising agents who had been employed by the Government Party, rather than the actual feelings and attitudes of the members on the Government benches.

I have heard tonight the Minister in control of the passage of this Bill saying things that I think were quite laudatory and commendatory of people with whom I have been associated for many years. I can only agree with him.

They are reasonable men. The majority of trade union leaders and the majority of rank and file trade unionists are very reasonable men. They have conducted themselves, in the main, over the years, in a very reasonable and conciliatory manner. Of course, this has resulted in the State's for many years having the lowest incidence of industrial disputation in Australia.

I believe that the Minister of Industrial Affairs was still claiming that in support of some of his legislation the other night. All is not lost, but the way to set back that newfound camaraderie that I have noticed tonight is to fail to accept this proposition, which quite clearly sets out that there is no intention on the part of the Government to try to deprive the workers of South Australia of a right which they claim is theirs, and of which they will not let go without a great struggle.

There is no way in the world that we can overcome an industrial problem by the use of strike-breaking methods. Unless we agree that they have the right to strike, then any actions taken along the lines of some of the procedures set out in the clause amount to strike-breaking. I ask the Minister to give serious consideration to accepting the amendment.

The Committee divided on the amendment:

Ayes (12)—Messrs Abbott, L. M. F. Arnold, Bannon (teller), M. J. Brown, Crafter, Hemmings, Langley, McRae, Millhouse, O'Neill, Payne and Peterson.

Noes (15)—Messrs Allison, Becker, Billard, Blacker, D. C. Brown, Eastick, Evans, Glazbrook, Goldsworthy (teller), Olsen, Randall, Rodda, Schmidt, Wilson and Wotton.

Pairs—Ayes—Messrs Corcoran, Duncan, Hamilton, Hopgood, Plunkett, Slater, Trainer, Whitten and Wright. Noes—Mrs Adamson, Messrs P. B. Arnold, Ashenden, Chapman, Gunn, Lewis, Mathwin, Oswald and Tonkin.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Clause 5 passed.

Clause 6—'Power to require information.'

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

Page 4, after line 31—Insert subclause as follows:

(1a) A notice under subsection (1) shall be regarded as having been duly given to the person to whom it is addressed if—

(a) the notice, or a copy of the notice, is served personally or by post on that person;

or

(b) the terms of the notice are communicated to that person by telegram or telex.

The purpose of that amendment is to make the process of communication more clearly defined.

Amendment carried: clause as amended passed.

Clauses 7 to 10 passed.

Clause 11—'Certain actions against the Minister barred.'

Mr MILLHOUSE: I do not like this clause and I think we ought to oppose it. It is the clause that cuts out any scrutiny by the court of what may be proposed by the Government. It is aimed, as I said in the second reading debate, at cutting out the jurisdiction of a Supreme Court judge to grant an injunction, either mandatory or otherwise, and I think it is based on a wrong conception by the Government of the role of a judge and a suspicion of the way in which a judge would act.

Judges are responsible persons. They do not grant injunctions lightly and certainly would not in the circumstances of an emergency. My own view is that, when we are giving such drastic, far too drastic, powers to the Government, we should not cut out the last possible protection of the individual in those circumstances, and that is the protection of the court. In my view, this clause is so bad that, if it remains in the Bill, the Bill should not pass. That is my personal view. It may not prevail in the long run, but that is my view. I think we should vote against this clause, because it is so bad.

Mr BANNON: I support the remarks made by the member for Mitcham. Members will note from the amendments circulated in my name that indication is given there that we would be opposing clause 11. I adopt most of the reasons that the member for Mitcham has presented and I say further that I believe, particularly because of the amendment that we have moved earlier relating to clause 4, on industrial conscription, it becomes even more vital that there be some form of legal recourse against arbitrary action by a Minister and, to leave out any sort of restriction in the Act on its use in an industrial dispute and also preclude any challenge to the Minister to restrain him from taking action that could be properly entertained by a court, would be quite outrageous. I believe, in the light of the way in which amendments are being rejected, that this Bill, as it comes out of the Committee, will be totally unacceptable, but this would make it doubly unacceptable in the light of the rejection of those amendments, so I support the deletion of this clause.

Mr PETERSON: I speak on this clause only because I have had recent experience with decisions of Government department officers—that were, in my opinion, incorrect, and the people who were affected quite seriously in the two cases I am thinking of by those decisions had absolutely no recourse, although, I must admit, after approaches being made to the Ombudsman, one matter is settled satisfactorily and the other is yet to be, shall we say, approached and contested. I cannot accept the situation where any person in any State is placed above the law, and that is exactly what this clause does. It places the Minister or his delegate, whoever, whatever, wherever that delegate may be, above the law. No-one should ever be above the law and I therefore dispute this clause.

Mr O'NEILL: I want to make the point that, whilst one may have all the confidence in the world in the Minister, this clause also refers to the fact that he may appoint a delegate, who would then be freed from any constraints by the court and, to me, that necessitates the removal of the clause and the need to bring the matter back to a stage where there can at least be a third party who can apply some constraints, if necessary.

Mr Crafter: I also want to comment on this matter, because it is most serious. I mentioned with respect to one of the earlier clauses how the Government was prepared to cast aside a Parliamentary review of unfettered Executive discretions and actions and here we have cast aside judicial review. If our system of Government is to operate with some degree of confidence being achieved in it by the community, then we need to have a system of checks and balances and, as the member for Mitcham has said, there is residing in the Judiciary of this State a good deal of responsibility, and I would have thought there was in this Parliament as well.

It is frightening to see the Government not only wanting to bring forward with haste this legislation, to confer upon itself great powers, but it also wants to cast aside not only the review of its actions by Parliament near to the time when they take place. It also wants to eliminate judicial review of those actions. That raises great suspicions in my mind as to the Government's true intentions with respect to the need for this legislation.

The Hon. E. R. GOLDSWORTHY: The Government is not prepared to delete this clause. I was hoping the member for Mitcham would behave in the same way as he did with a previous amendment. In that case he took the completely opposite stance to a very strong stance he had taken earlier in relation to the inclusion of such a clause, which in effect

gave to the trade union movement an exemption from the the compass of the Bill.

I had those quotes and I thought I might read them to the House, but it would only delay the debate. I was quite astonished when I saw the member for Mitcham vote with the Opposition in relation to that, so I was hoping he would have a change of heart in relation to a range of matters and that he would support this clause, because the member for Mitcham, as I recall, when this matter was debated in relation to petroleum shortages legislation, was the only one who opposed the clause.

Members interjecting:

The Hon. E. R. GOLDSWORTHY: I have no memory of it. I usually have a fair memory for debate in this place when it is conducted on a reasonably high plane, and the member for Mitcham eloquently argued his case. If he was supported by the Opposition, it was feeble support. I thought the member for Mitcham might have done a deal with the Opposition when he supported it on another amendment. That does not defy the imagination. The member for Mitcham suggested that the Government had done a deal with the Opposition. One certainly would have found it hard to credit that this week, but the member for Mitcham certainly ran counter to his very strong argument, and I am sorry I did not read it to the House earlier, because if I can remind him of it, perhaps he thought we did not know and he just wanted to remain pally with the Labor Party, but he is running true to form on this clause.

I do not have the same strength of conviction in relation to this clause as I had for the previous one. Nonetheless, I do not want that to encourage the Opposition or the member for Mitcham to think that, by prolonging this debate, my mind or the Government's mind may be changed. It will not. On balance, I think the clause is desirable and it was supported in relation to the petroleum shortages legislation. It is precisely the same clause as is part of that legislation, which is now on the Statute Books, so I simply repeat that when the Government has to act in an emergency, it is a distinct disadvantage to have an impediment that can slow the process down. I do not share his faith in the infallibility of the Judiciary.

An honourable member: He didn't say that.

The Hon. E. R. GOLDSWORTHY: No. He said that they were sensible people, but he has said on occasions that in case the judge is no good we should have the safeguard, and he could not imagine that the judge would not be any good. Nor do I have an unquestioning faith in the alacrity or the speed with which judicial processes are followed. Emergencies have to be dealt with on occasion at very short notice, as was the case on Friday. The Government, at short notice, had to get a notice in the *Gazette* and a proclamation drafted. I was involved, as the responsible Minister, and I can say that things were really buzzing from 2 p.m. on Friday to make sure that the required *Gazette* notice was drafted and printed, and that we did not run out of petrol over the week-end. For it to be necessary to have recourse to some trip to the court to sort out a complaint or an injunction from a member of the public could have rendered that action impossible.

I do not have the same strength of feeling on this occasion as I had in the case of the previous amendment. We know the view of the Opposition there. I was immensely surprised that the member for Mitcham was prepared to exempt the trade unions from the compass of this legislation. Athough this would be invoked only on crisis occasions (one would hope not at all), I repeat that the Government believes that this clause is necessary. We intend to support it.

Mr MILLHOUSE: I have given up prophesying what will happen in another place, but if I have anything to do with it this clause will go out; even though I do not make any prophecy, in view of what the Deputy Premier has said I can express the hope that the clause will come out. He is obviously a bit faint about this one, and as he really does not understand what happens in these proceedings, perhaps others up there with a better grasp of the law will be prepared to listen to reason. I do not think it is any good down here arguing the pros and cons. Those of us who have opposed the clause have put all the arguments against it, and we can only hope that better sense will prevail in another place.

I would like to say one thing after all the chiding I got from the Deputy Premier about consistency and inconsistency, and why I supported the Labor Party in the last amendment. I have noticed tonight that the Democrats are succeeding in one of our fundamental aims, which is to convert the two-Party system to a multi-Party system. It is obvious that we are a triangle. I have been attacked by the Labor Party, and I think I am going to be attacked again by the Labor Party in the next hour or so. I have been attacked by the Government, and I have managed to hold my own against both, and the Government and the Labor Party are attacking each other. It is becoming a tri-Party rather than a two-Party thing, and that is good.

Mr Abbott: It's a very enjoyable experience to have you here at this time of night.

Mr MILLHOUSE: Yes. I am always here when it is my duty to be here and when it is worth while.

The Hon. Jennifer Adamson: Isn't that all the time?

Mr MILLHOUSE: No. When, madam, people are wasting their time here through the night, quite senselessly, as happened on Tuesday night, I am better off home in bed, like every sensible citizen, and I have no regrets about that, but when it is necessary to be here I will be here. As my friend from Semaphore is reminding me, there are 20 members of this place who are not here tonight. I think there are 10 pairs.

The ACTING CHAIRMAN: Order! I ask the honourable member to come back to the clause.

Mr MILLHOUSE: Is that an incurably wicked thing to say? Shouldn't I say that?

The ACTING CHAIRMAN: I have allowed quite considerable latitude in the past few minutes.

Mr MILLHOUSE: I was under very heavy attack from the Deputy Premier.

The ACTING CHAIRMAN: I ask the honourable member to speak to the clause.

Mr MILLHOUSE: I oppose it.

The Committee divided on the clause:

Ayes (15)—Messrs Allison, Becker, Billard, Blacker, D. C. Brown, Eastick, Evans, Glazbrook, Goldsworthy (teller), Olsen, Randall, Rodda, Schmidt, Wilson, and Wotton.

Noes (12)—Messrs Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Crafter, Hemmings, Langley, McRae, Millhouse (teller), O'Neill, Payne, and Peterson.

Pairs—Ayes—Mrs Adamson, Messrs P. B. Arnold, Ashenden, Chapman, Gunn, Lewis, Mathwin, Oswald, and Tonkin. Noes—Messrs Corcoran, Duncan, Hamilton, Hopgood, Plunkett, Slater, Trainer, Whitten, and Wright.

Majority of 3 for the Ayes.

Clause thus passed.

Remaining clauses (12 to 14) and title passed.

The Hon. E. R. GOLDSWORTHY (Deputy Premier): I move:

That this Bill be now read a third time.

Mr BANNON (Leader of the Opposition): I do not wish to speak at length about this Bill now; there is no point. The Bill, as it comes out of Committee, is totally unacceptable to the Opposition. I think it is quite scandalous

that a Government that made the professions and statements it made in Opposition can do such an extraordinary about-turn and go way beyond any of the legislation it criticised the former Government for presenting. This is a permanent measure as it comes out of Committee to go on to our Statute Books. Despite amendments that were moved to provide proper and reasonable checks and balances, we saw those checks and balances over-ridden by the Government, so we are faced with an authoritarian piece of legislation which would be quite befitting any totalitarian system.

Thank goodness there is at least a check that after 28 days we might eventually get Parliament's hands on this. However, a lot can happen in that time. To find this Government passing a Bill like this exposes the hollowness of its whole philosophy. We have taken a persistent stand, which we pursued in committee. The Government chose to override us, and the reasonable objections to definitions and other things were totally ignored. There was no indication of compromise, of looking again, or of understanding the principles. I think the fact that we are faced with a measure in this form is a scandal for this Parliament, and the Opposition opposes it, because it is totally unacceptable.

Mr MILLHOUSE (Mitcham): As the Leader said, in other words, it is a real travesty to see a Liberal (so-called) Government introducing and championing a measure like this when, on the other hand, in Opposition it opposed similar measures as vigorously as the Labor Party has opposed this measure.

Mr Bannon: We didn't go anywhere near it.

Mr MILLHOUSE: I do not know about that. The Leader cannot speak too loudly about these things, because the former Government—

The SPEAKER: Order! I draw the attention of the honourable member for Mitcham to the fact that in a third reading debate we are talking relative to the Bill as it left the Committee.

Mr MILLHOUSE: I was only commenting on what the Leader said in the third reading debate.

The SPEAKER: The Chair will decide whether that is so.

Mr MILLHOUSE: It was so. It may have been out of order, but that is all I was doing. The Leader talked about it. I was going to say that he cannot talk too loudly about what his colleagues did when they were in office. Let me now get to the Bill itself.

The SPEAKER: I thank the honourable member for admitting the call from the Chair.

Mr MILLHOUSE: Sir, with very great respect, I always show you the deference you deserve.

The SPEAKER: Order! The honourable member will come back to the third reading debate.

Mr MILLHOUSE: I supported the second reading with some lack of enthusiasm, but I certainly cannot support the third reading of the Bill, for the reasons which the Leader gave. In the form in which it has passed through Committee, it is a thoroughly bad and unnecessarily authoritarian Bill, and, if South Australians want to have a dictatorship, this is a good first step towards it. As I said earlier, I trust that in another place it will be strongly amended. We will see about that.

Mr Bannon: Is that a guarantee?

Mr MILLHOUSE: No, there is no guarantee of anything in this world, I am afraid. I cannot support the Bill in its present form, and I therefore oppose the third reading.

Mr LANGLEY (Unley): During the second reading debate I said I would oppose this Bill, and I do so for the same reasons as the Leader and the honourable member for Mitcham. I will probably not be here when it happens, but it just will not work.

The Committee divided on the third reading:

Ayes (15)—Messrs Allison, Becker, Billard, Blacker, D. C. Brown, Evans, Glazbrook, Goldsworthy (teller), Olsen, Randall, Rodda, Russack, Schmidt, Wilson, and Wotton.

Noes (12)—Messrs Abbott, L. M. F. Arnold, Bannon (teller), M. J. Brown, Crafter, Hemmings, Langley, McRae, Millhouse, O'Neill, Payne, and Peterson.

Pairs—Ayes (9)—Mrs Adamson, Messrs P. B. Arnold, Ashenden, Chapman, Gunn, Lewis, Mathwin, Oswald, and Tonkin. Noes (9)—Messrs Corcoran, Duncan, Hamilton, Hopgood, Plunkett, Slater, Trainer, Whitten, and Wright.

Majority of 3 for the Ayes.

Third reading thus carried.

PERSONAL EXPLANATION: MEMBER'S REMARKS

Mr LYNN ARNOLD (Salisbury): I seek leave to make a personal explanation.

Leave granted.

This afternoon the member for Morphett, in a speech to the Essential Services Bill, made a number of allegations regarding me and my past activities with groups opposed to the Vietnam war. In these allegations the honourable member alleged:

> That I had attempted to bring the life of the nation to a standstill.
>
> That my actions were 'lawless, anarchistic and communist'.
>
> That I was attempting to 'advance communist interests in Vietnam' and encouraging 'government in the streets here'.
>
> That I was 'not worried about what was happening overseas' but worried about political events in this country.
>
> That I was involved in infiltration of the trade union movement in concert with radical left people and communists.
>
> That Ms L. Ebert, president-elect of S.A.I.T., had a line to other union executives through myself as Shadow Minister of Education for the purpose of spreading disruption.
>
> That I was involved in the organisation of civil disobedience and demonstrations to 'squeeze South Australia's jugular vein for political non-industrial gains'.

I reject these allegations. My opposition to the Vietnam war was based on my belief that the war was inhumane and cruel. As to the specific allegations that I attempted to bring the life of the nation to a standstill, I attest that, in as much as Anzac Day brings the nation to a standstill for a sombre and melancholy purpose once a year, I, as one of the organisers, was merely trying to highlight what I believed to be the seriousness of the national issues involved, namely, the war in Vietnam and conscription, by a similar standstill.

As to the allegation that I am a lawless person, I wish to quote from another press article related to another demonstration of which I was also a principal organiser. This took place on 20 May 1971, and on the following Monday the *Advertiser* reported as follows;

> Senior Inspector Blyth told Mr Arnold he had been happy with the cooperation he had received. It was peaceful and orderly . . . it was well organised. It was an example of what can be achieved under the new legislation. It made our job easier and didn't lessen the value of the march to the marchers.

Sir, this statement had been made in the context of some public alarm prior to the demonstration imputing impending violence from that march. I would also advise the House that in regard to a demonstration held in July 1971 I was one of the persons deputised by the organising committee to meet with Commissioner McKinna, Superintendents Calder and Blight and Inspector Thorsen, of the South Australian Police, to discuss arrangements for the march. After the meeting a joint communique was issued which read in part:

> Agreement was reached to the proposals of the committee (JMAW) ... it was understood that the march would proceed in an orderly manner and at an orderly pace, with responsibility for the marshalling of the demonstration accepted by the committee.

A 'lawless' person could not have achieved the accession of the police to internal control of the march.

As to the allegation that I am anarchistic, I reject that. That philosophy is totally incompatible with my own views and with the views of the Party of which I am a member.

As to the allegation that I am a communist, I am not nor ever have been a member of any type of communist party. In 1970 I sought and was granted an injunction that was issued against a member of the Democratic Labor Party as a result of an advertisement he issued implying that I was a communist. Similarly, Sir, I reject the allegation that I was working to advance the communist interests in Vietnam. I was co-author of a small book which championed the cause of neutralists in that country.

On 17 February 1971 I delivered a 15-page paper with appendices to the National Anti-War Conference entitled 'The feasibility of the Third Force Peace Position'. A copy of that paper is available in the Parliamentary library. That paper, promoting the cause of neutralists in Vietnam was severely criticised by communists at that conference, the implication being that I was a party to a C.I.A. plot.

As to the assertion that I seek to promote government in the streets, I would quote from the *Sunday Mail* of 13 May 1972 with reference to the other demonstration referred to earlier where I am quoted as saying:

> Our people will march in orderly ranks, with the marshals on the outside to direct them and prevent interference from bystanders ... They will make sure no incidents develop within our ranks. However, our marshals are not vigilantes—if a disturbance is created on the perimeter of the march then it will be up to the police to deal with it.

My participation firstly in local government and now as a member in this place is a testimony to the fact that I do not believe in government in the streets.

As to the allegation that I was not concerned with events overseas, I would point out that, when explaining to the Royal Commission into the September moratorium why I was unable to give evidence, I indicated that one principal reason was that the terms of reference of the Commission were too narrow in that they specifically precluded any reference to the war in Vietnam. My activities during that period and since with such bodies as the Quaker Service Council in the raising of money for service projects in Indo-China among other places also belies the allegation.

I deny that I am a party to any attempt to infiltrate, with the radical left and communists, the trade union movement. I do have close links with the union movement, I am proud of that, but my relationship is based on political openness. As to the allegation that I would provide a line for the president elect of the Institute of Teachers, Ms Leonie Ebert, to other union executives for the purpose of spreading disruption, I reject it. It is untrue, because I have more regard for Ms Ebert and her integrity and intentions and for the ability of teachers to intelligently elect officers to positions in their union than the member for Morphett. The allegation is untrue and incapable of substantiation.

As to the allegation of civil disobedience, I admit that I have taken part in civil disobedience. I reject, however, the motives imputed to me in that participation. I have not sought to squeeze South Australia's jugular vein.

Justice Bright, Commissioner of the Royal Commission, stated that he had 'no doubt that it [civil disobedience] imparts a concept of non-violence to most of those who used it in relation to the September moratorium'. He further indicated in another part that 'the demonstration was intended to be a protest against both that war and that form of conscription.' In no part of the report did he impute any other motives to the organisers, including myself. In referring to civil disobedience he made mention of the activities of such people as Martin Luther King and Mahatma Gandhi; as an exponent of non-violent action, I have adopted a philosophy of non-violent civil disobedience similar to that espoused by those men.

I therefore reject all of the allegations of the member for Morphett. Had he made those allegations under circumstances other than those invoking the privilege of this place, I would most certainly have taken legal action.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading (resumed on motion).

(Continued from page 751.)

Mr HEMMINGS (Napier): The Opposition supports the Bill. First, I will separate the three clauses it contains. The first is designed to facilitate voting by persons whose names do not appear on the electoral role on polling day, which is commonly referred to as declaration voting. The Opposition commends the Minister for bringing forward this amendment. There has been unnecessary confusion in previous local government elections when people who desire to vote have turned up at the polling booths and found that, whilst the form was available from the presiding officer in charge of the proceedings at each polling booth, the signing of declarations had to take place before the returning officer. This proved to be cumbersome, and in some cases it resulted in people who turned up to vote (bearing in mind that it is an entirely voluntary vote) finding it rather awkward to go to the returning officer to have a declaration signed.

The Opposition reluctantly supports clause 3, which deals with the times for voting (that is, 8 a.m. to 6 p.m.). Opposition members feel that deleting one hour in the metropolitan area may deprive some people who may otherwise vote from exercising that right. However, we recognise that, in line with uniformity (that is, the bringing of times into line with that of the State elections), that perhaps might not be a bad thing.

We ask the Minister that when this is passed there be some form of education programme prior to the next election, whereby people will be clearly informed that there is an 8 a.m. to 6 p.m. voting time, rather than 8 a.m. to 7 p.m. Otherwise, we may find people who are disappointed by turning up at 6.30 p.m. or nearer to 7 p.m. and finding that they have been denied the vote.

Mr Russack interjecting:

Mr HEMMINGS: For the information of the member for Goyder, in the country areas it is 8 a.m. to 6 p.m. and in the metropolitan area it is 8 a.m. to 7 p.m. All I am asking is that the the Minister request local government officers and the Local Government Associations to inform electorates prior to the next election so that people are fully aware of the new voting times.

Clause 4 provided the Opposition with problems. That clause proposes an amendment designed to clarify the position of council members in relation to membership of, or representation on, other local organisations. This has always been a contentious issue in some councils. There are provisions under section 755b that people, even though they have an interest in a particular local organisation, do not have to declare their interest when that particular council is dealing with any matter appertaining to a particular organisation. After consultation, I am pleased that the Minister in the other place has agreed with the Opposition in inserting another amendment, which states:

Where a non-profit making organisation is affected by discussion before, or vote by a council, a member of the council who has an interest in the organisation shall, before participating in the discussion or vote, disclose that interest to the council.

When I was involved in local government, members were involved in different organisations where ratepayers' money was being expended on that organisation and members freely stood up and said they had an interest. This did not affect their voting rights. They wanted it on the record that they were involved and had an interest in that organisation. I think this is correct and proper.

In dealing with clause 4, by which section 755b of the principal Act is repealed, the Minister has agreed with the Opposition that even the people under the original section who were allowed to vote on a particular matter, now have to declare that interest. It is important that that interest be recorded in the minutes of the council. This should also include families of individual members of council when they are concerned. I think we are making a step in the right direction. I understand the Minister has agreed to look into the whole matter of declaring one's interest. I congratulate the Minister for listening to the Opposition in deciding to insert that late notice and the additional amendment to the Bill.

Regarding the matter of people who are appointed by the council to different boards or school councils, in most cases members gave up their time to go on these different organisations, and when they went back to council chambers they found they could not participate in any matter dealing with the particular body on which they were representing the council. We have no quarrel with this and agree that it is necessary at this time.

If I could return to the clause dealing with the declared vote, perhaps because local government does not instruct its presiding officers sufficiently, there is always some confusion on polling day as to who has a vote and who has not. Since I have left local government people have come to me, as a result of amendments that we passed when we were in Government and subsequent amendments that the present Government has passed, saying that there is confusion regarding voting on polling day. The amendment we have before us goes a long way to correct the problems that were experienced last year.

I ask the Minister to look at this problem so that when this important voting takes place in October, instead of the traditional July to October, the presiding officers and those involved in conducting the poll are fully aware of the new amendment. In many cases the knowledge that the presiding officers, assistant presiding officers, and in some cases returning officers, have on the day of the poll is very limited. It is important that they be aware of the rights of people going to vote. In many cases a handful of votes can determine who is going to be elected in a ward for the ensuing two years. In local government, voting is not compulsory.

In the amendment regarding presiding officers, we have departed from the traditional manner of dealing with people who turn out to vote, with their names not being on the electoral roll, and find they have no vote. People could rightly say that obstacles have been placed in front of them as it was last year. There are some local government areas where people travel a considerable distance to vote at polling booths where the returning officer is located. When we pass this amendment tonight, we have to make sure that it is carried down the line so that people who turn up to register their vote are given their full rights.

Too often I get complaints from people who attempt to vote in a local government election and are denied that vote. Perhaps this amendment will go a long way towards correcting that anomaly.

Clause 4, dealing with the declaration of interest, does create some problems. There are certain organisations that may be seen on the surface as being non-profit making organisations. I would hope that perhaps when we are in Committee the Minister can clarify the definitions of a non-profit making organisation more so than has been outlined in his second reading explanation.

We have been given the example of the regional cultural centre. I think that was the prime example that prompted this amendment by the Minister. Then, we have been given examples of the local band or school committee. I think the matter goes a little deeper than that. Our amendment, which the Minister agreed to, concerning the person in the local football club, is covered adequately by the addition of the amendment that was passed in the other place. I think the Minister needs to perhaps enlarge on what is actually meant by a non-profit making organisation. We have the term 'non-profit making organisation' meaning:

(a) a body, whether incorporated or unincorporated, and whether consitituted by or under an Act or otherwise.

Then it goes on, but I think there are other areas where we are dealing with organisations that perhaps are on the thin line between profit-making or non-profit making. One can argue that the additional subclause in clause 4, which was agreed to by the Minister, does cover that, but I would be interested to hear what the Minister has to say about what constitutes a non-profit organisation. Perhaps I will close on that particular point and bring it up in Committee.

We support the Bill. We agree with the amendment that goes most of the way towards getting a vote for those people who desire a vote in local government elections. We hope that the Minister can perhaps enlarge on what is meant by a non-profit making organisation.

Mr BLACKER (Flinders): I wish to make a couple of comments in relation to this Bill. I believe it is the one that has been introduced today. Unfortunately, I have not had a chance to consult any of my constituents in relation to this, but nevertheless, in looking through the Bill, I see it is probably one of those that are often termed rats and mice, consisting of bits and pieces designed to improve the Bill, particularly as it will apply to the new local government elections coming up in October. To that end, I support the Bill.

The proposals to amend the voting times do not really apply in country areas, but I can see the merits of uniformity in that case, because all too often election times and changes of procedure within elections, whether they be in local government, State or Federal elections, all add to the confusion of voters generally. Therefore, the more uniform we can get those provisions, the better the position will be.

Clause 4 is one that I think is of interest to all, because just about every person who becomes involved in local government is, to a certain extent, involved in a non-profit organisation. Time and time again, it has been raised by conscientious members of councils as to just where they draw the line in the declaration of their interest before they have to absent themselves from decision making. I think

any member would be pleased to see items of this nature spelt out in a clearer fashion than they are.

I do not wish to say any more than that, but I do understand the Bill has the support of local government authorities. I regret that I do not have the opportunity of consulting my local government organisation on this particular measure.

Mr CRAFTER (Norwood): I, like my colleague the member for Napier, support these measures. I await with enterest the complete rewriting of the Local Government Act. I think each year we have many amendments coming before us dealing with parts of that important Act and we just add to the confusion sometimes for those who have to use that Act in their day-to-day activities. I say again that local government is probably the tier of government that has most direct effect on the way in which citizens of this State live their daily lives.

I am particularly pleased that clause 4 has been amended in the way it has in another place. I must admit some responsibility in having that section amended in this particular way. I have had, since its introduction to the House, some discussions with my colleagues in another place and with the Minister on this matter. I have had, as no doubt other members have had, some representations about matters of conflict of interest and declarations of pecuniary interest with respect to decisions taken at the local government level.

As the member for Flinders has said, almost every person who serves on local government is committed to organisations in that local government area, and many of those people make incredible sacrifices and great contributions to serve on those organisatins as well as on council. I know there is a stream of thought that a conflict of interest should involve a disqualification as well as the declaration of interest, but I think it can be argued, as it has been in this case, that where there is a non-profit organisation, that should not also involve a disqualification from voting as well.

Certainly, I think a good case can be made out for disqualification of voting where there is a direct pecuniary interest involved in that taking of the vote by that council member. I think the more important principle is that other councillors and the public at large are aware of that situation of conflict. It is interesting that the Government is prepared to accept that principle with respect to local government, but it has rejected on numerous occasions that principle with respect to the State Government.

In European Parliaments and in those in North America, there are very strict rules with respect to the declaration of pecuniary interests of holders of public office, not only those serving in Legislatures, but also the Judiciary, heads of Public Service, and the like. This is a principle that I think we will see slowly moving through the Legislatures of this country and the Public Service. It can only gain or improve the stature of those institutions and of those officers, and the confidence in which they are held by the public.

Local government is the area closest to the people and many people in small communities do in fact form wrong or misleading impressions of public office holders. It is often an impression that is formed in ignorance of the true facts. This amendment, I would hope, would lead to the disclosure of the true facts of each of those situations, that those interests can be declared, and that voting can take place in full knowledge of the factual situation.

I do not see the clear distinction between profit making and non-profit making organisations to which councillors belong. I would think that often a decision taken with respect to a school or to another community organisation can have detrimental or advantageous effects upon a local community as much as can a profit making organisation. It is the effect that it will have on the community that should be of the utmost importance in that decision-making process. I am pleased to see this amendment before us.

The Hon. D. C. WOTTON: (Minister of Environment and Planning) I thank members for their support for this legislation. It was recognised that it was important that this legislation pass through the House at this time. We are all very aware of the forthcoming local government elections in October. The Local Government Association was very keen to have this legislation passed as soon as possible and I appreciate the support that both the Opposition and the member for Flinders have provided.

I want to take up a couple of points, because I think they are important matters. One matter relates to the need for an education programme with the change of time from 8 a.m. until 6 p.m. throughout the State. There is obviously a need for advice to be provided to the community to enable them to attend the polls at the correct times and I am sure that that will be carried out by the Local Government Association.

Mention has also been made of the need to make sure that presiding officers and other officers associated with the work of the poll should be aware of what is going on. I think this is general practice, and that the Local Government Association will ensure that officers are made aware of any changes that are brought about in relation to the Local Government Act that may affect elections.

Mr Hemmings: The local government offices as well, not the Local Government Association.

Mr WOTTON: I appreciate the interjection made by the member for Napier and I am sure that the local government offices will be involved in that. Mention has been made tonight of the amendment to clause 4 and I acknowledge that the member for Norwood did take this matter up with the Minister of Local Government. It is an appropriate amendment and is seen as such. It is fortunate that the amendment could be brought in at this time. The member for Napier has sought a clearer definition of non-profit making organisations. I must admit that I thought the second reading explanation was fairly clear. I cannot give a clearer definition, but I will certainly seek more information from my colleague in another place, the Minister of Local Government, if the member for Napier is particularly concerned about that matter. The point is certainly welcomed and, if the member feels that it is necessary to have the matter clarified, I will seek further information from my colleague so that he may have that information and will know exactly what is meant. I find it difficult to expand upon what is already in the second reading explanation.

I further take the point that the member for Norwood has made in regard to what is seen on many occasions as being band-aid treatment in regard to the Local Government Act generally, and I think we would all recognise that there is a need to do something substantial in that regard. With those few words, I again thank the House for its support in regard to this legislation.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Repeal of section 755b and substitution of new section.'

Mr HEMMINGS: I wish to deal with new subsections (2) and (3), which I think are really allied. We have a situation that a member of the council who has an interest in the organisation shall, before participating in the discussion or vote, disclose that interest to the council. I can see a problem here, inasmuch as, if a member does not disclose that interest before any vote or discussion takes place, that

decision of council would be void because the member did not disclose. It seems that we are taking a step in the right direction, but there is nothing really to say how the disclosure can be policed.

If we have a situation where a person does not disclose an interest and subsequently that decision of council is void, the ramifications for that particular local government body are immense. One way of getting over that particular difficulty (and I see it as providing some problems to the clerks of the councils) is that anyone who goes in to local government shall, from the outset, declare any interest that he or she may have in particular bodies and, from time to time, as those interests increase, that goes on to the register.

I am not implying that local government is made up of people who would refuse to disclose their interests. It is all very well to say that any member shall, before participating in a discussion or a vote, disclose that interest without there being some machinery to ensure that on no occasion does a member of council sit quietly and refuse to disclose any interests. Perhaps the Minister will say, first, what would be the ramifications to a council decision if a member of council did not disclose an interest prior to participating in a discussion or a vote. Secondly, does the Minister agree that there should be a register within the council, continually updated as members widen their interest, so that we can ensure that local government will run smoothly, in the light of this amendment?

The Hon. D. C. WOTTON: I take the point that the honourable member makes. It would be a pity if we had to look at creating a sledgehammer to crack a peanut.

Mr Hemmings: We are not—

The Hon. D. C. WOTTON: I do not believe that there would be many people causing problems in this area. Leaving that aside, however, the responsible Minister has indicated in another place, and he has asked that I pass on the same message in this place, that he sees the need to look at this whole area of conflict of interest. It is an important area, especially now, as the honourable member has said. This is seen as a first step and, now that we have got this far, there is a real need to clarify further points in this area. The Minister has indicated in another place that he will be looking further into the matter. I believe that that will be the case and that he will be doing so quickly.

I would not want to say that it is necessary to set up a register. That may be one way of overcoming the problem, and I take the honourable member's point, but I believe that it would be necessary for the local government department to look more closely at that suggestion as part of the overall case that the Minister will be looking at in relation to conflict of interests.

The matter of ramifications needs to be made quite clear. I think the Act states that it is necessary; if a councillor finds that he is in a situation where there is a conflict of interest, and if he does not push his chair back at the appropriate time, then obviously it would be a serious situation. I believe that there is a need to look at the ramifications of such an act, as the honourable member has indicated.

Mr HEMMINGS: I will not pursue the matter further in view of what the Minister has said about the Minister in another place having agreed to look into the whole area of conflict of interest. Unfortunately, the Bill was passed before lunch, and we have yet to receive the pulls, so I was unaware that the Minister had given this indication in the other place. I think the Opposition is happy now to accept this clause as it stands, on the understanding that the Minister will be looking at the whole area of conflict of interests.

Clause passed.

Clause 5 and title passed.

Bill read a third time and passed.

[Sitting suspended from 12.26 to 2.10 a.m.]

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1, lines 15 to 17 (clause 4)—Leave out the clause.

No. 2. Page 2, lines 1 to 27 (clause 6)—Leave out the clause.

No. 3 Page 2, lines 37 to 40 (clause 7)—Leave out all words in these lines after 'includes' in line 37 and insert 'a declaration of the Commission under section 8 of the Industrial Commission Jurisdiction (Temporary Provisions) Act, 1975-1981, that an industrial agreement is consistent with the public interest'.

No. 4 Pages 2 and 3 (clause 7)—Leave out definition of 'industrial authority' and insert definition as follows:

'"industrial authority" means—

(a) the Commission;

(b) a Committee;

or

(c) the Teachers Salaries Board.'

No. 5. Page 3, lines 18 to 20 (clause 7)—leave out subsection (2).

No. 6. Page 4, lines 1 to 8 (clause 7)—Leave out new section 146c and insert section as follows:

'146c. This Division applies in relatioin to all determinations made after the commencement of the Industrial Conciliation and Arbitration Act Amendment Act, 1981, whether made in proceedings that were commenced before or after the commencement of that amending Act.'

No. 7 Page 4, lines 11 to 35 (clause 8)—Leave out all words in these lines and insert paragraphs as follow:

'*(a)* by striking out subsection (1) of section 8 and substituting the following subsection:

(1) No industrial agreement affecting remuneration or working conditions has effect unless and until the Commission, by order, declares that the agreement is consistent with the public interest;

(b) by striking out from subsection (2) the passage "may apply" and substituting the passage "may, subject to the princial Act, apply";

and

(c) by inserting after subsection (2) of section 8 the following subsections:

(3) This section does not apply to an agreement filed in the office of the Registrar before the commencement of the Industrial Conciliation and Arbitration Act Amendment Act, 1981, unless the agreement is one in respect of which—

(a) provision for certification was made under this Act, as in force before the commencement of that amending Act; but

(b) that certification had not been granted as at the commencement of that amending Act,

in which case any uncompleted proceedings in which certification was sought may be continued and completed as if they were proceedings for a declaration under this section.

(4) In this section "remuneration" and "working conditions" have the meanings respectively assigned to those terms in Division IA of Part X of the principal Act.'

Consideration in Committee.

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

That the Legislative Council's amendments be agreed to.

In looking at these amendments to which the Legislative Council has agreed to—

Mr McRae: We see a scandal between the Democrats and yourself.

The ACTING CHAIRMAN (Mr Russack): Order!

The Hon. D. C. BROWN: Members can see a number of changes has been made. There as been a page and a half of amendments made to the Bill as it passed through this

House. Those amendments, in effect, limit the power of the Bill as it originally passed through this House.

I go back to the general intention and purpose of the Bill so I can point out to what extent it has been limited. Members realise that the Bill has two prime functions. One is to require the commission to take into account economic conditions when considering wage determination factors, including working conditions. That is spelt out and defined as the public interest.

The other main power of the Bill was to allow the Minister to use his powers of intervention which he currently has under section 44 of the Act to apply those powers of intervention in other areas outside of the Act. It covered all other wage determining tribunals, but specifically it referred to a number of them, and these include the Teachers Salary Tribunal, Parliamentary Salaries Tribunal, the Public Service Board, the Public Service Act, the Local Government Officers Classification Board, and any other authority or person declared by proclamation to be an industrial authority. That was a very broad definition. It was deliberately broad because there are at times areas where key principles are decided, not necessarily within the commission, but outside the commission, which could be adopted as a standard for the rest of the community. The purpose in asking for that wide power and invervention was to make sure we did not have double standards in wage determination in South Australia whereby one thing could apply under this State Industrial Commission and a quite separate principle could apply in other areas.

It is well known that there have been discussions with the Parties involved and that basically is what Parliament is all about—trying to reach a resolution and take into account some of the different views that have been expressed in the House. There have been discussions between the Government and particularly the Australian Democrats, who expressed a viewpoint on this. The amendments that we have before us are as a result of those discussions. We do not hide anything about the fact that there were discussions and that this is the outcome of them.

I believe that the amendments, and therefore the Bill as it comes back to us from the other place, has unfortunately had its powers restricted. Having those powers restricted has created a number of anomalies. For instance, I do not think it reasonable to apply the standards under this Bill to the Industrial Commission but then to exclude ourselves, as Parliamentarians, from those standards. That is the very reason why in drafting the Bill we included the Parliamentary Salaries Tribunal.

I also believe that there are other areas in which those principles should apply and they include the Public Service Board, the Public Service Arbitrators, and others. I must stress that members, when considering this Bill as it comes back to us from the Legislative Council, must also take into account one other significant factor that came out of those talks and that was that the Australian Democrats wanted time to consider whether or to what extent and effect the broadened powers of the Minister of Industrial Affairs to intervene would have in these other tribunals. That is a reasonable request to put up.

Members interjecting:

The Hon. D. C. BROWN: Well, it is. I acknowledged it and I conceded that I was quite willing to grant them a period—

Members interjecting.

The ACTING CHAIRMAN: Order!

The Hon. D. C. BROWN: I was quite willing to grant them a period of three or four weeks in which to consider the use of those broader powers. It is my intention to bring back a Bill later in this session, frankly, within a matter of weeks, and to put those powers that have been excluded by the amendments back into that Bill so that they can be further considered.

In no way does that mean that the Government does not place importance on them, because it does. I have highlighted some of the reasons why. I will pick up one point that we have had brought to our attention because it was served to us yesterday. That is that the Public Service Association has served on the Public Service Board a claim for a 13 per cent wage increase.

The Hon. J. D. Wright: And you took it up!

The Hon. D. C. BROWN: That is right. We took out the Public Service Board. It does not worry me in the slightest, because in three or four weeks time, as part of the agreement with the Australian Democrats, we will be bringing back a further Bill and a part of that Bill will be to include the Public Service Board as well as the Public Service Arbitrator. There is no hurry with that claim whatsoever. No-one would expect a claim for a 13 per cent wage increase to be considered within the next three or four weeks. When these ambit claims are lodged on the Government there is expected to be a series of lengthy negotiations and, if agreement cannot be reached, they are likely to take the matter before the Industrial Commission. If they take the matter before the Industrial Commission, certainly the principles that are contained within this Act will apply. I would expect from my considerable experience—

Members interjecting:

The ACTING CHAIRMAN: Order!

The Hon. D. C. BROWN: —of being a party to matters that come before the Public Service Board, to see that those matters are not likely to be resolved quickly. In many cases they are not resolved at all, and they need to go to the Industrial Commission to be resolved. I am quite confident that, by the time it gets to the point of any resolution, this Bill will be further amended to ensure that the Public Service Board is included.

However, I must stress that the amended Bill before us still upholds the broad principles of the original Bill I brought into the House. That important principle was that economic aspects must be taken into account when considering any wage determination. I stress to the Committee that the powers are broad. I cannot intervene before the Public Service Board, but I stress that the Public Service Board, even under the amended Bill, must take into account economic matters, because that is part of the amended Bill as it has come back to us. That is why I am confident that the Public Service Board, which has been served with this 13 per cent claim for a wage increase, will take into account (it has to take into account) economic matters as proposed by the amendment.

The other important features of the Bill which were originally introduced I think still stand, but I admit, and I think it has been done after a useful discussion with other Parties, that some amendments have been made. It is still my wish that the Bill as originally presented will ultimately pass, and I am confident that that will occur when the other Bill is introduced in three or four weeks time. I ask members to consider the amendments carefully, and to support them. They will have the support of the Government, as they are in fact interim amendments expected to be followed very shortly by further amendments to reinstate the original intention of the Bill.

The Hon. J. D. WRIGHT: I think the people who need to receive some commendation about the process of what has happened in relation to the amendments before us are the Parliamentary Counsel, because, in my view, they have performed miracles. They have changed so many words that it is unbelievable. They have put in so many commas and dots, and they have changed nothing of the content of the Bill.

The ACTING CHAIRMAN: Order! It is not the practice of the Committee to mention the officers.

The Hon. J. D. WRIGHT: I have never heard of that before. I disagree with that. I have on many occasions in this Chamber commended people for the work they have done, and I have heard other people commended for their work by many members. I think you are wrong, if I may say so.

The ACTING CHAIRMAN: It is the usual practice.

The Hon. J. D. WRIGHT: I had finished with that, anyway. Someone had to perform a miracle, and clearly it was performed by the Parliamentary Counsel. The Minister knows that. He knows that he has conceded nothing at all. The Bill will go out of this Chamber, with the exception of a change in a word here and there, exactly as the Minister brought it in. He is smiling, knowing that the Democrats were never honest in the first place, that they have backed down, or that they have had it put over them.

I think the Hon. Mr Milne would be capable of having it put over him. I do not say that disparagingly but I do not think he knows anything about industrial relations. He did not even understand registration, when points were put to him about registration of agreements, so I would not expect him to know the rest of what the Minister was trying to achieve. However, I believe that the member for Mitcham is not a dupe, and therefore I do not think he has had anything put over him. I believe that the member for Mitcham has been fooling us right from the very beginning. I will read to the House what he said yesterday, as follows:

Mr Milne holds the balance of power on the floor of the Upper House because the numbers are evenly divided.

I imagine that Mr Millhouse was properly quoted because he has not disputed it today. He continued:

'It will not go through this week, and the Government, if it has any sense at all—

and that is a pretty strong statement for the member for Mitcham to make—

will realise that whatever they do here they will not get the Bill through the Legislative Council this week, and they might as well give it up,' Mr Millhouse said. 'The Minister knew this last night because we had discussions with his assistant before dinner, so the whole demeaning spectacle of Parliament sitting through the night has been absolutely for nothing. It could have been avoided.'

They are pretty powerful words and I was naive enough to believe the honourable member. Certain people around Adelaide telephoned me today and said, 'The member for Mitcham has arrived at last. He is now a man of principle. He is opposing the Government's legislation. Good on him.' I said, 'Just wait another day. Let us be convinced about that after today's session.' How right I was. Bill Hayden summed it up perfectly—the Democrats have no guts. They are not prepared to back what they say in the first place. Quite obviously, the member for Mitcham will have some excuse. He is very good with words. He has been able to find excuses over the years for all the misdemeanors he has committed, and no doubt he will find words tonight, but the Minister will know, when he goes home to sleep tonight, that he has had a complete victory in the circumstances.

The tragedy is that this is a crook Bill. It is crook legislation and it will cause industrial disputation in South Australia. There is no question about that. Five deletions have been made to clause 7, relating to industrial authorities: new section 146a gives the Minister power to intervene in the industrial area of authorities such as the commission, the committee, the Parliamentary Salaries Tribunal, the Public Service Board, the Public Service Arbitrator, the Teachers Salaries Board, the Local Government Officers Classification Board, or any other authority or person declared by proclamation to be an industrial authority.

Mr BANNON: I rise on a point of order, Mr Acting Chairman. I cannot hear the Deputy Leader because of the conversation coming from the benches opposite.

The ACTING CHAIRMAN: I uphold the point of order and I ask that the audible conversation cease.

The Hon. J. D. WRIGHT: What do we find after this summit conference that was held between the Minister, his officers, and the Democrats this afternoon? One can only describe the achievements as 'summit'—there is no doubt about that. They dabbled with commas, dots, and hyphens; things were left out and put in for 4½ hours. What has occurred? Simply, the only references remaining in clause 7 are to the commission, a committee and the Teachers Salaries Board. They are the only matters left. We find four deletions, and what do we find deleted? First, the Public Service Board has been deleted. In today's *Advertiser* the Minister stated that that was one of the reasons why this Bill had to be brought in at very short notice. The article states:

South Australia's 16 000 public servants are seeking a 13 per cent across-the-board wage increase. The claim was served on the Public Service Board yesterday by the Public Service Association.

Those words are indicative of the Minister's dishonesty, not his honesty. The article continues:

The Minister of Industrial Affairs, Mr Brown, said last night the claim could cost the Government more than $100 000 000 in a full year. He said it was—

The Hon. H. Allison: Jack can't see.

The Hon. J. D. WRIGHT: It just may be that we need some decent lighting in this place, and Mr Slater has raised that on several occasions. The lighting is very bad and I am having difficulty in seeing. The article continues:

He said it was a classic example—

Members interjecting:

The Hon. J. D. WRIGHT: Mr Acting Chairman, I do wish that you would give me some protection, I really do. The article continues:

He said it was a classic example of the pressure building up for a wages explosion which would do immeasurable harm to the State's economy.

It also would lead to a significant increase in unemployment.

A pay rise of this magnitude, if awarded, would force the Government to reduce its staffing levels.

If there were justification for the Government's new industrial legislation relating to the powers of the Industrial Commission, it was this claim, Mr Brown said.

Mr Brown said that yesterday, and this morning we find him deleting from the Bill, after this great summit deal with the Democrats, the Public Service Board. I ask the Minister what all this is about. It is a farce, and every member of this House knows it has been a farce right from the beginning. On several occasions the Minister has admitted in this House that he already had the power. I want to tell the House what this is all about. I only found out today.

I was advised quite definitely last night that a deal was done between the employers and the Minister. The employers asked the Minister whether he would interfere in the abolition of wage indexation guidelines and the Minister said that he would not. He arranged with the employers to do that and then promised them that he would bring this legislation in. That is the urgency behind this legislation. There is no other reason why it is in this House. There is no question about that. It is absolutely atrocious that the Government has done a deal with the Democrats.

I tried to look very closely at what has been achieved by this summit conference. The member for Mitcham appears to be either trying to get publicity to gather support from the Public Service of South Australia or he has had some misunderstanding about what was happening. I do not know how stupid the member for Mitcham will look now if the press runs this story sometime tomorrow. At the moment

they have probably all gone to bed, but I sincerely hope that they have not so that they can report this farce.

I am not quite clear how the member for Mitcham is going to appear publicly after this back-down today, this gutless activity by the Democrats wherein he said yesterday this Bill would not go through. I am not quite sure how he is going to look publicly on that particular question, but the member tells me that the reason he said that was that he made a mistake. I'll say he made a mistake! He has made about 20, so far as this piece of legislation is concerned. He tells me that he made a mistake so far as the date that the application would be finalised or heard—whatever is happening on Wednesday—with the storemen and packers and the Wholesale Grocers Association, as he thought it was on 3 October rather than 3 September, and that because he made that mistake he made those statements yesterday. I suppose that many of us want to make glaring and popular public statements. Let me say this: there is no question that the member for Mitcham gathered some support behind him and his Party because of his outburst in this House yesterday. I am not convinced that the member has played this as honourably as he could have. It appears to me that he was out on a course right from the beginning of grabbing some publicity about this Bill, knowing full well that at the vital stage, when the Minister put the pressure on, he would return to the Liberal ranks and so would his member in the Upper House, and that is what they have done tonight. I have searched my mind and taken advice from people who know more than I about language and probably about industrial affairs in some events, but the only thing I can conclude, apart from very great draftsmanship (and, as I said earlier, they are the people to be commended) that has been achieved with these amendments, if they are carried, and I imagine they will be, because the numbers are in the right place—

Mr Lewis: Right.

The Hon. J. D. WRIGHT: They will not be for much longer if this sort of farce keeps up. This sort of farce will do the Government no good, and the legislation will do the Government no good. To be ridiculed like the Government has been tonight, to enter into such an agreement in the first place (and I accuse the Minister of that, of entering into an agreement with the employers to bring this legislation in—the Minister is not getting upset as he normally does when I make allegations about him, so I am convinced more than ever that my information was correct—I just wish I had mentioned it in my second reading speech)—

The Hon. D. C. Brown: In your second reading speech you accused me of not consulting with the employers.

The Hon. J. D. WRIGHT: I said 'employees'. The Minister always consults with, and has weekly meetings with, the employers, I know that. I can tell the Minister who goes there, if he wants to know, so he should not tell me that he does not consult with the employers. The only people the Minister does not consult with are the employees and the trade unions in South Australia. Let me get back to the matter before us. It is clear that only two things have happened. One could describe these amendments as getting the member for Mitcham off the hook, a face saver for him. The member for Mitcham is nodding his head—he is agreeing that what I am saying is correct. The member for Mitcham ought to buy medals for the Parliamentary Draftsmen, because they are the people who have juggled this whole thing around to make it look respectable and make it look as though some sort of deal has been done. I suppose it is a deal; that is the best way of describing it—a deal to get the Democrats off the hook and get the Government's legislation through so that it can interfere with the action of the storemen and packers and the wholesale grocers on Wednesday. I have looked at this matter very closely and I can see that two things have happened, and two things only. One is that the Minister's right to intervene at all tribunals is gone. Nevertheless, all the tribunals where the Minister was asking for the right to intervene and have his lawyers in there still have to abide by the conditions of what the Minister wants.

What has the Minister given away in those circumstances? He has given away absolutely nothing. The Minister can laugh all the way to the bank. He made a fool of the Democrats.

The Hon. H. Allison: You can't improve on nature.

The Hon. J. D. WRIGHT: The Minister of Education is right. That is a fairly reliable interjection. I have never thought the member for Mitcham was a fool, although I have always had my doubts about the member in the Upper House. I never thought the member for Mitcham was a fool, and I gave him credit for having a fair bit of political sense. That is why I am loath to rubbish him tonight. I would rather think that the member for Mitcham has entered into a deal. The second thing that the Minister has very reluctantly given away is the fact that the other tribunals have gone. Let me deal with those other tribunals.

The ACTING CHAIRMAN (Mr Russack) Order! I point out to the honourable member that under Standing Orders appropriate to a Committee of the Whole an honourable member can speak only for 15 minutes, and he has now spoken for 14 minutes. Of course, there is the opportunity to speak three times.

The Hon. J. D. WRIGHT: I did not know you had the clock on me I thought the timer was off.

Mr Millhouse: I bet they are watching it pretty closely, Jack.

The Hon. J. D. WRIGHT: Yes, they do not like it. I was referring to the other tribunals that the Minister has lost that out of clause 7. It is not the ones that have been lost that I am concerned about, but the ones that have been retained. As my time has expired, I will come back to this later.

Mr MILLHOUSE: During the past few hours, I have heard some fairly disparaging remarks made about the Hon. Mr Milne, my colleague in another place, and about myself. Indeed, when I was listening in another place, I almost felt that I was an honorary member, but what I saw and heard up there did not encourage me ever to want to be a real member of that place, even in my retirement, which used to be one of my ambitions—to spend my working life in this place and then move into the Upper House. After what I saw and heard tonight, I do not want to do that any more. I think I will stay here till I die. It seems incumbent on me to make some explanation as to what has happened, in view of the vituperation which has been heaped on my defenceless head by members of the Labor Party. I admit most freely, and I very greatly regret, that when I spoke yesterday and made a good speech (and the Deputy Leader of the Opposition congratulated me afterwards, for the speech I made) I was under a complete misapprehension. I made a bad mistake, and nobody can be blamed for making the mistake but me. I made the mistake. I believed that the Storeman and Packers case, the grocery thing, was to be heard on 2 October, five weeks away. I said that, and it is recorded in *Hansard* for anyone to see if they want to look. I said that the real reason for the Bill, as I understood it, was that case, which was due to be heard on 2 October, that we had five weeks, and that there was no reason why we could not sit next week and the week after to deal with the matter if that should be necessary. Members on this side of the House, some of them anyway, must have heard me say it, but not one of them picked me up on it, not that they had to pick me up, of course. However, my statement

was wrong, and it was not until lunch time when we were discussing the matter with the Minister's offsiders that I discovered that in fact the hearing is not on 2 October but on 2 September, that is, next Wednesday.

When I realised that, and the Hon. Mr Milne told me that I was told it was 2 September yesterday and I misheard it, I realised that there simply was not time, if a Bill were required at all to pass into law before the hearing of that case, to do what I wanted to do, which was to postpone the consideration of the Bill. I must say that I blame the Government for not introducing the wretched legislation earlier, and I wonder what the reason for that may have been. It could have been introduced earlier, and there could have been more time for consideration of it. But that is a responsibility of the Minister, and it is too late to go in to that. I merely make that point in passing.

That was the position with which Mr Milne and I were confronted at lunchtime today. I accept what was put to us by representatives of the Minister and by the Minister himself later, that it was necessary that there should be something in the law of this State before the hearing of the Storemen and Packers case. What was of great importance, I was told, and I accept, was that the principles which are in section 39 of the Commonwealth Act should be in our law.

The Hon. R. G. Payne: Who told you that? Why?

Mr MILLHOUSE: Because it is necessary for the South Australian court or commission—

The Hon. R. G. Payne: Who told you?

Mr MILLHOUSE: The Minister's advisers told me that, and I believe that to be the case. Otherwise the South Australian commission may go marching off on its own in another direction, and that would be undesirable. I accept that that is the position. I understand that in the Storemen and Packers case the question of the 35-hour week is the burning issue. It seems to me that that issue should be properly debated, and pursuant to the principles which will be put into the law by this Bill and which are now in section 39 of the Commonwealth Act. Having accepted that, it was necessary that something should be done immediately. If any deal has been made—and that is the word that the Labor Party has been fond of using, and has used again and again in this matter (I suppose it is the word we all use when we want to disparage our political opponents in circumstances like these)—it is this: that in this Bill the least possible has been conceded, and the least possible is what is needed for the purposes of the hearing next Wednesday and for the hearing which is at present going on before the Teachers Salaries Board.

That is why those other bodies encompassed in the definition of 'authority' in the Bill as originally introduced have been left out. They have been left out so that not only those bodies which must be included in the short run are included. I have an assurance from the Minister, and he has said it, that this Bill is an interim measure, that there will be another Bill within a few weeks, and that that Bill can be properly considered and passed or not passed, as Parliament sees fit. It may be that we have been conned.

Mr Max Brown: That's contrary to what you said in the debate.

Mr MILLHOUSE: The member for Whyalla has suddenly woken up. I thought I explained why I said what I said in the debate. We may have been conned. The Minister may have got everthing he wanted for all I know. I do not believe he has, and I hope that I have not been conned. I have been conned often enough in the past; I am not quite as good as the member for Adelaide said a few moments ago. If that is so, so be it; that is bad luck.

Mr Langley: You can't change it now, in any case.

Mr MILLHOUSE: No. Once it is through it is really out of our hands, although, when the next Bill comes down as it must come down now, because those other bodies are left out and a number of things have not been dealt with, there may be an opportunity to change it. That is why this has happened. I do not regret giving the Government the opportunity to intervene and to argue the public interest in the case of the 35-hour week. I do not regret that for a moment, as I believe that is should be argued. Maybe the commission will sweep it aside and take no notice whatever of the arguments put by the Government, but I believe those arguments should be put. Clause 5 has been left in the Bill to put beyond doubt the right of the Government to intervene, to refer the matter to a Full Bench and to argue those matters.

I am not going to say much more. I am sorry I made the mistake. I am sorry it has given my political opponents in the Labor Party the opportunity to rubbish me. I know they have enjoyed doing it; they told me in advance that they were going to do it. The members in another place came to me afterwards and rather apologised for having done it. That is part of the game. I may live to fight another day or it may be the end of me politically. I do not think it will be, but it may be.

Members interjecting:

The CHAIRMAN: Order! Interjections are out of order.

Mr MILLHOUSE: I hope these amendments will be accepted. I hope this will be an interim measure, as I have been promised, and that we will be able as a Parliament within the next few weeks to debate the matter rationally and properly, as we should have had the opportunity to do if this present Bill had been introduced earlier.

Mr McRAE: I am pleased at long last to be able to talk on this Bill. The other night I was grossly and unfairly pushed out of the opportunity of doing so.

The CHAIRMAN: Order! I ask the honourable member to link up his remarks with the amendment.

Mr McRAE: It was grossly unfair, of course, but I will come back to the Bill. It is entitled, 'An Act to amend the Industrial Conciliation and Arbitration Act, 1972-1979, and to make consequential amendments to the Industrial Commission Jurisdiction (Temporary Provisions) Act, 1975-1977'.

The ACTING CHAIRMAN: Order! I bring to the notice of the honourable member what we have before the Committee now the amendments that have come from another place. I hope that the honourable member will not refer to the whole Bill.

Mr McRAE: I certainly will not, Sir. I will be dealing with the amendments but I was referring to the title of the Bill because I wanted to highlight how ludicrous the title is. It should be entitled, 'An Act to amend the Industrial Conciliation and Arbitration Act'—

The ACTING CHAIRMAN: Order! Will the honourable member link his remarks to the amendments before the Committee?

Mr McRAE: I assure you that I will, Sir.

The ACTING CHAIRMAN: I will listen very closely.

Mr McRAE: I am sure you will; I expect nothing more from you, Sir. It should be entitled, 'An Act to so amend the Industrial Conciliation and Arbitration Act, 1972-1979, as to produce the maximum provocation to trade unions in South Australia, to provide a vote of no confidence in the Judiciary and the commissioners of South Australian courts

and commissions, and an Act to make the Minister of Industrial Affairs commissar of the whole deal'.

Members interjecting:

The ACTING CHAIRMAN: Order! I again bring to the attention of the honourable member that we are dealing with amendments.

Mr McRAE: I am well aware of that.

The ACTING CHAIRMAN: I ask the honourable member to bring his remarks in line with the amendments.

Mr McRAE: I am dealing with the corrupt deal done tonight between the Australian Democrats and the Liberal Party. That is what the public of South Australia want to know about; that is what I am dealing with.

The Minister has made out that he has had to introduce this legislation to act in the best interests of this State. That is not so. We know the true reason, and I will now spell it out and link it with the amendments. There are two reasons. I refer, first, to the private employers in this State, whose legal representatives are probably down in the Minister's office at this moment and have been available right throughout the day. I refer also to the Employers Federation and the South Australian Chamber of Manufactures and Commerce; it was done to get the heat off them because the bench was honest. They thought that a crooked Government and a crooked bench would get them off the hook, but they were wrong because Mr President Olssen and his honest bench made them honest, and it hurt badly. We know that, and anyone in the industrial field knows that. They put up an incompetant case on the minimum wage case, as did the Government. It was not until Mr President Olssen warned them that, unless they produced evidence to the contrary, they could find themselves in difficulty.

Do you, Sir, realise that until the end of the Trades and Labor Council case the employers had produced no evidence at all? They had relied upon a stacked bench producing the result that they wanted. It was only after that they got the proper legal representation. That is why I said that this Act partially at least is a vote of no confidence in the Judiciary and the commission of this State. The so-called Minister over here—(God knows what sort of Minister he is) is portraying his paranoiac suspicion of the bench and the commissioners of this State—all decent, loyal and independent people.

However, because they would not bow to the Government's will, the Minister is determined that he will get in his so-called independent legal representatives (although one cannot be independent as a legal representative—one representing a client) to forestall a number of cases. I will detail them. First, this whole corruption deal (I do not mean corruption on the part of the honourable member for Mitcham or the Hon. Mr Milne; I mean corrupt on the part of the person sitting opposite me, who knew all along what was going on, as did law officers) was to con the Hon. Mr Milne and the member for Mitcham into the whole deal. Boy, did they con them! They tried to suggest—and the truth hursts—that the only reason for this was to produce industrial sanity in South Australia. That is not the reason at all.

True, the private employers are ready, kicking their money into Liberal Party funds, to do anything and everything and to stop the federated miscelleneous workers from getting the 35-hour agreement with Associated Wholesalers. I am sure that that is right and that it is a help to the Minister, but it has nothing to do with the real issue. I know what the real issue is: it deals with three groups in the community—the teachers, the police and the rest of the Public Service. The Minister knows that and belatedly the member for Mitcham (now out of his place) and perhaps the Hon. Mr Milne now know that.

It is disgraceful that, at 3 a.m. on Friday, after starting sitting at 2 p.m. Tuesday, we should have to deal with this corruption that has been going on, this nonsense, this farrago of lies that is before us. Any of us with any experience in the industrial jurisdiction know that this is a Bill to permit the Government, hopefully, to balance its Budget this year and to provide an expansionary Budget next year. That is the whole idea behind it; it cannot be skirted; it is the guts of the issue. What the Government wants to do, and there are no bones about it, is to get into the teachers salaries area and attempt to break the will of the learned Chairman (I am not sure whether it is Mr Justice Olssen or Deputy President Stanley), to try stand over him.

Mr LEWIS: On a point of order, Mr Acting Chairman, I have listened with patience to try to determine—and you may be better than I am at this—the revelance of these remarks to the amendments we are considering. I have watched and listened for 10 minutes, and I cannot see the relationship between these remarks and the amendments.

The ACTING CHAIRMAN: I cannot uphold the point of order, but the honourable member for Playford has been given quite some latitude. He has explained his version of the reason for the introduction of the Bill, but I feel he is mentioning various organisations and people, such as the South Australian teachers, the Education Department, and so on, who are involved in the amendments. I will listen very carefully, and I ask the honourable member to link his remarks with the amendments before the Committee.

The Hon. J. D. WRIGHT: On a point of order, Mr Acting Chairman, I wonder why, on your say so, the honourable member is not allowed to mention the South Australian teachers.

The ACTING CHAIRMAN: I did not say that.

The Hon. J. D. WRIGHT: You said that he could?

The ACTING CHAIRMAN: Yes.

The Hon. J. D. WRIGHT: I am sorry; I misunderstood.

Mr McRAE: For the benefit of the member for Mallee, who has just arrived on the scene, the fact is that the corrupt deal we have just had from the paper tigers in the Upper House is this: the commission, or a conciliation committee, or the Teachers Salaries Board is still left in, and everything else is left out. The realistic situation is that the Government has its finger on three things. It wants to intervene in the teachers salaries case. It knows that it cannot put pressure on Mr Justice Olssen, because he is an honest man and will not have pressure put on him.

This is the only way in which the Government can get at him and the rest of the honourable people who make up the Judiciary and the commission. The only way in which the Government can get at them is by introducing this new economic concept. The police are affected, because their case is pending as well. The other one, as the Deputy Leader said, is the Public Service Board. I say to you, Sir, that South Australia has had a long and honourable history in terms of conciliation and arbitration. Even in the depths of the depression the then Mr President Kelly, in the police officers case, which can be found by anyone in volume 12 *South Australian Industrial Reports* 1932-1933—

The ACTING CHAIRMAN: Order! The honourable members time has expired.

Mr O'NEILL: I want to say something about these amendments, because I am rather concerned about what has happened. We have heard the explanation of the member for Mitcham, although I am not sure whether he was misled or misunderstood, but I was under the impression that the honourable member, being a Queen's Counsel, was pretty astute and would be quite capable of handling himself up against the Minister of Industrial Affairs, who, as I understand it, has no formal legal training.

The member for Mitcham is a Q.C., and because of this unfortunate mess his professional standing must suffer. Given the explanation that we heard earlier, I am sure that his potential clients will think twice before they seek his services. I accept the proposition that the honourable member did not fully understand the situation. I know that the honourable gentleman in another place did not understand it, because he was running around the House yesterday telling people that the Bill was very hard to understand. He was not sure what it meant. Unfortunately, I believe that the honourable member misled some members of the trade union movement to whom he was speaking, from whom he sought advice and to whom he made statements. They will not be very happy about what has gone on. It seems to me that the Minister has put up a Bill he had padded out with stuff that he was prepared to give away and, as my Deputy Leader said, thanks to the talents of the Parliamentary draftsman—

The ACTING CHAIRMAN: Order! I have already said that it is not acceptable for an honourable member to refer to officers of the House.

Mr O'NEILL: I apologise, Mr Acting Chairman. I have not been here very long and during that time I have heard a number of other honourable members do the same thing, so I thought it was in order. The original Bill has been fiddled with, and the Minister, despite his affable attitude—

Mr McRae: He can afford to be affable. He won 100 per cent.

Mr O'NEILL: That is right. His attitude changed in the wee small hours of this morning and he started to act in almost a reasonable fashion. We took it all in good faith and obviously that good faith was misplaced. I know that the Minister is laughing now, but he can afford to laugh. He is not particularly worried about the method by which he got where he is, and I certainly do not accuse anyone of anything. One could be forgiven for thinking that a real conspiracy went on at the back of this Bill. It was gone into quite cynically, knowing all the time that the House was being conned. There was no sincerity in the arguments put up. That concerns me greatly, because in the House today we heard long-winded arguments about the necessity for an essential services Bill to control groups in society that might do things that are against the public interest.

Mr McRae interjecting:

Mr O'NEILL: Yes. We have spent a good deal of time hearing about people who might do things that are against the public interest. The members of the Government should be prosecuted under that law when it comes to pass, which it undoubtedly will, because they have done something tonight that is very much against the public interest in South Australia. Apparently, they have done it to try to overcome an agreement that was made outside the commission, although the agreement was before the commission to be registered. They set about by a circuitous method to try to get some legislation on the books to subvert that agreement.

The whole thing is a wasted exercise. If they move in on the organisation that made the agreement, they will probably create a worse situation than if they left it alone. Of course, they are forgetting that the organisation which the Minister has apparently gone after is a Federal organisation. A lot of the goods that they handle come into this State from other places. I venture to say that if the Minister puts the knife into the Storemen and Packers Union as a result of the legislation that he is bulldozing through tonight, he will undoubtedly bring down on South Australia the very thing that he professes to be trying to aviod. In other words, branches of the Storemen and Packers Union in other States will undoubtedly come to the aid of their members in this State.

I do not know how the Minister will handle that, because this crazy legislation that he is pushing through against the advice of members on this side will have no effect in other States: so what have we gained? The Minister has agreed to strike out large sections of the Bill. It has been cut around a lot, but nothing much has been altered. I am rather concerned that the whole ridiculous exercise that we have been through for the past three days has not ended yet. I imagine that we will have to spend considerably more time here tonight, because other Opposition members want to say something about it.

It is most unfortunate that the Democrats have become involved in a situation which, although not exactly the same as occured in the national capital either today or yesterday, makes one wonder how much longer the voters of South Australia and indeed in Australia are going to continue to be conned by the argument that there is some significant difference between the Liberal Party and the Democrats. As anyone knows, for a long time the Democrats, probably since their inception, have been *de facto* Liberals.

The ACTING CHAIRMAN: Order! I point out again to the honourable member that we are considering amendments that have come from another place. I ask the honourable member to link his remarks with those amendments.

Mr O'NEILL: I stand corrected, Mr Acting Chairman, but I thought that my remarks were pertinent to the amendments from another place. They are before this House precisely because of the reasons I have just referred. It was a fiddle worked between the Liberals and the *de facto* Liberals in this place to undermine—

The Hon. J. D. Wright: And admitted by the member for Mitcham.

Mr O'NEILL: It was admitted by the member for Mitcham, as my colleague said. It was a fiddle to undermine the good industrial relations which have existed in this State for many years and which were built up under the good offices of the previous Labor Government.

Mr Lewis interjecting:

Mr O'NEILL: That interjection by the member for Mallee shows how ridiculous he is. Every now and then he comes out of his coma and throws in an interjection. As I said before, he should go back to sleep and let the House get on with its business.

The ACTING CHAIRMAN: Order! I again bring to the honourable member's notice that the Chair has allowed quite a lot of latitude in this debate. The comments that the honourable member is making now surround the legislation and the happenings that have occured. I ask the honourable member to direct his remarks to the amendments before the Chair.

Mr O'NEILL: There is an important relationship between what I am saying and the amendments that have come back. I said earlier that I would not accuse anybody of a conspiracy in what has happened, but it appears, in the light of what the Deputy Leader said, namely, that there had been meetings (I do not recall whether he said 'secret meetings') between the Chamber of Commerce and Industrial representatives and the South Australian Employers Federation in an attempt to get their own way.

The Hon. J. D. Wright: Those meetings were secret.

Mr O'NEILL: I thought the Deputy Leader said the Minister was meeting secretly with the Chamber of Manufactures—

The ACTING CHAIRMAN: Order! I will have to withdraw the honourable member's leave if he does not relate his remarks to the amendments before the Chair.

Mr O'NEILL: I thought that I was relating my remarks to the Bill. There has been a conspiracy between the Minister and the employers.

The ACTING CHAIRMAN: The remarks should not be related to the Bill. The remarks should be related to the amendments.

Mr O'NEILL: I stand corrected. Your constant attention to me, Sir, is getting me somewhat confused and a little nervous. I meant to say that there has been a conspiracy between the Minister and employers in this State to bring about these amendments.

Mr McRae: And Mr Milne.

Mr O'NEILL: That is correct, is it, Mr Milne was involved in the conspiracy, too?

Mr McRae: Unwittingly. He is a pawn is Mr Milne, in the hands of that commissar over there.

Mr Lewis: Get on to the amendments.

Mr O'NEILL: Get back to sleep.

Mr Lewis: I haven't been asleep.

Mr O'NEILL: You have, I've been watching you. It is difficult to concentrate on this matter because of the interjections. From the start the whole thing has been a put-up job. The Minister got what he wanted the other night when he conned this Chamber and we gave him the benefit of the doubt. We thought he was being straight with us, but he was not. Now we have a situation in which, as a direct result of the charade that has gone in this place for the past three days, the Minister will have to bear the responsibility for the breakdown in industrial relations that is bound to come the first time he tries to implement these ridiculous provisions. If he does not think that is the case, then what were the great reasons for the speed with which the Essential Services Bill was brought in, and why does the Government need to get that through? It wants to get it through because it knows that these particular amendments to the Bill—

The ACTING CHAIRMAN: Order! The honourable member's time has expired. The Honourable Deputy Premier.

Mr Hemmings: Mr Acting Chairman, I had the call, Sir.

Mr McRae: A point of order, Sir.

The ACTING CHAIRMAN: It is the responsibility of the Chair to call the member that the Chairman sees, and I had called the Deputy Premier. The Honourable Deputy Premier.

The Hon. D. C. Brown: Sit down, you twit.

Mr HEMMINGS: I rise the point of order, Mr Acting Chairman.

The ACTING CHAIRMAN: The honourable member for Napier.

Mr HEMMINGS; I would like the Minister of Industrial Affairs to withdraw the remark. I clearly heard him refer to me, and he said 'Sit down, you creep'.

The CHAIRMAN: I ask the Minister of Industrial Affairs whether he made such a statement.

The Hon. D. C. BROWN: No, Mr Chairman, I did not call him a creep; I called him a twit, and I will withdraw it.

Progress reported; Committee to sit again.

ADJOURNMENT

[Sitting suspended from 3.22 to 11 a.m.]

CYSS SCHEME

The SPEAKER: I am disturbed by a report in the *Advertiser* this morning which said that yesterday I ruled that a request by the member for Mitcham for an urgency debate on CYSS funding was 'not of such importance as to require a special sitting'. I want to make quite clear that, in disallowing the request, it was not on the grounds of its importance, (that issue was not questioned) but as to its urgency. I indicated that there were more appropriate ways of raising the subject in the House before the vital cut-off date of 31 October. It is important that all the proceedings of the House be accurately and fairly reported. It is of extreme importance that, when rulings from the Chair are reported, they are correctly reported.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 801.)

Mr HEMMINGS: Good morning, Mr Chairman.

The CHAIRMAN: Order! The honourable member for Napier has the call, and the matter before the Chair for consideration by the Committee are the amendments from another place.

Mr HEMMINGS: Thank you, Sir. It just dissapoints me that, when I pass on my best wishes to you this morning, to—

The CHAIRMAN: Order! I draw the honourable member's attention to the fact that he has the call for the purpose of discussing the amendments from another place, without any preamble.

Mr HEMMINGS: Thank you, Mr. Chairman. The amendments that have come from the other place represent, in my opinion, a massive vote of no confidence by this Government in the Judiciary. It has also demonstrated the contempt in the way in which this Minister and this Government deal with the business fefore this Parliament.

The way in which the Hon. Mr Milne has been conned by this Minister is pitiful. We all know that the Minister has no regard for members opposite and obviously has no regard for the Hon. Mr Milne in the way in which he has publicly humilitated him in another place. It is the old pea and thimble trick. The Hon. Mr Milne will stand with a few cards; he thought he had won a few tricks; and then he lost the lot. This reminds me of an old saying, 'Hell hath no fury like a woman scorned'. The Minister has demonstrated that hell hath no fury like the Minister has been scorned. He was thrown out of the Industrial Court—

The ACTING CHAIRMAN (Mr Russack): Order! This debate has proceeded for some considerable time this morning, and the comments that the honourable member is making have been made by many members. According to the Standing Orders, repetition is not acceptable, and that could mean a member's repeating some points or honourable members repeating what other honourable members have said. It is getting to the stage where the same comments are being repeated by member after member. We are here to consider these amendments from another place, and I ask the honourable member for Napier not to be repetitious, but to tie in his comments with the amendments now before the Committee.

Mr HEMMINGS: I will link my remarks, but I think it is important, in dealing with the amendments from another place, to outline the trickery that has gone on to produce those amendments. Earlier this morning, the Minister said in this Chamber that agreement had been reached. The whole point of this legislation was to give the Minister powers to intervene in the Industrial Court where, in his opinion, the economy of the State was concerned. Yet by clause 7 we are to delete the Public Service Board and the Public Service Arbitrator from the provisions of the Bill. If the Minister were sincere in his comments in the second reading debate and in Committee about preserving the economy of the State, he would have insisted that the

Public Service Board be included in the provisions of the Bill. He has not done that, and yet he has the gall to make a statement to the *Advertiser,* when public servants are seeking a 13 per cent across the board wage increase, notice of which was served on the Public Service Board yesterday by the Public Service Association. Apart from the fact that it would cost the Government more than $100 000 000 in a full year, according to the Minister, the *Advertiser* report quotes him as follows:

He said it was a classic example of the pressure building up for a wages explosion which would do immeasurable harm to the State's economy. It also would lead to a significant increase in unemployment. A pay rise of this magnitude, if awarded, would force the Government to reduce its staffing levels.

Now comes the big crunch. The report continues:

If there were justification for the Government's new industrial legislation relating to the powers of the Industrial Commission, it was this claim, Mr Brown said.

And yet we have that deletion in clause 7. Earlier this morning, the Deputy Leader of the Opposition illustrated the Hon. Mr Milne's pitiful exercise in relation to these amendments. He was actually led by the nose by the Minister, by the lawyers of the Employers Federation and the Chamber of Commerce.

The Hon. D. J. Hopgood: The gutless Democrats.

Mr HEMMINGS: Yes, the gutless Democrats. I am not convinced that the Hon. Mr Milne insisted that the Public Service Board be deleted from the legislation. It is patently obvious that the Minister has another devious little trick up his sleeve. He tells us that further legislation is to be introduced in three weeks time to cover it. If he was sincere, the Minister should have stood his ground and insisted—

The ACTING CHAIRMAN: Order! I ask the honourable member to resume his seat. Once again, I point out to him that this morning the Committee is considering the amendments that have come from another place. How those amendments reached their present stage is not the interest of this Committee at the moment. Again, I ask the honourable member to confine his remarks to the amendments before the Committee and not to the circumstances surrounding their drafting.

Mr HEMMINGS: I bow to your ruling, Sir, but surely, on the same day when the amendments were being discussed in another place (and the Minister had come out quite strongly about a certain section of the community, whom he claimed was going to affect the economy of the State) I can talk about the background of why he decided to leave those people out. I am dealing with the amendments in that way. I am sure that the background is important. I ask the Minister why he allowed the public servants to be exluded from these amendments when they will be included in three weeks time.

I think it is a fairly safe bet that the Minister had one thought behind his actions in the con trick that he put over the Hon. Mr Milne. He is smarting because there was an agreement between the storemen and packers and Associated Co-operative Wholesalers. He wants this legislation to go through so that on 2 September he can go into that court armed with this legislation and be able to intervene.

The Hon. PETER DUNCAN: I have not had a lot of time to consider the amendments that have come from another place. However, in the brief time that I have had I have been carefully looking through them with great interest to see which matters of concern were raised by the member for Mitcham in this House earlier this week and as a result of which the honourable member indicated that the Australian Democrats would under no circumstances pass this legislation this week, and probably would not pass it at all. I want to see which principles have been embodied in these amendments. I have looked through them very carefully to see what possible difference the amendments could make to the principles of the Bill which passed this House and which would enable the Democrats to have changed their minds so much. I have looked through them very carefully and I refer, first, to amendment No. 1. I saw that that sought to delete the clause relating to the definition of 'industrial agreement'. Then I saw the next amendment, No. 2, which proposes to leave out section 108, dealing with the form and registration of these agreements. I looked further and saw the next amendment:

Page 2, lines 37 to 40—Leave out all words in these lines after 'includes' . . . and insert a declaration of the Commission under section 8 of the Industrial Commission Jurisdiction (Temporary Provisions) Act . . .

That is the so-called Temporary Provisions Act.

Mr Millhouse: Are you talking with the same voice as your Leader on this matter?

The Hon. PETER DUNCAN: If the honourable member had been here from the beginning of my remarks—

Mr Millhouse: I was.

The Hon. PETER DUNCAN: You were not. I saw you walk in.

The ACTING CHAIRMAN: I ask the honourable member for Elizabeth to ignore interjections. They are out of order.

The Hon. PETER DUNCAN: As I look through these amendments I see no fundamental changes which could possibly justify the Democrats changing their view about this piece of legislation. As the member for Napier indicated earlier, there is little doubt that the reason these amendments are put before us is that the Democrats have been leant on and, as usual, have failed the test when put under pressure. It has been a very salutary week for the people of South Australia and Australia. Finally, the Democrats have been brought to the barrier and have been found to be wanting in these matters.

The ACTING CHAIRMAN: Order! I point out to the honourable member that he is straying from the matter before the Committee—the amendments from another place. The honourable member for Elizabeth.

Mr Mathwin: Hear, hear!

The Hon. PETER DUNCAN: The member for Glenelg says 'hear, hear' as I get to continue. It is good to see I have support from the Government benches for my important and pertinent remarks.

The ACTING CHAIRMAN: Order! I ask the honourable member to come back to the amendments before the House.

The Hon. PETER DUNCAN: Certainly, Sir, I should not have taken notice of those interjections.

Members interjecting.

The ACTING CHAIRMAN: I ask the honourable member to continue without any comments.

The Hon. PETER DUNCAN: With the continued interjections, I have difficulty in proceeding at all. Given those difficulties, I will continue to deal with the amendments made in another place. In particular, amendment No. 4 causes me considerable concern. The definition of 'industrial authority' has been amended to delete reference to the Parliamentary Salaries Tribunal, the Public Service Board, the Public Service Arbitrator, the Local Government Officers Classification Board, and finally, or any other authority or person declared by proclamation to be an industrial authority.

I ask the question: what possible distinction can be drawn between the commission or a committee and those other industrial authorities? Why has it been necessary to delete those industrial authorities and to leave in the commission and the committees? I am a bit mystified, even perplexed, to know just why that distinction should have been drawn. What is the rationale behind doing that? I cannot see any

rational grounds for drawing that distinction. The only possible distinction that can really be drawn is that the commission itself, generally, and more particularly, the committees, deal with blue collar employees, and the less well paid employees and workers in the community, whereas certainly the Parliamentary Salaries Tribunal, and the Public Service Board and the Public Service Arbitrator and the Local Government Officers Classification Board deal with white collar employees. One might say that that does not stand up because they have included the Teachers Salaries Board. However, we well know that, given the very significant part of the State Budget that is paid out in teachers salaries, this is a matter of particular concern to the Government. So, we can set that aside. However, it seems to me that the basis, the only basis of this distinction, is to keep the screws on the less well paid members of our community.

Mr Millhouse: You mean the teachers?

The Hon. PETER DUNCAN: No, the blue collar workers who are dealt with basically by the Commission and more particularly by those industrial conciliation committees. It seems to me that that is the only basis upon which one can draw this distinction. I am absolutely flabbergasted to think that this Government has taken that sort of approach. I do not know for the life of me, to use a phrase that is very close to the heart of the member for Mitcham, why the Democrats would have agreed with this sort of suggestion. The only conclusion that I can draw in relation to it is that Mr Milne, being a man of some means and these Liberal members in the upper House, also being of some means, have little or no regard for the poorer sections of the community and were prepared to sacrifice them in order to get this harum scarum amendment (or 'compromise' is a better word for it) agreed upon. I think it is absolutely appalling that this deal has been done. I see no rational reason at all why these other authorities should be cut out and why the commission and the industrial conciliation committees should be left in. It may be that some of the members of another place were brought under particular pressures by certain people outside the Parliament. Maybe deputations from the various Public Service unions were able to influence members of another place. Maybe their own personal financial considerations came into play concerning deleting the Parliamentary Salaries Tribunal. I have no idea why the Local Government Officers Classification Board was deleted. It is certainly a strange situation. I am not saying that they should not have been deleted; I am saying that the commission and the committees should have been deleted as well. It is a very strange arrangement that has been reached as far as this particular amendment or compromise is concerned and one which I say is completely without explanation as far as I can see.

Mr Millhouse: If you had been here last night you would have heard me give the explanation, but you weren't here.

The Hon. D. C. Brown: Exactly the same with me, too.

Members interjecting:

The ACTING CHAIRMAN: Order!

The Hon. PETER DUNCAN: I was not surprised to hear the member from Mitcham and the Minister suggesting that they had given the reasons, and that they had given the same reasons, because quite obviously this is an example of collusion between the Democrats and the Liberals—to the detriment of the people of South Australia, the ordinary people of this State. I am sure that the ordinary people of this State will not forget this particular collusion, because the Democrats are really being caught out this week, but I am not allowed to refer to that any further, and of course I will not.

As well as the deletion of the Local Government Officers Classification Board, the Parliamentary Salaries Tribunal, the Public Service Board and the Public Service Arbitrator, we have the deletion of new subsection (2), which provides:

The Governor may, by proclamation, declare an authority or person to be an industrial authority and may, by subsequent proclamation, vary or revoke any such declaration.

If it is worth having this definition of 'industrial authority', I would have thought it was worth giving the Governor discretion enough to be able to extend this to any particular authority where the Minister felt the need to exercise this power that he says is necessary—a power which the Opposition does not say is necessary at all but, nevertheless, a power which he considers necessary. That is an interesting amendment and one that has no rationale in my view at all. The next series of amendments seek to insert new section 146c, as follows:

This Division applies in relation to all determinations made after the commencement of the Industrial Conciliation and Arbitration Act Amendment Act, 1981, whether made in proceedings that were commenced before or after the commencement of that amending Act.

It is becoming more and more obvious just what the Government is up to. It is clear that the whole purpose and intention of this legislation is to allow the Government retrospectively to give itself power to be able to intervene in the Associated Co-operative Wholesalers case. There is no doubt about that.

The Government's compromises, such as they are (shady agreements with the Democrats), have been prepared to give away anything as long as the Government gets the power to get into the commission to oppose the agreement between Associated Co-operative Wholesalers and the Storemen and Packers.

Mr Trainer: A new deal with the *de facto* Liberal Party?

The Hon. PETER DUNCAN: That is an interesting comment. There is no doubt that the words 'whether made in proceedings that were commenced before or after the commencement of that amending Act' are clearly intended to ensure that this Government, that this Minister, can intervene in those proceedings. There is absolutely no doubt about that. The community in South Australia should roundly condemn the Minister for not having the guts to say in Parliament that that was what he was actually on about.

He denied it and edged around it the whole time the debate has been going on. He refused to come clean with this Parliament. I have no doubt that in a few days, after the passage of this legislation (in the sorry event that it does pass), what will then happen will be that the Minister will immediately be intervening in that case.

The ACTING CHAIRMAN: Order! The honourable member's time has expired.

The Hon. J. D. WRIGHT: At the conclusion of my time limit last night, the first 15 minutes that I was entitled to, I had commenced to go through the old clause 7, which is as follows:

The following division is inserted after Division 1 or Part X of the principal Act:

This appears in the original amendments produced in this House by the Minister in regard to new section 146a. At that stage, we understood that the industrial authorities that were included in the amending Bill would be effective in relation to the deliberations and opportunities that the Minister was giving himself, in regard to the intervention rights inssion, a committee, the Parliamentary Salaries Tribunal, the Publcssion, a committee, the Parliamentary Salaries Tribunal, the Public Service Board, the Public Service Arbitrator, the Teachers Salaries Board, the Local Government Officers Classification Board, or any other person or authority declared by proclamation to be an industrial authority.

I was quite surprised to find what was contained in the amendments to the Bill after the summit conference of

yesterday between the Democrats and the Liberal Party. We find we are left now with three of the eight originally suggested industrial authorities. We are left with the commission, which no doubt takes in all aspects, or 90 per cent of them, of the industrial activities of this State. No doubt the summit conference agreed that that was proper (I disagree with that) so that the Minister could envelop all of those cases in which he wanted to intervene. The committee now looks after the industrial committees. Then there is the Teachers Salaries Board. It is quite evident that the Minister is looking for some sort of retrospectivity, although it is not stated in the amending Bill. Quite clearly it is suggested that—

The Hon. D. C. Brown: No, it's not.

The Hon. J. D. WRIGHT: If that is not so, I would like an explanation from the Minister why he has left in the Teachers Salaries Board at this stage. I do not agree with the Bill. The member for Salisbury made out a very effective and engaging case in regard to the Teachers Salaries Board and, of the eight authorities listed in the first place, five are going out and the Teachers Salaries Board is left in.

The Hon. D. C. Brown: The others are coming back in three weeks, and you know it.

The Hon. J. D. WRIGHT: If that is the case, the whole Bill should be coming back in three weeks. We should be reporting progress and coming back in three or six months to give a decent consideration to the Bill. The *Advertiser* was very concerned about the conduct of both sides of the House, but more particularly about the conduct of the Government in trying to bring in legislation by exhaustion. Clearly, that is what the Government is about. The Minister has admitted to the House that the Bill is a shambles and a farce and that he will bring it back in three weeks. Why not bring the whole thing back? Why does he not move now that progress be reported and come back in three weeks so that we can all consider the Bill. The Minister has said that the Bill will be amended in three weeks: how effective is legislation in those circumstances? That shows how big a farce the whole thing is. The Minister will not report progress, although he should do so.

I am surprised that the Democrats agreed that the Parliamentary Salaries Tribunal be taken out of the Bill. I do not know whether the Minister intends to bring it back in. No-one in this House or in the State has condemned the decisions of the Parliamentary Salaries Tribunal more than has the member for Mitcham, and the Democrats make a consistent play of not accepting wage increases. I do not know whether the honourable member does that, but he says so in the press. I do not know the physical effect on his pay envelope, but I know that he criticises the decisions of the Parliamentary Salaries Tribunal. Yet here we find that he is taking out of the Bill that tribunal and leaving in the commission, a committee, and the Teachers Salaries Board.

Where is the consistency, the honesty and the integrity in that sort of thing? How will it look publicly, when one remembers that, in only yesterday's press, the member for Mitcham made a clear and concise statement that this legislation would not go through this week? It is now going to go through because of the weight of numbers. There is no question about that. I believe that this is how it is going to be covered—that the member for Mitcham excluded the Parliamentary Salaries Tribunal.

Mr Millhouse: Do you think I did it out of sheer wickedness?

The Hon. J. D. WRIGHT: No, I think you were looking for some sort of saver. The member for Mitcham got into so much difficulty with his outlandish statement in the House that he could not back up that the Minister and the Minister's staff said, 'Look, Robin, you are not a bad bloke. We have to save your face publicly. What about if we shift a few commas around, change a few adjectives, and you can vote for it, and you'll be all right with your Party?' The Minister laughs all the way to the bank. There is no question about that. He has won this battle all down.

I want to know from the member for Mitcham, who has been responsible for these amendments, how he can justify leaving in the Bill the Teachers Salaries Tribunal, the commission, and a committee, and taking out the Parliamentary Salaries Tribunal, which he has condemned on many occasions and the decision of which he has refused to accept. That really surprises me, and I do not think he has done himself much good in this regard. I suppose one could say something similar about the Minister, although I believe that the Minister has won this battle with the Democrats completely and utterly.

I want to go back to clause 6 in the original amending Bill, which concerned me at that particular time. The whole Bill concerns me and my Party, because we think it is quite unnecessary, but I was concerned about clause 6 (2), which at that stage read:

> An industrial agreement has no force or effect unless it is registered.

The Minister has explained that clause 6 in its entirety has now been taken out of the Bill. When the Minister replies he may be able to explain the position to me, but I think I have this matter correctly. The loss of that subclause now appears to come in under new clause 8. What appears to have happened on the surface, from looking at the taking out of clause 6, is that the Democrats have made some ground in relation to the arguments put by the member for Mitcham when he spoke in the second reading debate. But then, if you are careful and examine what has happened, it seems that the powers given to the Minister and the Government in clause 6 are now transferred to clause 8.

Therefore, as I have said, there has been a jostling of words, a replacement of words, and so forth, in a window-dressing exercise that does not achieve anything. In fact, I think it makes the Democrats, as I said last night, look totally gutless in their approach to these things, because it is evident that the Minister has won the battle hands down and has given nothing away, except, I suppose, that the Minister's right to intervene in all tribunals has been somewhat lessened. Although that right has gone, those tribunals will have to abide by everything else in the legislation, the economic circumstances the Minister wants to go in. I have talked about those tribunals that have presently been deleted from the legislation.

If the Minister's guarantee that he will return this Bill to the Parliament in the next three of four weeks is carried out, and if he returns to the industrial authority the authorities that have now been taken out, it remains a temporary victory for the Democrats, one for which they can claim no credit because the Minister says he will be putting them all back in. Temporarily they are out. I cannot understand that sort of legislation, where we rush legislation into the House, want it through in a couple of days, and then decide there has to be some face saving on behalf of the Democrats, so give a little to them, very little indeed (somebody said last night that it was so little that it was nothing) and then freely admit the legislation is a temporary measure that will not work and needs to come back and be looked at again. I do not think that this is good enough. I do not think the State of South Australia thinks it is good enough. The *Advertiser* said this morning, that this legislation may be needed (they are not disputing the fact it may be needed)—

The Hon. D. C. Brown: Aren't you disputing the fact, now?

The Hon. J. D. WRIGHT: I am disputing it; I am saying the legislation is not needed. I am saying what the *Advertiser* said. I do not agree with the *Advertiser* on that basis. I am agreeing with the *Advertiser* in relation to the agrument about a need to rush this legislation through as quickly as has been done. The *Advertiser* picked up that point and, as I have been saying consistently since this legislation came into the House (and this is recorded in my second reading speech) the whole purpose of this exercise by the Government was to satisfy the employers (there was some sort of arrangement or deal made) and, secondly, to ensure that it could move in as strongly as possible with the heaviest hand it could muster into the case which is occurring on Wednesday, which is the wholesale grocers case and the storemen and packers. This is the one the Minister is after at the moment.

This is exemplified by the fact that the member for Mitcham now agrees and confesses he made a mistake in the dates when the case was to come on. He did no deny it; he was honest enough to admit last night that he made a mistake. Therefore, he also wants to give the Minister the power to intervene in that case. At least that is out in the open. I believe that there is no philosophical difference between these two Parties: the Democrats are nothing more than disguised Liberals when the pressure comes on.

Mr Millhouse: Liberals in dirty white shirts.

The Hon. J. D. WRIGHT: I did not notice that your shirt was dirty, so I will not say that. Nevertheless, you are a disguised Liberal and you might as well move holus-bolus back into the Liberal Party both Federally and on a State basis if they will have you. The Minister is smiling so he probably does not believe that he wants you.

I know my time has almost run out. I have not been happy with this legislation; I do not see a need for it. From the beginning I have said that the Minister has had the power he needs to move into these particular areas. When I was a Minister, I did this on occasions myself when I saw a matter that needed intervention. The intervention rights were there. From memory, the Labor Party put clause 44 in there. This legislation is going much further than any other tribunal's powers in Australia. It is going much further than the Federal Government ever required. Last night the Minster tried to make an excuse to me that other States were going to do it. On ringing other States, I found that there is certainly no activity at the moment as there has been in this State. It all boils down to the fact that the Minister is after the storemen and packers. This is the whole exercise we have been about. Before I finish I want to place on record, I know I have only half a minute to do so—

The CHAIRMAN: Order! The honourable member's time has expired.

The Hon. J. D. WRIGHT: I started at half past 11, Sir; would you let me finish?

The CHAIRMAN: The honourable member's time has expired.

The Hon. J. D. WRIGHT: That means I will go another 15 minutes and hold you up longer, Sir, I had one more sentence.

The CHAIRMAN: The honourable member for Semaphore.

Mr PETERSON: When the Bill originally went through this House, I opposed it. I opposed the principle espoused in such a Bill. In its original state, it was distasteful enough, a disgusting piece of legislation. The principle in the original Bill was bad enough, but now it has been processed through the other place. Many comments has been made about the actions taken up there and the arrangements made, whatever the reasons.

The Hon. Peter Duncan: Do you agree—

Mr PETERSON: Could I finish? I did not interrupt when the honourable member spoke. He should let me speak.

The ACTING CHAIRMAN: Order! Interjections are out of order.

Mr PETERSON: There have been comments about the arrangements made in the other place. I do not think anyone knows what happened there except the people who are concerned. The Bill has been returned in a form that is even more obnoxious. The selective treatment of different classes of people is an even more obnoxious provision. Why should there be different rules for different people? Surely, if such legislation is to be passed, we should all be equal. In the eyes of God we are equal, so surely we should be equal in the eyes of the Parliament and the people who administer the law. That is the point that worries me about the legislation as amended.

Comments have been made about the legislation's being rushed through the House. I must admit that it does appear to have been rushed through here. There is no doubt in my mind and in the mind of most people in this House that there is some specific reason for this eagerness to get the legislation through. It seems that there is definitely some group in our community which has been singled out to get walloped with this as soon as possible. I see no other reason for the eagerness.

Mr Millhouse: You'll be getting Labor preferences if you go on like this.

Mr PETERSON: Does the honourable member think so? It is my philosophy, and I have never denied it. The situation with the legislation at this stage must be questioned. Everyone is tired—

Mr Millhouse: I'm not.

Mr PETERSON: Lucky man! There is some comment in a newspaper that I have managed to read somewhere in the rush of the past few days about the technique of bringing in legislation when people are tired. Even if this had been at the beginning of the Parliamentary period, after the hours put in this week everyone would have been a little weary, except those who are not here for most of the time. Does the honourable member want me to go on?

The ACTING CHAIRMAN: Order! We are discussing the amendments, and I ask the honourable member to come back to the amendments.

Mr PETERSON: The tiredness and weariness after the time we have been here may have contributed to why the legislation has been brought forward in this way. Perhaps, through weariness, people in the other place were not thinking as clearly as they could, but they have amended the legislation and made it worse. It saddens me that the one person in this Parliament who has said that he has the balance of reason has taken this action.

The Hon. Peter Duncan: Who—Lily-livered Lance?

Mr PETERSON: I do not ever talk about people in that way.

Mr Millhouse: I would have thought that was the sort of thing you would reserve for your own people.

The ACTING CHAIRMAN: Order!

Mr PETERSON: He has the balance of reason and then supports this piece of legislation which is not reasonable at all. It causes divisiveness, and makes a division between classes of people, if we use that term, or types of people, types of employed people, and that is a terrible thing. This legislation has been pressed with surprising energy by the Government and by the Ministers concerned.

The question must be asked, I think, why there is this eagerness and this sudden zing to get it through. It has been mentioned previously that, for instance, we could have left it for three weeks. We could even have come back next week—I am not going to the Royal Show and I am not going on holidays. I would have been quite happy to come

back next week rather than sit the stupid hours that we have been sitting.

The ACTING CHAIRMAN: Order! I ask the honourable member to resume his seat. I point out that he is straying from the matter before the Committee. Circumstances surrounding the sittings of Parliament have nothing to do with these amendments. I ask the honourable member to come back to the amendments.

Mr PETERSON: Certainly, Mr Acting Chairman, and I apologise for my transgression. It is important legislation and these are important amendments. I believe that more time is needed for community input, for union input, and for alleged consultation by this Government. More time is needed for this legislation, which gives the Minister terrible power. The amendments make the Bill even worse and give the Minister even worse power, and I object to them.

Mr WHITTEN: I wish to address myself to the Bill as it has been returned from another place. I have not been able to speak to this Bill before because of circumstances beyond my control. I believe that this Bill, particularly clause 4, has a bias. I believe that there is a very grave bias towards people on higher salaries as opposed to blue collar workers. Clause 4 states that 'industrial authority' shall mean a commission, a committee or the Teachers Salaries Board. That leaves Parliamentarians, salaries out of it, and I do not believe that that is right. I certainly condemn the member for Mitcham for influencing his colleague in another place to agree to this. I think it is hypocritical. I am certainly disappointed that he is not in the Chamber at the present time.

It also shows the Minister's contempt for people on lower wages. People on higher salaries certainly receive many privileges in this Bill. I believe that the real reason why the member for Mitcham and his colleague in another place agreed to these amendments simply indicates what has been evident for so long: the Democrats were elected by people who do not know what they want. Certainly the Democrats do not know what they want, otherwise they would have done the decent thing in another place.

I am also concerned that the powers of the Judiciary are being tampered with by these amendments. I have been concerned about the powers of the Judiciary all through this Bill. I am unable to comprehend the reason for the alterations to the definitions in clause 4. If we are going to retain the reference to a commission, a committee or the Teachers Salaries Board, we should also include the Parliamentary Salaries Tribunal, the Public Service Board, the Public Service Arbitrator and the Local Government Officers Classification Board, because it appears that we are protecting those on much higher salaries, and I believe that is absolutely wrong.

It also appears that the amendment in new section 146c will enable the Minister to intervene and oppose any benefits for workers in relation to a shorter working week. I have mentioned that on both occasions that I have spoken to this Bill in relation to Associated Co-operative's application before the court for satisfying a freely negotiated agreement. The Minister is hell-bent on ensuring that workers do not obtain any reduction in hours whatsoever.

That applies whether it is because of productivity, or whatever. He can see that if there is a breakthrough there, if a matter is freely negotiated, the employers want to give the increases and the agreement is registered in the court, then there will be added activity and workers will surely obtain a shorter working week. The working week will be of less than the 37½ hours obtained by workers at Associated Co-op. I believe it will inevitably be a 35-hour-week. I hope I am still here when that comes about, because I have advocated it for some time.

I turn now to new section 146c, which appears to me to impose retrospectivity. The Liberal Party has always opposed retrospectivity in any way whatsoever. Now, when it suits them to go to court against something that has been agreed, they can knock that agreement over, because new section 146c states:

> This Division applies in relation to all determinations made after the commencement of the Industrial Conciliation and Arbitration Act Amendment Act, 1981, whether made in proceedings that were commenced before or after the commencement of that amending Act.

That shows retrospectivity coming into the matter, and it shows that the Liberal Party is no different from what it has always been. The amendments that came back from the other place show that the Democrats are no different from what they have always been—they have always been half-baked Liberals who have been chucked out of the Liberal Party, which I am sure does not want them back. I echo the words said about the Democrats yesterday in another Parliament.

Mr Millhouse: Will you answer one question before you do?

Mr WHITTEN: I am answering no questions, Mr Chairman, particularly those from a Democrat, because I want to show my contempt for the Democrats.

Mr Millhouse: Do you know what Party Lance Milne used to belong to?

The ACTING CHAIRMAN: Order!

Mr WHITTEN: The member for Sempahore concluded his remarks by saying that he does not think the Upper House knows what it is doing. It is not often that I agree with the member for Semaphore, but he said he does not know what the Upper House is doing, and I am sure he does not, because those with a lot more knowledge than the member for Semaphore and I, or the Minister, do not know what is going on either. If this legislation is not thrown out, it should be delayed as long as possible.

Mr PLUNKETT: I spoke to the original Bill and expressed my concern about it. I now express my concern further about the amendments that have come back from the Upper House. These amendments are every bit as bad as, if not worse than, the proposal put forward by the Minister. This is the Liberals showing their true colours. They are attempting to divide the workforce. I do not think the Democrats are worth discussing, but when I mentioned the Liberals I included the Democrats. The Democrats have shown their true colours, but they are probably not even wanted by the Liberal Government. They are completely gutless. If they have opposed anything the Liberal Government has done, on most occasions when the Bill has come back it has been worse after being amended by the Democrats.

These amendments will cause Industrial Court chaos, and I would suggest that that is what the Government meant to do. The Liberal Government is taking this line in order to cause industrial chaos. I said in one of my speeches when I spoke on these two amendments, which go hand in hand, that this is what happened in Germany back in the 1930s.

Mr Millhouse: No. Keith, that's the other Bill.

Mr PLUNKETT: No. In fact, from what members opposite, including the Democrats, have said, one can see that members opposite have the right fodder to introduce a fascist Party. They are showing this in their attitude towards the workers. The sooner the election comes the sooner people will have a chance to vote this Government out. Also, people will show their disgust with the representation of the Democrats, or the so-called Democrats, because they went along hand in glove with the Liberal Party. I would like to hear the reasons why blue collar workers are excluded. One can see the Government's class

distinction. The Government is trying to divide the classes of blue collar worker and white collar worker. It is a sorry day for this State when these sorts of amendments are introduced into this place. I want to register my disgust with the Government for introducing them and my disgust with the Democrats for going along with the amendments that they put up, which make this provision read worse than it read previously.

I think that, if notice had been taken of the Liberal members who have spoken on these amendments and their attitude towards the working people, everyone in the work force would have to be concerned about the two sets of amendments which the Minister has put up, and which go hand in glove.

Mr McRAE: I am reminded by my colleague the member for Mitcham that last night I did in fact call him corrupt on one occasion without withdrawing the remark. I recall calling him corrupt and withdrawing it on another occasion. I make the following comments so that there is no doubt on the record. While I say that the member for Mitcham has entered into a transparently inept and stupid agreement with the Liberals, I am not saying that he is in any way corrupt, and I am sorry that I ever did. All I am saying is that the honourable member is being conned by this vicious Minister over there—year colleague, Sir.

I want to get on the record the way in which this conspiracy of rich men opposite is strangling justice in this State. I refer to a famous judge on the South Australian Industrial Court, a court that has had a long and honourable history. It has not had a happy history; it has been berated by the unions and advocates, including myself, on many occasions, and by employers on many occasions. I know that the member for Hanson, for instance, would have experience of both sides. It has also been berated by Governments of all persuasions.

However, the court has had a long and distinguished history of dealing equitably. Mr Justice Kelly, in 1931, during the depth of the depression, had this to say in regard to a claim by police officers when the Government of the day intervened and said that it simply could not pay. I was about to give the quote last night or some time this morning when you, Mr Acting Chairman, reminded me that my time had expired. It is in volume 12 *South Australian Industrial Reports* 1932-33, p66, as follows:

> This court cannot allow itself to be influenced when dealing with Public Service employees by Governmental policy any more than it could allow itself to be influenced when dealing with private industries by a policy of private business management.

Obviously, that is so. It is because of that attitude (whether their actual implementation of that attitude has been right or wrong is, and always has been, open to argument) that our court has been held in such high regard. This conspiracy of rich men has occurred because this court has defied the Governmental policy; it has gone against what the Government wants, and this conspiracy opposite has turned around and tried to strike at its jugular. That is what it has done.

It is no good the Minister's trying to hide behind this vague phrase 'public interest'. 'Public interest' means anything and everything. I am not going to continue, as I know that you, Sir, will not allow repetition—I want to stress that teachers, the whole Public Service, the whole Police Force and the whole workforce, who have hitherto expected justice in the ordinary course of events in that very distinguished court, can now expect the Friedmanite monetary policy to be espoused by Government advocates and economic experts day in and day out in that court. Unions and employees will have to expend an inordinate amount of money in an attempt to counter it.

God knows how one counters it, because I know that my friends who hold academic positions in science, art or economics, tell me that it is impossible to gain any conception today of whether the Keynesian theory or the Friedmanite theory is correct. But this conspiracy opposite me will produce that Friedmanite theory in the same way as the Government's Federal colleagues have done. The unions of this State are going to have to counter it. Just how the court will determine that matter is beyond me; I do not know. I suppose that it will have to say, 'In the public interest, we determine that the Crown has not discharged its onus.' I hope that it says that.

Mr Millhouse: It is quite likely to do that.

Mr McRAE: I hope it does. Anyway, it is for the commission to say what it does. However, it is a sad day in the history of this State when that court, with that record, can no longer act with equity, good conscience and on the substantial merits of the case, because good conscience is gone! We know that good conscience is gone from this Parliament between this Minister—contemptible as he is and the way he conned the Australian Democrats last night. We know that good conscience is gone there.

The ACTING CHAIRMAN: Order! I have been listening carefully and I do feel that the honourable member has related much of the substance of his speech to the amendments. However, he is now straying away from the amendments. I would like the honourable member to come back to the matter before the Chair.

Mr McRAE: I thank you for your advice, Mr Acting Chairman, and I accept it in good part. Whether or not you are pleased to hear it, I will shortly be winding up.

The Hon. D. C. Brown: You're only upset because the member for Mitcham is more astute than you.

Mr McRAE: This contemptible little Minister interjects and starts to drive a wedge

The ACTING CHAIRMAN: Order! I ask the honourable member to ignore the interjection.

Mr McRAE: The interjection will go into *Hansard*, and I hope my reply will go into *Hansard*. There is no division as lawyers between my colleague the member for Mitcham and me—

Mr Millhouse: Hear, hear!

Mr McRAE: He says 'hear, hear!' We know where we stand as lawyers: we stand as one. In political terms we happen to disagree on this matter. I want to wind up by saying that we have spent all this time, when the Minister himself has said that we will have to come back in 2 weeks. What can we do then?

Do we go through this whole farce again? I presume that we do. What can the Labor Party, as an Opposition, do more than it has done to demonstrate the evils to the community? It is very difficult to do it when the press cannot grasp the point of what is going on, or does not want to do so. One suspects that it does not want to do so and wants to sensationalise the whole issue. We have done our best. We have exhausted ourselves. I expect that we have exhausted you, too, Mr Acting Speaker. It has not been done out of spite or malice but out of a conscientious belief that this is evil legislation, and we must in every way try to stop it. I feel that there is nothing more that I can do, except to totally reject it again.

Mr MILLHOUSE: I have quite enjoyed this debate. I suppose everyone enjoys it when he is the centre of attention, as I seem to have been and my Party seems to have been for the past four or five hours. I must say that, if I thought that members meant what they said or that there was any truth in what they said, I would be rather depressed by it, because there have been reflections on my ancestry, my capacity, and my future, but none of these things worries me. Let me say, as I said last night (members were a little tired and emotional—I think that is the journalistic phrase) what has happened and why the Democrats have

acted as they have done. For the life of me, I cannot understand why, when the commission scrutinises the agreement between the storemen and packers and the grocers that would allow for a 35-hour week, the commission should not take into account the public interest. The public interest is defined in new section 146b of the Bill. I cannot for the life of me see why the commission should not be obliged to take those matters into account.

I do not believe (and this point has been made by members on this side, and by the Hon. Mr DeGaris in another place, and I mentioned it in the second reading debate) that the definition of 'public interest' is a perfect one, because I find it hard to believe that there is an 'economy of the State'. But, given that imperfection, which I hope we will be able to consider again in a few weeks time and put right if we can find a better form of words, it seems to me desirable that the commission should be able to take into account the public interest when it scrutinises that agreement.

That is the nub of the matter. When I spoke in the second reading debate, I made a mistake and believed that this Parliament had time, as it should have had time if the Bill had been introduced earlier, as it could have been, to consider the matter before the hearing. Only yesterday I found that we did not have time, and there was no alternative but to resile from the position that the Hon. Mr Milne and I had taken the night before. You can call it gutlessness, backing down, or whatever you like, but it seemed more desirable for us to have done that and to have egg on our face, as some members have said we have, than for that agreement to go to the court, without the court having to consider the public interest.

Having reached that position, there was absolutely no alternative but to allow something through, even though we resented the lateness with which the Bill was introduced by the Minister. It should have been introduced a month before, and I believe that it could have been, but, whether or not it could have been, there is no point in arguing about the matter now. We have to take the situation as we find it and hope that it will be better next time. Once that situation had been arrived at, all that we could do was try to make the best of it.

The best of it, in my view, was to give the Government only what was required in the next couple of weeks for that case and for the one before the Teachers Salaries Board. These amendments were drawn at our insistence for that purpose and that purpose alone, and on an undertaking from the Minister, which he has since mentioned here, that there will be an opportunity in the next few weeks, he said (two or three weeks were mentioned; we cannot hold him to that but that is what he said), to consider all these matters again.

This Bill is only meant to be a holding operation. To that extent I have had to trust the Minister. I believe I can trust him because he has committed himself, and the Government, to bring in another Bill in due course. In the meantime, if we find that the Bill we have before us now is all the evil and inept things that the Deputy Leader of the Opposition has said it is, then, as the Labor Party well knows, we will have an opportunity to change it.

The Hon. J. D. Wright: Three weeks is not long enough to test it.

Mr MILLHOUSE: I thought the shadow Minister was complaining because the legislation would be tested next Wednesday. We cannot have it all ways. We have been put in an awkward position because of the lateness with which this Bill was introduced and is being debated. This is the Government's fault, in my view.

Mr Langley: They will have a strike on their hands.

Mr MILLHOUSE: Maybe they will. On the other hand, the Labor Party has been intransigent to the point of utter stupidity. I know they like to be able to take a rise out of me; they do not often get the chance. This was a golden opportunity to say things about me, but that is part of the game. I have enjoyed the debate. If I thought they meant what they said, I might have been a bit upset, but I am not at all upset. That is not the point of the exercise; the point of the exercise is whether the commissioner should take this very important matter into account and, whatever you think about the 35-hour-week principle, it is a very important matter—also, the Teachers Salaries Board and in due course every other tribunal (the ones that are being left out, the blasted salaries tribunal and so on). We only left in those which needed to be left in because they may have to consider these matters in the next few weeks.

The Hon. J. D. Wright: That was only window dressing, wasn't it?

Mr MILLHOUSE: No, it was not. I would have liked to cut them all out, quite frankly. I did not want to have them in at all, but the Minister convinced us that some of them had to go in. I accepted that. I may have been conned. I have said that before. I make mistakes almost half the time, if not more than half the time, and this may be one of them. I do not believe it was. So far, despite all that has been said, I do not regret it. That is about all I need to say, except to give one assurance to members on this side of the House: the Democrats are not, nor are they ever likely to be, merely an appendage to the Liberal Party. A week or so ago the Premier said that I was nothing more than a hanger-on of the Labor Party. I suppose it is our role to be kicked from both sides and to increase our electoral support thereby.

The Hon. J. D. Wright: The Premier has been known to be wrong before, though, hasn't he?

Mr MILLHOUSE: You have also, I think. I do not know whether the Deputy Leader has ever admitted a mistake. I think he has made a few. That is the nub of the thing. Because of the mistake I made earlier I found only yesterday that there should be something on the Statute Book in the next couple of weeks. This is a holding operation. I am not particularly happy about it, but I have had to accept it because I believed that there was justice and right and accuracy in what he was saying, that it was entirely necessary.

The Committee divided on the motion:

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

Noes (18)—Messrs Abbott, L.M.F. Arnold, Bannon, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Langley, McRae, O'Neill, Payne, Plunkett, Slater, Trainer, Whitten, and Wright (teller).

Pairs—Ayes—Messrs Blacker, Gunn, and Tonkin. Noes—Messrs M. J. Brown, Keneally, and Peterson.

Majority of 4 for the Ayes.

Motion thus carried.

The Hon. E. R. GOLDSWORTHY (Deputy Premier): I move:

That Standing Orders be so far suspended as to enable the Clerks to deliver messages to the Legislative Council while this House is not sitting.

Motion carried.

PERSONAL EXPLANATION: PRESS REPORT

Mr HAMILTON (Albert Park): I seek leave to make a personal explanation.

Leave granted.

Mr HAMILTON: This morning, in an article that appeared in the *Advertiser* under the heading, 'I want apology on drink claim—Goldsworthy', certain remarks were attributed to me. On speaking to the Deputy Premier this morning at 10.57, I was told by him that he did not make those comments that I was involved. Page 17 of the *Hansard* pull of yesterday also points to the fact that my name was not mentioned I would like to place on record that in no way was I attributed with those remarks made in Parliament on that day.

ADJOURNMENT

At 12.27 p.m. the House adjourned until Tuesday 15 September at 2 p.m.