HOUSE OF ASSEMBLY

Wednesday 13 April 1994

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

CAPITAL PUNISHMENT

A petition signed by 51 residents of South Australia requesting that the House urge the Government to reintroduce capital punishment for crimes of homicide was presented by Mr Becker.

Petition received.

MURRAY RIVER

A petition signed by 209 residents of South Australia requesting that the House urge the Government to ensure that water to consumers drawn from the River Murray is filtered was presented by Mr Lewis.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 64, 74, 80, 84 and 89.

PAPER TABLED

The following paper was laid on the table:

By the Premier (Hon. Dean Brown)—

Commission of audit—terms of reference.

HOUSING MINISTERS CONFERENCE

The Hon. J.K.G. OSWALD (Minister for Housing, Urban Development and Local Government Relations): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.K.G. OSWALD: Housing Ministers met in Adelaide last week on 7 April to explore options for reforming housing assistance arrangements and to agree to a work program for the preparation of a report to the Council of Australian Governments (COAG) by August. The meeting proved to be highly successful and has presented the first opportunity for several years to significantly improve the efficiency and effectiveness of housing assistance delivery. Housing Ministers approved a comprehensive work program to be undertaken by senior housing officials and independent consultants over the next three months, leading to a further meeting of Housing Ministers in Sydney in July.

Independent consultants will be commissioned to develop a set of core indicators of housing need and to develop clear measures of efficiency. They will also be asked to formulate outcome measures which will enable the performance of housing authorities to be assessed against national objectives. Further work will also be undertaken to improve the links between State Housing Authorities and the Commonwealth Department of Social Security on issues such as income assistance, rental deduction schemes and arrears management.

South Australia will contribute to the work of developing efficiency measures where our State has already made significant progress. South Australia will also make a major contribution to work on reforming the existing Commonwealth-State Housing Agreement (CSHA) to achieve greater flexibility in financial arrangements and streamline reporting arrangements. The current basis for allocating funds to the States under the CSHA will also be examined.

UNIVERSITY OF SOUTH AUSTRALIA

The Hon. R.B. SUCH (Minister for Employment, Training and Further Education): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.B. SUCH: Recently there has been considerable interest in the University of South Australia and what it is likely to do in relation to its campuses, particularly the one at Salisbury. I have met with the Vice-Chancellor and the Pro Vice-Chancellor (Equity) to discuss the issue, and on my most recent visit to the Salisbury campus yesterday I met with staff and students and inspected the facilities. While the State Government has no power to direct the university, it is vitally interested in the availability of educational programs.

During all my discussions with the Vice-Chancellor, I expressed that Government's strong view that the people of the northern suburbs should not be disadvantaged in educational terms by a plan to move courses from the Salisbury campus over the next decade. I also asked the university last Friday to provide me with a detailed statement on its plans for change. The university has previously stated that it plans to move mainstream academic programs from the Salisbury campus to The Levels. These include the Aboriginal Studies bridging program, the Graduate Diploma in Education, the Applied Science and Technology courses, nursing programs, the Graduate Diploma in Education, the Pathfinders program and the University High School.

I would now like to read to the House the relevant section on the Salisbury campus from a lengthy statement on the university's corporate development plan provided to me yesterday by the Vice-Chancellor, as follows:

> Since less than 10 per cent of the students from the northern region who attend university do so at the Salisbury campus, we hope that the developments at The Levels will attract many more northern students to courses and programs which will offer sound prospects for future employment. The university's planned relocation of its mainstream academic programs away from the Salisbury campus between now and the end of the century and their consolidation on other campuses has been criticised by those who argue that this will reduce access to a university education for those people living in the northern suburbs of Adelaide.
>
> While it is understandable that there is a perception that an educational resource is being removed from an area which has not been generally well served in comparison with other parts of Adelaide, it should be recognised that the Salisbury campus as one of our two northern campuses has neither been a major point of access for the majority of this community, even in terms of those who are currently enrolled at the university, nor has it the potential to perform this role in the future.
>
> Those who argue most passionately that the Salisbury campus is an essential access point to the university for people who would otherwise experience barriers to achieving this rely on two main assertions: that access for them depends upon close physical proximity (walking distance from home), on the one hand, and that there are cultural barriers arising from socio-economic status which are overcome by the existence of a campus which is seen to be part of their community.

The Vice-Chancellor goes on to say that, of those students currently enrolled at the university who live in the Salisbury

area, three-quarters are attending courses on the other campuses. He also says that of the quarter who are attending the Salisbury campus, there is a concentration of home addresses in the suburbs around the campus but that university records show that a significant proportion of them have moved to accommodation in the area from other suburbs after enrolling at Salisbury. On the subject of access equity, I quote again from the Vice-Chancellor's statement, as follows:

> The University of South Australia is committed to improving access, participation and outcomes for those groups in the community who, for a variety of reasons, including socio-economic status and geographic location, are currently under-represented in comparison to their numbers in the wider community.

While I can understand students' concerns about future changes, I note that the university has given an undertaking to greatly expand the range of academic programs at The Levels, which is 5km from the Salisbury campus. The Levels will then become the university's largest campus and have the widest range of academic programs of any of its campuses.

The SPEAKER: I point out to the Minister that he was debating a particular matter that is listed on the Notice Paper. The Minister for Health.

FLINDERS MEDICAL CENTRE

The Hon. M.H. ARMITAGE (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.H. ARMITAGE: I am pleased to announce that Cabinet has agreed to a proposal which will see the Flinders Medical Centre and the private sector proceeding to develop detailed costings and plans for the construction of a $50 million 100-bed private hospital, a Lions Ophthalmic Centre and a day surgery suite to be integrated with the Flinders Medical Centre. If these detailed costings and negotiations are favourable—and there is every expectation at this stage that they will be—they will be presented again to Cabinet to obtain approval for the project. If plans proceed accordingly, the private hospital could be up and running by the beginning of 1996.

This project is of major importance in and of itself, but if it were simply left as a one-off, as may well have happened under the previous Labor Government, it would have been an interesting and beneficial experiment but not much more. What I would like to put on the public record is that this project is indicative of a more profound change in the direction that health will take under this Government which it did not previously. What members are seeing by way of this proposal is a precursor, the first fruits of a developing relationship between Government and the private sector at many levels and not just in major capital works, which I will foster and promote in order to provide savings and efficiencies for the Government while at the same time expanding the provision of high quality health services to all sections of the public.

I have indicated to the private sector my expectation that it will present me with exciting and innovative concepts in all sorts of different areas varying from small public health issues to major capital works projects involving hundreds of millions of dollars, which could be done in partnership with Government, so that we can jointly provide facilities and health opportunities which separately we could not or could only provide at great cost.

I have also directed the South Australian Health Commission to look at new and innovative ways in which the Government can approach the private sector to achieve those same ends of better facilities and health services for the public. This proposal for the Flinders Medical Centre, which Cabinet agreed on Monday to advance to the next stage, will achieve those aims. It is a win-win situation for the Government, the private sector and especially the public. It will be a win-win situation for both private and public patients at the Flinders Medical Centre. It is expected to create significant savings to the Flinders Medical Centre's and thus South Australia's hospital budget of the order of millions of dollars a year. It will significantly boost access to day surgery facilities for the local community and provide a world-class ophthalmic centre.

All of these public works will occur at no cost to the Flinders Medical Centre. At the same time, it will go a long way towards solving a problem that the Flinders Medical Centre has been facing over recent years, namely a chronic shortage of beds. In 1990-91 there were 8 500 private admissions to the centre occupying a total of 135 beds. These private admissions cost an estimated $19.5 million a year but generated revenue of only $7.2 million a year. The provision of private beds at the Flinders Medical Centre, which is a requirement of any public hospital under the Medicare Agreement, was costing the Flinders Medical Centre an estimated $12 million a year. It will also mean that the beds once occupied by private patients will become available for public patients. That will cut waiting lists.

Clearly, many benefits will flow to the public, both in terms of better use of public money and more beds becoming available for public patients. At the same time, private patients will get first-class facilities and immediate access to one of Australia's finest teaching hospitals. It is a condition of the tender process that the successful tenderer is able to provide private bed licences from within the existing stock. The development will be on Crown Land leased to the private developer on a long-term (25 year) lease so that at the expiration of the lease the land and the buildings will return to Government ownership should that prove the most beneficial option, or new leasing arrangements could be put in place. The private hospital and facilities will be staffed and managed as a separate entity.

Commercial arrangements will be entered into for the provision of Flinders Medical Centre services to the hospital (such as engineering services, housekeeping and clinical services). Flinders Medical Centre's access to the day surgery suite will be the subject of negotiation. In the fist stage of the process a group of four contenders was selected. The second stage will see the contenders develop detailed costings and plans which will take into account various matters such as financing, and arrangements with the Flinders Medical Centre relating to day-to-day operations and staffing, agreements on the provision of land etc.

The final stage will occur when (and if) the Government gives approval to the project. If successful, I hope actual construction will commence in June 1995. There are clearly high hopes for this project which I have every confidence will come to fruition and which will be a strong indicator of what is possible in the joint partnership between Government and private sector developments in the future of health care in South Australia.

LEGISLATIVE REVIEW COMMITTEE

Mr CUMMINS (Norwood): I bring up the tenth report of the committee and move:

That the report be received.

Motion carried.

QUESTION TIME

EDUCATION FUNDING

The Hon. LYNN ARNOLD (Leader of the Opposition): My question is directed to the Premier. Is the Government aware of the terms of reference of the Ernst and Young consultancy on education to the Audit Commission? If so, why has the Government twice refused to supply these details to the South Australian Institute of Teachers? The South Australian Institute of Teachers today issued a press release headed 'Government Secrecy and Inconsistency—teachers concerned.' It states that despite two requests and freedom of information action the institute has not been supplied with the terms of reference of the education section of the audit. What are you hiding?

An honourable member interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: Let me make it quite clear: the Government is hiding absolutely nothing, unlike the State Bank issue that the former Government sat on quite deliberately from 1987 right through until 1991. Imagine sitting on the State Bank issue for something like four or five years with its huge $3 000 million loss. I will make it quite clear for the Leader of the Opposition. Why does he not sit down and read the press release and the terms of reference that were put out on 15 December last year? There he would find it quite clearly stated that the Audit Commission is independent of the Government. The only terms of reference ever given by the Government to the Audit Commission were attached to that press release.

The Hon. Lynn Arnold: You don't know the terms of reference?

The Hon. DEAN BROWN: That is correct: I do not know the terms of reference given to any individual consultants. The Government gave one set of terms of reference—and only one—to the Audit Commission. I have not seen any other terms of reference, and I have no idea of any other terms of reference. What the Leader of the Opposition is deliberately trying to do, along with certain representatives of SAIT, is create a fear campaign out of the Audit Commission. They are deliberately setting about trying to suggest that the Government itself has some hidden agenda. Let me assure the Leader of the Opposition that the Government treats the Audit Commission as entirely independent, and it is up to the Audit Commission to issue whatever instructions it thinks appropriate within its terms of reference to any individual consultants it might engage. I have no access to or information on any other terms of reference that may have been given to individual consultants.

GOVERNMENT MANDATE

Mr CAUDELL (Mitchell): Is the Premier aware of the comments made by the Leader of the Opposition concerning the mandate given to the Liberal Party at the last election? I heard the Leader of the Opposition on television last night stating that the Premier was elected on a mandate for reform, yet this seems to be at odds with the Opposition's position on key reforms introduced by the Government in this House.

The SPEAKER: Order! I point out to the member for Mitchell that the question is getting very close to being hypothetical and it is rather vague. It is contrary to the Standing Orders or getting very close to that. I will allow the Premier to answer, but I suggest to members that those sorts of questions need to be worded very carefully.

The Hon. DEAN BROWN: In fact, I saw the Leader of the Opposition on television last night, and I found it very interesting that he was saying that the new Liberal Government had a mandate for reform. To get a mandate, the first thing one needs to do is win the election. Secondly, before the election, one has to put up a program of key issues that would be implemented in Government. If those conditions are satisfied, one has a mandate on those issues.

I also noticed another public statement made by the Leader of the Opposition on 30 March, when he said that the Government was elected to carry out programs on behalf of all South Australians. What is important is that the Government does have a mandate, and at long last the Leader of the Opposition has now recognised that fact. Therefore, let us ensure that the Labor Opposition now changes its stance in the way in which it has set out deliberately to oppose, obstruct and hinder key elements of the Government's policy announced before the last election, the very issues on which the Government has a clear mandate. I refer to issues like voluntary voting, WorkCover, reforms to industrial legislation and the passenger transport changes that the Liberal Government will implement.

Members interjecting:

The SPEAKER: Order! The Deputy Leader.

The Hon. DEAN BROWN: I am delighted that, after four dark months in Opposition, the Labor Party of South Australia recognises, first, that there has been an election, secondly, that it lost that election and, thirdly, that the Liberal Government has a mandate to bring about reform in South Australia.

SPORT CARDS

Mr LEWIS (Ridley): My question is directed to the Deputy Premier. Following yesterday's statement about juvenile gambling, is he equally concerned about the gambling effect on youngsters who have become hooked on basketball ticket collecting and who are stealing to support their compulsive buying? Over recent times Murray Bridge parents of older primary school children and young teenagers have complained to me about the way their children have become hooked on wanting to collect these plain wrapper, pig in a poke, glossy coloured cards of famous basketball players that cost $5 or $10 a pack. Only a very small number of stars' pictures are printed in some of the series, making it extremely unlikely that the children buying them will ever get a complete collection.

Education Department psychologists have explained to me that the slick advertising campaign has made them so attractive and desirable to all children that some have become hooked on the desire to be first with a complete collection.

Members interjecting:

The SPEAKER: Order! The honourable member is now commenting.

Mr LEWIS: Furthermore, these same psychologists have pointed out to me the evidence provided by the distraught parents speaking to Philip Satchell, telling him of their woes on air recently. Without exception, these children have resorted to stealing—

The SPEAKER: Order! Leave is withdrawn. The honourable member is commenting. The Deputy Premier.

The Hon. S.J. BAKER: It is an important question, and I would like to read from an advertisement in a magazine, as follows:

The hottest hobby in the US is now the hottest hobby in the land Down Under. Because Upper Deck NBA basketball cards are now available here. Featuring today's biggest stars as well as tomorrow's stars (up-and-coming rookies), these cards are famous for their action photography. And Upper Deck cards are the only officially licensed NBA basketball cards in Australia. So start collecting today. You'll find this is one hobby that has you flying pretty high.

The costs of this hobby are particularly high, as noted by the member for Ridley. When we were at school, of course—

The Hon. Frank Blevins: Are you going to ban them—

The Hon. S.J. BAKER: The member for Giles should wait until he has actually heard the answer. In fact, we have had a great deal of harassment from that side, and I would like to complete the answer.

Members interjecting:

The SPEAKER: Order! There are too many interjections. The Chair has been particularly tolerant. The member for Giles has continued a conversation throughout the whole of Question Time. I do not want to have to speak to him again. The Deputy Premier.

The Hon. S.J. BAKER: I am pleased that the member for Custance has been collecting some of the evidence. The hobby is huge in the United States, and these cards are being put on the market and vigorously marketed here in Australia. The cards can vary in basic costs from 30¢ each up to $10, with an average price for a pack of 10 cards at around $4.50. The American experience has been that some of the more uncommon cards can trade for up to $10 000.

Due to the marketing of these cards, a large number of children are now buying them. We checked with one of the retail distributors here in South Australia, and that distributor said that it was not uncommon for a school child to spend up to $15 a week and, anecdotally, that some are spending up to $150 a week buying these cards. It is of serious concern. When we were at school, we had our fads in terms of things like yoyos, knuckle bones and hoopla, and they were relatively harmless activities, but here we have, I believe, a pernicious intrusion into the markets in South Australia. It is important to understand that it is not just the fact that these are very high priced cards and that children are spending large amounts of their pocket money, and some are stealing, to buy these cards: it is a fact that they are a rip-off. We find that the kids are buying these cards but their chance of getting a major star on the cards is limited; the chance of getting a Michael Jordan, for example, is limited. They have these packs of cards with all these also-rans on them and, of course, the value is in trading on the hot sports stars, such as the Michael Jordans. So it is indeed a form of gambling. It is a growing problem. It is a fad that will come and go. In the meantime, I will be pleased to refer the honourable member's question to the Minister for Consumer Affairs.

GULF ST VINCENT

Mr QUIRKE (Playford): Why did the Minister for Primary Industries ignore the recommendations of the House of Assembly Select Committee on the Gulf St Vincent Prawn Fishery when he opened the fishery for 14 nights in March? The select committee tabled its report on 30 October 1991 and, amongst other things, recommended:

That total catch strategies be implemented so that the danger of over-fishing will be reduced in the future. Total catch strategies must be set at the opening of the season and the quotas must be granted equally to all licence holders.

None of these recommendations was implemented when the Minister decided to open the fishery in a free-for-all, which resulted in more than 100 tonnes of prawns being taken in 13 nights at an average return for each boat of some $140 000, without a penny flowing back to the Government buy out.

The Hon. D.S. BAKER: I thank the honourable member for his question, and members should know that he was Chairman of that select committee that looked into the Gulf St Vincent prawn industry. The recommendations that were handed down by that committee—to close the fishery for two years and to appoint an independent management committee to look at it—were, in my opinion, sound, and the review of that resource continued over a couple of years. However, due to the inability of the previous Administration and the Minister to make a decision, in November when he had to bite the bullet he would not do it.

On coming to government, as I have said before, the independent Chairman, the Hon. Ted Chapman (who was also on that Gulf St Vincent select committee), recommended that we undertake an extended survey. That took place. It was evaluated by the independent committee, including the scientists who were available from SARDI, and they then recommended that we go fishing in March. As the honourable member has said, with some sort of gloom in his heart, 100 tonnes of prawns (which were much bigger than the survey showed) were caught, and $1.4 million went into the South Australian economy and got that fishery started again.

However, there is more: we then had another survey, and the independent management committee again looked at the situation and recommended that a second 14 nights of fishing take place. That started some four or five nights ago and, due to bad weather, on two nights there could be no fishing, but the result so far has been that on the first night about 15 tonnes was taken and the prawns were bigger in size than on the previous 13 nights fishing.

An honourable member interjecting:

The Hon. D.S. BAKER: They must be growing—the longer you leave them down there. And the fishery was closed for two years. It is amazing! I thought the Chairman of the select committee might have understood that. However, last night another 10 tonnes were taken by the fleet, and the bucket counts this time were 136 to 150—well under the size limit set. All I can say, Mr Speaker—

An honourable member interjecting:

The Hon. D.S. BAKER: Well, I can say there is more, and there will be more fishing. After each bout of fishing, the independent management committee will assess the effects of that fishing. It will assess the sizes being caught and the state of that fishery generally. I find it most unusual that two members from the other place—one being the Hon. Mike Elliott, who I guess is a bit miffed because he was not on the select committee—are running around saying that the fishery is on the point of collapse, and they want another inquiry. Another inquiry! We have had three inquiries already, including one chaired by the member for Playford. The eminent members who sat on that committee made some quite long-term decisions.

Of course, the Hon. R.R. Roberts from the other place is also saying that the fishery will collapse. It is about time he had a talk to the member for Playford, because I cannot understand how both those members from the other place can say that the fishermen do not want to go fishing. The overwhelming majority of fishermen are keen to go fishing,

being asked whether they want to go fishing by the independent management committee, and there is one dissident.

An honourable member: What's his name?

The Hon. D.S. BAKER: I shouldn't name him in this House. This fishery—and I agree with the honourable member opposite—is a fragile one. It will be managed in the interim by being reviewed after each 14 nights. We will assess what has happened and the size of fish caught. There will always be an independent review before the next bout of fishing takes place. The honourable member also referred to the State not receiving any money from that fishery, and I agree with him: it is outrageous. However, it is because in September last year his Government set the licence fee at zero and we could not put a surcharge on that. I have already reiterated to this House that the fishermen had a volunteer contribution of $1 per kilo towards the debt of $3.4 million that had been incurred by that fishery, and to their credit they wanted to pay but could not do so because of the sloppy administration that occurred last year.

We will continue to monitor this fishery, which at present is going very well. Everyone seems to be in favour of the activity—the independent management committee, the vast majority of the fishermen and the taxpayers of South Australia—but we have some problem with the Hon. Mike Elliott and the Opposition in South Australia.

EDUCATION FUNDING

The Hon. LYNN ARNOLD (Leader of the Opposition): My question is supplementary to the one I asked earlier to help the Premier combat any alleged fear campaign on education spending. Does the Premier stand by his policy speech promise that education spending will be increased in 1994-95? The Treasurer has told this House that the Government has only some obligation to honour the Premier's election undertaking, and also the Treasury is undertaking an ongoing exercise with the Department of Education and Children's Services to address the deficit. The Minister for Education in another place also claimed yesterday that there were no negotiations to reduce the number of permanent teachers by 1 800 and replace them with an unspecified number of contract teachers. However, the Teachers Institute has confirmed that three big picture meetings have been held to discuss this and other cost-cutting measures.

The Hon. DEAN BROWN: Certain allegations have been made by both the Labor Party and certain representatives of SAIT about alleged meetings that have been taking place. A meeting allegedly took place between the Treasurer and the Minister for Education at which the matter was specifically discussed of cutting 1 800 teachers from the Education Department. Let me make quite clear that no such meeting whatsoever took place.

I heard on the radio this morning that SAIT representatives were trying to allege that 1 800 positions are to be cut. I heard from four schools in my electorate that each of those four smaller schools will be closed because of the Audit Commission. Here is a deliberate attempt by the Labor Party to spread a fear campaign about the Audit Commission and what it might lead to. When we announced the establishment of the Audit Commission on 15 December, the Leader of the Opposition did not even want to know about it; he did not want to have an Audit Commission. Now he is out there trying to tell us what is in the Audit Commission report, even though we do not yet have that report. What is wrong with the Leader of the Opposition? He seems to chop and change from day to day and for no purpose other than to try to, first, discredit the Audit Commission itself and, secondly, to conduct a fear campaign. I would have thought that the Leader of the Opposition—

Members interjecting:

The SPEAKER: Order! There is too much conversation across the Chamber. The honourable Premier.

The Hon. DEAN BROWN: Unfortunately, I missed the interjection.

The SPEAKER: Interjections are out of order.

The Hon. DEAN BROWN: I was referring to the activities of the Leader of the Opposition, as well as other members of his Party, including the Deputy Leader, who went out of this Chamber yesterday like a hare being chased to grab a telephone and say that 1 800 jobs were to go in the Education Department—we saw him whip out there and heard the end result.

Members interjecting:

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

The Hon. DEAN BROWN: The Audit Commission is independent and will come down with its own findings, at which stage I will make sure that the report is tabled in this House and the Leader of the Opposition can then sit down and read it. In fact, as members know, I have even acceded to a request from the Leader of the Opposition indicating that at 10 a.m. on the day on which I have the report to table in this Parliament I will give him a copy of it. What could be fairer that?

The Hon. LYNN ARNOLD: On a point of order, I refer to relevancy. My question of the Premier required a clear answer on whether he will increase funding for education. He is refusing to say 'Yes', he will increase funding for education.

The SPEAKER: I cannot uphold the point of order. The method that Ministers use to answer a question is entirely up to them. The honourable Premier.

The Hon. DEAN BROWN: I ask the Leader of the Opposition, together with other members of the Labor Party and certain representatives of SAIT, to stop running that fear campaign, to sit back and wait until the report is available and base their statements on information that is factual instead of deliberately trying to get out and conduct a fear campaign in the community.

AUDIT COMMISSION

Mrs HALL (Coles): Following the mischievous questions from the Leader of the Opposition, does the Premier know when he will be receiving the Audit Commission report? Will the Premier restate into *Hansard* the terms of reference so that members of the Labor Party will be able to understand what he is talking about.

Mr ATKINSON: On a point of order, Sir, answers to questions must not involve material that is readily available to members from reference sources.

Members interjecting:

The SPEAKER: Order! Members on my right will come to order. There is no point of order. I suggest that the honourable member is getting very close to taking frivolous points of order. The honourable Premier.

The Hon. DEAN BROWN: I suggest that the Leader of the Opposition take aside the member for Spence after Question Time and ask him the definition of 'loyalty', because he has just effectively knifed his own Leader in the

back. I thank the member for Coles for her question because, again, a certain campaign is being run on radio today, deliberately promoted by the Labor Party, including the Deputy Leader of the Opposition, suggesting that the Government already holds the Audit Commission report. The answer is that I do not have the Audit Commission report. I draw to the attention of the member for Spence and other members of the Labor Party the fact that it was public information, but they do not seem to have sat down and read my press release put out on 15 December concerning the Audit Commission report, the last sentence of which reads:

> The commission has been asked to report by the end of April 1994, and its report will be made public.

If only they had read that they would have avoided the embarrassing question asked by the Leader of the Opposition yesterday and also the questions he asked today. We certainly would not then have had misinformation being spread in a very shabby political manner by the Deputy Leader of the Opposition, the Leader of the Opposition and a few others suggesting that the report is already in the hands of Government or that we know when we will get the report. The Audit Commission has until the end of April to present the report. It has not told me when I will get the report. I presume that I will get it within the period specified in the terms of reference, as I am sure they would otherwise have told me that it would not be available by the end of April.

It is appropriate that everyone in South Australia, particularly in view of the fear campaign, understands the terms of reference, and I thank the member for Coles for drawing attention to this matter. The terms are freely available, as the member for Spence has said, but I am prepared to table them and I will ensure that every member of the House this afternoon gets a copy of them so that the sort of misinformation that is being handed out by the Labor Party can, once and for all, be put to rest. Let us not hear again, at least until the official release of the Audit Commission report, any of the sort of bogus rubbish being spread by the Deputy Leader. We know that he is a great fabricator, and that is clearly the case here when the report is not yet available.

GULF ST VINCENT

Mr QUIRKE (Playford): Will the Minister for Primary Industries advise what long term measures he intends to implement to recover the $3.4 million from the Gulf St Vincent prawn fishery buy-out, and does he intend to tie those payments to licence fees as recommended in the select committee report of this House in 1991? The committee at that time dealt with the problem that the fishermen, for one reason or another, would never pay what was necessary. In fact, the committee stated in its report that, unless they paid before they went fishing, no payments would be made. Indeed, this Government has allowed them to go fishing for a whole season.

The Hon. D.S. BAKER: I seem to get a question on this matter quite regularly from the Opposition, so I will be slow and succinct in what I say. The problem with going fishing in Gulf St Vincent this year was that in September (as I said in this place several weeks ago)—the same month that the Deputy Leader let the Grand Prix go to Victoria—there could not be, under the rules and regulations of the Act, a surcharge on licence fees charged for the ensuing 12 months because the Crown Solicitor had advised that a surcharge could not be made on a licence fee of nought. I explained the situation to the House clearly. It was impossible for us to carry out what the select committee recommended on that point. However, why would we stop the fishermen going fishing when the independent committee had recommended that they could do so?

A further agreement was handed to me by the Hon. Ted Chapman. He has received written confirmation from all fishermen that they will agree to a surcharge of $1 per kilogram of saleable caught fish until September next year when the repayments can start again. The fishermen are happy with that. But, of course, it goes further, because the present Government when in Opposition fought very hard and blocked legislation in the Upper House that would have allowed the previous Administration severally to allocate the $3.4 million to each individual fisherman. The previous Government wanted to split the $3.4 million between the 10 fishermen and allocate a debt of $340 000 per licence to each one. It had a hidden agenda coming up to the election, because it wanted to force the new Government—and it knew that there would be a new Government even then—to take each of those people to court, make them sell their boats and their houses and ruin them if the fishery did not open.

We would not allow that to happen, because that showed the cynical intent of the previous Administration. We have kept the debt at $3.4 million on the total fishery. Now we can work out ways in which the people who use that fishery can service that debt. That was a sensible financial decision by the Government, and most decidedly it was a good and moral one—in contrast to the cynical way in which the matter was to be handled by those people now in Opposition.

UNIVERSITY OF SOUTH AUSTRALIA

The Hon. M.D. RANN (Deputy Leader of the Opposition): How can the Minister for Employment, Training and Further Education equate the ministerial statement that he made this afternoon regarding the future of the Salisbury campus of the University of South Australia, which totally confirms my claims that all academic programs will be shifted from that campus, with his press release issued just days before the Elizabeth by-election? The press release states:

> I have been assured that the university has no plans to close the Salisbury campus.

Will the Minister tell the House what use will be made of the Salisbury campus once all academic programs are removed?

On Tuesday 5 April the Minister said that my claim that no academic programs would be offered from the Salisbury campus following a staged transfer of all courses, which incidentally the Deputy Premier described earlier as mickey mouse—and, I suggest further, supported by the member for Florey—from that campus was incorrect. The Minister said that he had been in close contact with the Vice-Chancellor and had been assured that the university had no plans to close the Salisbury campus. Students at the Salisbury campus are asking what access and equity programs will be put in place to assist disadvantaged students and whether the Salisbury campus, which will remain open but which will offer no courses, will be like the hospital in *Yes Minister* that won an efficiency prize because it had no patients.

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: I rise on a point of order, Mr Speaker. The Deputy Leader has a terrible habit of comment-

ing in the process of asking a question, and I ask you to call him to order.

The SPEAKER: Order! The Deputy Leader of the Opposition was out of order with his closing comments in his explanation. The Chair will withdraw leave, as I did from the member for Ridley, if the habit continues with any other member.

The Hon. R.B. SUCH: Members should know that the Deputy Leader is actually on the university council.

Members interjecting:

The Hon. R.B. SUCH: The Deputy Leader is the parliamentary representative on the council of the University of South Australia—

Members interjecting:

The SPEAKER: Order!

The Hon. R.B. SUCH: —which is an autonomous self-governing body.

Members interjecting:

The SPEAKER: Order!

The Hon. R.B. SUCH: In relation to the Salisbury East campus, the university will not close the campus—

The Hon. M.D. Rann: What are you going to do then?

The SPEAKER: I warn the Deputy Leader of the Opposition.

Members interjecting:

The SPEAKER: Order!

The Hon. R.B. SUCH: They may consider erecting a statue in memory of the Deputy Leader and his commitment to the northern area, which I understand he does not even deign to live in. 'North' to him means 'North Adelaide'. The university is not closing the Salisbury East campus. Its usage will change in respect of various functions, and that is for the university to decide. It will increase the offerings at The Levels campus and, as I indicated in my ministerial statement, the offerings will be greater and a better range of facilities will be provided, including child care, and there will be a better range of programs for women than currently exist at the Salisbury East campus. I know that the Deputy Leader has leadership ambitions: he is trying to get a bit of a run on this issue. However, I suggest that rather than going for the cheap shot and trying to bash the university he should take a leadership role and work in the best interests of the people in the north and the people of South Australia.

Members interjecting:

The SPEAKER: Order!

WORKERS COMPENSATION

Mr EVANS (Davenport): Will the Minister for Industrial Affairs advise the House of the current status of the Federal Industry Commission inquiry into workers compensation in Australia, and can he confirm that the commission has recommended that journey claims and injuries arising during authorised breaks from work should be excluded from compensation claims? This question is prompted by reported statements today by the Leader of the Australian Democrats (Mike Elliott) relating to journey accidents.

This issue was dealt with in a draft report released by the Industry Commission in August 1993. That report specifically recommended that journey claims and injuries occurring during unpaid breaks be excluded from workers compensation insurance. The draft report stated that the compensation test should be 'the extent to which the employer is or was in a position to exert control over the circumstances associated with a particular injury or illness.'

The Hon. G.A. INGERSON: I thank the member for Davenport for a very important question. In August last year, an independent industry assistance committee sat down and looked at the situation of workers compensation in Australia. Interestingly enough, this commission took information from every State Government and from many people who were interested in improving the workers compensation situation throughout Australia. The draft report recommended that 'journey claims be excluded from workers compensation insurance'. It went on to recommend that 'injuries occurring during unpaid breaks, such as lunchbreaks, be excluded from workers compensation insurance'.

That statement was given high priority by this independent commission because it argued—and everyone else argued before the commission—that the fault ought to lie with the employer in areas in which the employer can clearly accept the responsibility for the accident. So, clearly that was the situation. The Government has a copy of the final report, but at this stage it is under Federal Government embargo. Whilst I cannot comment specifically on the final report, I will say that I am not aware that the commission has not varied those recommendations in any form whatsoever.

Members interjecting:

The SPEAKER: Order!

PREMIER'S OFFICE

Ms HURLEY (Napier): Does the Premier still stand by his statement to the House yesterday regarding his new desk, as follows:

I said it was to be of similar dimensions to my existing desk, and they failed to do that.

Members interjecting:

The SPEAKER: Order!

Ms HURLEY: He continues:

The architectural firm has accepted liability for that and offered to replace the desk at their cost.

Members interjecting:

The SPEAKER: Order! There are too many interjections coming from my right.

Ms HURLEY: Will the Premier repeat that statement outside the House for the benefit of Woods Bagot's lawyers?

The Hon. DEAN BROWN: I am amazed that the Opposition should raise the issue of the office once again. The honourable member who raised the question yesterday pointed out to the House that it was Premier Bannon who put down the terms, layout, description and the fulfilment as to what was expected for this office; and that was then amended by the next Premier and now Leader of the Opposition. Incidentally, he did not want to have any wood around the place except that which could be painted. Perhaps the honourable member would like to come up and have a look at the office.

When she attended kindergarten yesterday, my five year old daughter sat down with all the other kids and the teacher and said, 'Look, my Dad has problems with his office, and I need to do a major painting for it.' She did a superb portrait for my office which I have up there at present. I can assure the honourable member that even my family are working overtime to put a bit more contemporary art back into the office, which was ignored by the two former Premiers.

PREMIER'S OVERSEAS VISIT

Mr FOLEY (Hart): Can the Premier advise the House whether he met with the general water company of France

and the water company of Lyons when he visited Paris in January this year? If so, what was discussed?

The Hon. DEAN BROWN: I did meet with a company in Paris. I point out to the honourable member that the matters that were discussed in those talks, quite rightly, were commercial and confidential, and I will explain why. The company was simply exploring certain possibilities. The company involved was not making any obligations. It was not asking anything of Government. All it asked for was the opportunity to sit down with me as Premier and have a long discussion and, in fact, I had a 2½ hour discussion with the company. I just highlight that the company has shown some interest in possibly doing something here in South Australia. I do not think it is appropriate that I reveal the identity of either the person I sat down with or the company. All I can say is that I did meet with a company in Paris and the specific objective, at that very early stage, was to explore some possible investment here in South Australia.

DOCTORS' FEES

The Hon. FRANK BLEVINS (Giles): Will the Minister for Health legislate to make it a requirement for doctors and patients to draw up a contract stating fees prior to any operation taking place? The Minister would be aware of a recent court case in which a Whyalla police officer was successful in ensuring that the only fee he had to pay was the scheduled Medicare fee as no discussion had taken place and no contract entered into prior to him being anaesthetised.

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: What do you reckon, Sir?

The SPEAKER: Order! The member for Giles will continue to ask his question.

The Hon. FRANK BLEVINS: The question is an important one. I request that the Minister give it due consideration.

The Hon. M.H. ARMITAGE: After 16 days of Parliament and 170 questions from the Opposition, I am delighted to have my second question since the election. Considering that we spend a quarter of the State's budget in the health portfolio, this indicates the importance in which the health of South Australians is regarded by the Opposition. The matter of whether there should be legislation to determine any agreement between doctors and patients, as the member for Giles indicated, has been a concern since a court judgment was given several weeks ago. I think it is important that the facts of that matter are brought to the attention of the House.

First, it is a fact that the policy of doctors through the AMA—and I recognise that every doctor is not a member of the AMA, but it is a broad body which represents medical interests—is that discussions ought to take place between doctors and their patients. There is no bar whatever to a patient saying to a doctor, 'Excuse me doctor, how much will this operation cost?' I assure the member for Giles that the AMA policy is that, if that question is asked, the doctor ought to give the answer. I also assure the member for Giles that they all do give the answer.

I also draw to the attention of the House the fact that more and more patients are asking that question of their doctor. This is because the Federal Government, the cohorts of members opposite, refused to allow any incentive for people to be privately insured. More and more people are being forced to go into public hospital waiting queues, and hence more and more of them when they go to the doctor are saying, 'How much will this cost me? If I have money in the bank that will cover the fee, I will pay it rather than wait on the long lists created as a result of the policies of Labor Governments around Australia.' That question is being asked on a regular basis, and the answer is given.

Let us now turn to the facts of the case. I am told that there was no discussion because the question was not asked. I am told the question was not asked by the patient, and so there was no discussion. When the patient eventually decided not to pay the bill the magistrate gave a verdict which said that, because no discussions took place, the fee payable ought to be the scheduled Medicare fee. He did not say the Medicare fee is the fee; he said that, because discussions did not take place, he would allow the fee in this particular case to be $X, which was less than what the doctor charged. I put it to the member for Giles that one of the most common things that we are asked as legislators is to stop senseless legislation. On a regular basis I am told, 'Don't go into Parliament and spend hours of time, effort and public money legislating to absolutely no effect. Please make laws that make sense.'

Surely the member for Giles must have heard one of his constituents say that at one stage. I ask the member for Giles, 'Why should we legislate?' What this very case shows is that there is no need for legislation. The facts of the matter are that a patient was disgruntled, and a patient had a remedy through the courts and the courts have given a determination. Why should we waste public money in legislating for something to no end whatsoever? I will not sit around and allow a stupid waste of time in my portfolio area. However, I indicate to the member for Giles and to anyone else who wants to know and to circularise or whatever, doctors are only too happy to tell a patient the fees, and it is then up to the patient to make the decision as to whether they will have the operation performed by that doctor or go somewhere else. It is free choice. No doctor has any dilemma whatsoever with that, but let us not legislate to no end.

TRAINEESHIPS

The Hon. M.D. RANN (Deputy Leader of the Opposition): Can the Minister for Employment, Training and Further Education say when he expects the 2 000 new traineeships promised in the Liberals' training policy will become available and will they require additional funding to his department or will other services be reduced? Commonwealth funding for new traineeships in South Australia is agreed for 500 new places in 1993-94 and an additional 250 places in 1994-95. Of course, this would leave a shortfall of 1 250 places to meet the Liberals' promise. I am sure that the Minister would be the first to agree that it would be a cruel hoax on the youth of this State if the Government failed to deliver these promises made with such fanfare.

The Hon. R.B. SUCH: We are currently working vigorously on this program and I will be able to give details to the House and the honourable member in the near future.

ABORIGINAL HOUSING

Mr VENNING (Custance): Mr Speaker, I was beginning to wonder whether I would get the chance.

The SPEAKER: Order! I hope that the honourable member is not reflecting on the Chair.

Mr VENNING: In the light of recent reports about the link between the quality of Aboriginal housing and

Aboriginal health and welfare, can the Minister for Aboriginal Affairs inform the House of any steps being taken to improve Aboriginal housing?

The Hon. M.H. ARMITAGE: I definitely thank the honourable member for a very important question about a particularly important area for Aboriginal communities. The honourable member is quite correct: there is an obvious link between housing and the health and welfare of Aboriginal communities. That has been identified in many reports from around Australia and around the world in relation to other indigenous communities. Reports have indicated that resources called 'health hardware'—that is, housing, plumbing, sewerage and so on—are extremely important in the provision of best health care.

To be effective, any Aboriginal program must have Aboriginal input and the communities must feel part of the process. To that end, the South Australian Aboriginal Housing Advisory Council has recently been formed. This council brings together for the first time, in one body, Aboriginal representatives providing advice from both the Federal and the State spheres. This is an interim body prior to the formation of a totally independent Aboriginal Housing Authority, which I expect to be formed within a year.

The membership of the council is six State representatives elected from Aboriginal housing management committees and six elected representatives from ATSIC, with an independent Chairman. I am really pleased to announce that Mr Charles Jackson has been appointed as the Chair of the South Australian Aboriginal Housing Advisory Council. As the former Minister would acknowledge, Charlie Jackson is a great bloke—I think that is what the former Minister said. He is a former ATSIC zone commissioner and he has done many things of great note within the Aboriginal and wider communities. He will certainly ensure that independent advice is given to the Government and he will bring a very high profile to that position. Everyone in Parliament should be pleased that an Aboriginal leader of Charlie Jackson's stature is prepared to take on that role.

Along with my colleague the Minister for Housing, Urban Development and Local Government Relations, I attended the council's first fully constituted meeting this morning. We both look forward to receiving its considered advice on a number of matters. This advisory council will be a very good foil from within the Aboriginal communities for policy advice.

I note in the *Sydney Morning Herald* of 6 April a report written by Dr Paul Torzillo, who is a respiratory physician at the Royal Prince Alfred Hospital in Sydney and who has worked extensively in the Aboriginal communities, certainly in South Australia. Dr Torzillo released a study entitled 'Housing for Health', which states that, on the whole, maintenance difficulties are caused not by Aboriginal community members but by problems of installation, lack of maintenance and so on. I certainly look forward to seeing that report. Obviously, that will greatly affect a number of your constituents, Mr Speaker, on lands which you have been kind enough to take me around, introducing me to people.

Aboriginal people have diverse housing needs, be they from the homelands projects in the AP lands through to small country towns right up to the dilemmas that cross-cultural difficulties are causing in large cities. The council's task will be to represent all Aboriginal communities. I am quite certain that we will have better consultation and get better advice. This is yet another example of the Aboriginal communities recognising the problem and wanting and asking to be part of the solution, providing good advice in doing so.

MOTOR VEHICLES, DEFECTIVE

Mr De LAINE (Price): I direct my question to the Minister representing the Minister for Transport in another place. Will the Minister take the necessary action to prevent motor vehicles with dangerously damaged bodies being driven on the State's roads? Quite often motor vehicles with severely damaged and jagged body panels, which would cause horrific injuries if they came into contact with pedestrians, are seen being driven on our roads.

The Hon. G.A. INGERSON: I will obtain a full report on that matter from the Minister in another place. Clearly, I would have thought that that sort of situation could be adequately covered by the police in our State. As we have many inspections in the policing area, I would have thought that that was the best way to handle it. However, I will get a full report from the Minister.

LOTTERIES

Mr CONDOUS (Colton): Can the Treasurer please advise the House of the current situation concerning the conduct of small lotteries activities, in particular those involving instant tickets in hotels? I am aware that previously small lottery activity, such as instant ticket sales on hotel premises, was allowed provided the hotelier had obtained a licence. I am now informed that hoteliers are no longer able to sell instant tickets in their own right.

The Hon. S.J. BAKER: Some changes to the rules that were brought in just prior to the election have been necessary. In fact, the Treasurer gazetted some rules that changed the operation of small lotteries. Some of them tend to be a little impractical in terms of the time frame that could be allowed for the changeover from one lottery system to a new lottery system. So, we have had to, by experience—

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: The former Treasurer said that he provided them to me and that is correct: he did the right thing. However, in practical terms we found that the changeover from the old system to the new system has taken somewhat more time; it was not practicable to implement it fully from 28 February, when the old system finished and the new system began. We have had to give some leeway in the process for the sale of lottery tickets, bingo tickets and various instant money tickets already on issue to allow the old series to run out rather than stopping it on 28 February.

As the former Treasurer would understand, hoteliers were not to be the recipients of licences to sell these instant tickets. They did not need a period of grace to sell off their old tickets, because most of them had gone; they were not meant to be proprietors in their own right in relation to these tickets.

We said at the time that the hoteliers could not be the direct beneficiaries from the sale of instant tickets, and proceeds from the sale of tickets in hotels were required to be donated to some non-profit cause. As the cost of the tickets was charged against the proceeds from the sale of the tickets, there was no net cost to the hotelier either. Therefore, the effect of unsold tickets in hotels would mean that less money would be available for distribution to some nominated non-profit organisations, in some cases the hotel's own social club. So, there were two issues: one was whether the hotels could remain as licensed sellers of instant money tickets. That

was deemed to be inappropriate. Previously, some 600 hotels were licensed. The tickets can still be sold in hotels, as most members would recognise. We have some 9 000 non-profit organisations that can sell these instant tickets, and they can ask the proprietor of the hotel to sell them on their behalf should they so desire, and that is quite proper. But we stopped the practice of hoteliers having the right to sell instant money tickets on their own behalf.

PREMIER'S OVERSEAS VISIT

The Hon. DEAN BROWN (Premier): I seek leave to make a brief ministerial statement.

Leave granted.

The Hon. DEAN BROWN: The member for Hart asked me a question as to whether I had seen one or two specific companies in France. He has given me the French names of the companies and, with some translation services kindly supplied by the member for Gordon, I can assure the honourable member that I did not see either of those companies and have never seen either of those companies.

GRIEVANCE DEBATE

The SPEAKER: The question before the Chair is that the House note grievances.

Mr QUIRKE (Playford): In Question Time today I asked the Minister for Primary Industries a series of questions about the Gulf St Vincent prawn fishery. I had the pleasure of chairing a select committee into that exercise some years ago, which I found a long, involved but very interesting process. I well remember the now member for Hart coming to me one night when he was a ministerial adviser to the then Minister for Primary Industries (Hon. Lynn Arnold) and telling me that the Minister wished to have a word with me in his office. I went down and he told me that there was to be a select committee on the Gulf St Vincent prawn fishery and that he wanted to discuss with me some of the terms of reference and my participation on the committee.

I must say that I felt quite elated. I remember that I had been in the cold in respect of select committees. I had been passed over on every occasion, and I thought I would be a virgin in respect of select committees for the rest of my days. However, it was explained to me over a half hour period that this was a difficult—

An honourable member interjecting:

The SPEAKER: Order!

Mr QUIRKE: Could you just find out what he wants?

The SPEAKER: Order! There appears to be some distraction. The member for Playford has the floor.

Mr QUIRKE: Thank you, Mr Speaker. I do worry about this fellow. Anyway, in the office that night the good Minister told me that there had been a major problem. Either there had been eight inquiries and mine was to be the ninth or there had been nine inquiries and mine was to be the tenth. But I felt quite good about the fact that the Minister thought I should go on the select committee. My first question was,'Who is to chair the committee?' The present member for Hart and the Minister looked at each other and looked at me and said, 'Why, of course, you are.' So, I was doubly elated.

I thought this was wonderful. Having left the office, walking back to the lift with the now member for Hart, I remember saying to him, 'I feel very good that you people thought I could do this job.' The member for Hart (or the ministerial adviser, as he then was) said, as I pressed the button in the lift, 'We didn't think anybody else would stand up to the death threats that you're going to get!' He went on to say, 'You'll find that the fishermen are matched only by the blokes who work in the Department of Fisheries', advice that I took very seriously: and he was dead right.

That select committee went through the whole exercise of looking at a range of issues. I must say, taking some licence with the words of Winston Churchill, that never have I heard so many lies told by so few people in such a short space of time. And I must say that I empathise with the Minister, because let me make it quite clear: after taking evidence for months, I got one of the best researchers from the Department of Fisheries and said, 'Are there any prawns out there or aren't there? The fishermen tell me there are no prawns out there and you [the Department of Fisheries] tell me that they are too lazy to go out and catch them. Are there prawns out there or not?' And the answer was that nobody knew. It took quite a long time to get to that threshold.

An honourable member: Maurice knows.

Mr QUIRKE: You mention the name of Maurice. Maurice only ever had one bit of advice that you could actually make sense of: he always wanted another inquiry. He is doing the rounds right now amongst a few people, and he wants another inquiry. If it were up to me, he would not get it. He is doing the rounds of some politicians, as we know. But at the end of the day, when we had all the evidence in and we heard all these experts, a couple of simple questions came out. It took many months to get down to it. One of the simple questions was, 'What is going on out there? Why are there 650 tonnes of fish in one season and now there are next to none?'

Eventually, after crystallising it all, they said they did not know. And that was it. So, we determined that it had been overfished and we would close the gulf, and we also determined that this would be the last inquiry, that the fishermen ought to pay this time and that the buy out was a very bad idea. But I really must be missing something. If the problem is debt, what you do is take the debt and hand it to fewer fishermen. It seems bizarre.

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

Mrs PENFOLD (Flinders): I want to draw attention to a new and exciting fishing industry that is already generating huge wealth for Port Lincoln and for South Australia's economy. I refer to the tuna farms established inside Boston Harbor at Port Lincoln. The hardy fishermen based in Port Lincoln catch wild tuna miles out to sea in a costly and dangerous operation involving several types of high tech fishing boats. Briefly, the operation involves a tuna boat chumming up a school of tuna and bringing them to the surface to feed. A purse seiner ship is then used to throw a huge net all the way around the school, eventually trapping the fish. Two large outboard aluminium boats are used to keep the net open while the travelling fish net, towed at about 1 knot an hour, is brought alongside.

The net of the purse seiner is opened directly to the towing cage and the fish, thinking of escape, are herded into this cage. Often this operation is carried out in extremely rough weather. Feeding the tuna to increase their fat content and to

improve their flesh colour commences on the slow and laborious trip back to Boston Harbor and the fish farm, where the tuna spend the next three to four months. This year, the tuna farms will generate a similar value to the economic welfare of the State—

The Hon. FRANK BLEVINS: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mrs PENFOLD: This year, the tuna farms will generate a similar value to the economic welfare of the State as the total South Australian dairy industry, and this is only the second year of farming tuna. The fishing companies involved in this venture have taken a fish that was once sold to a cannery for a few cents a kilogram and turned it into a product commanding a premium price from the Japanese of approximately $50 to $80 per kilogram. However, despite this success, there are several issues that require urgent attention. The product from these fish farms has to be flown to Japan as quickly as possible to be presented to markets in the best possible condition.

Some of the companies involved in this exciting export trade are using airlines flying out of Sydney Airport to take their product to Japan. This involves taking a perishable product for nearly an extra day by road transport to its destination, and that has an effect on the product as the truckload of fresh fish bounces across the nation. Many companies would rather use Adelaide to export their products, but when a fresh product is being dispatched every week to service a discerning market a regular carrier is required. Too often freight is left behind at Adelaide as safety margins for take-off are adhered to, particularly in hot weather—the worst time for fish to be left on the tarmac.

The length of the Adelaide Airport runway is severely restricting the full benefits the fish farms can bring to South Australia. As a matter of urgency, I request the Premier and his Government to investigate the possibility of attracting more freight-carrying aircraft to South Australia, conducting an audit on what freight is going interstate for export, and taking steps to win this cargo back for dispatch out of Adelaide.

I am sure that with the right incentives for an operator to get started, and with promotion, we can increase our trade links with South-East Asia and Japan using air freight out of Adelaide, even if we have to use the Edinburgh base as a starting point. However, we must identify what freight is already leaving South Australia for dispatch by air. From there the possibilities are endless. The growth in the air freight industry has been meteoric and there is every possibility the Government could attract an operator who is interested in operating out of Adelaide on a regular basis.

The Hon. FRANK BLEVINS (Giles): Mr Speaker, I want to follow up an answer I received during Question Time. The Minister for Health was complaining that he had received only two questions in, I think, four or five weeks. I want to point out that I was in here as a Minister for eight months before I received a question. I was disappointed in the Minister's answer. The Minister is nothing more than an apologist for the AMA, one of the most reactionary bodies in Australia.

I want to congratulate Senior Sergeant Smith, who took on the medical profession and beat them, and he beat them because he was right legally and morally. The background to the case was that following an operation at St Andrew's Hospital in Adelaide in February last year, Senior Sergeant Smith refused to pay the difference between the scheduled Medicare fee and the anaesthetist's bill, saying he had not had the opportunity to discuss a fee with the anaesthetist. The article I am referring to states:

> 'I was referred by a local GP to a specialist in Adelaide and I then saw a surgeon who arranged who the anaesthetist was going to be,' Mr Smith said. The anaesthetist for Mr Smith's operation was Dr (so and so). 'I had no say in who would be the anaesthetist and I only saw him. . . for about two minutes just before the operation—there was no discussion of a fee.'
>
> Mr Smith received a bill for $300 but only paid the scheduled fee of $224. Mr Smith is privately insured with the Police Department Employees Health Fund. 'Because I am in a private health fund I was refunded 100 per cent of the scheduled fee, whereas public patients are only refunded 75 per cent,' Mr Smith said. 'So the anaesthetist had already received 25 per cent more from me than he would from a public patient and I objected to paying the $76 extra (the amount above the scheduled fee). I was discriminated against as a private health fund member.'

And nobody can argue against that. The Minister during Question Time said that all that had to happen was that patients should discuss it with the doctor. Well, that is a joke! The relative power balance there is somewhat unequal, I would have thought. The Minister said that all you have to do is take them to court. That is not the case: it is the other way around. What you have to do is not pay the bill if you are not happy and they take you to court. Imagine the poor patient lying on the slab, two minutes before the surgeon comes in with the knife, arguing the toss about the fee! It is an absolute joke, and that is why the Minister for Health is properly described as nothing more than an apologist for the AMA. There is no power balance there at all.

One of the reasons why people are leaving health funds in droves is that doctors and hospitals are charging these very high fees to a degree that anybody who is left in a health fund is wasting their money, because if you are not in a health fund and you go and have your appendix out, or whatever, you do not get a bill. If you are in a health fund you are seen as a milking cow for doctors and the hospitals. Not only do you pay your $50 a week to your health fund but you also get a huge bill—hundreds of dollars—for this procedure.

So, I would recommend to anybody who is in a health fund that unless they want to waste their dough—and I do; I admit I am wasting my money—they should get out of the health fund until the doctors, in particular, and the hospitals come to their senses.

Senior Sergeant Smith has struck a blow for consumers, he has struck a blow for patients and he has attacked the AMA and the way that it, in my view, quite dishonestly states that patients have a significant say in what the doctors charge. The reality is that the patients have no realistic say whatsoever, despite the waffle that we heard this afternoon.

I hope that arising out of Senior Sergeant Smith's case, and the issue becoming a public issue, doctors will stop charging these high fees, that the hospitals will act with a little restraint when people come in as private patients, and then perhaps more people will be encouraged to stay in private health insurance and, more importantly, start joining them again. I just want to put on the record my congratulations to Senior Sergeant Smith: he has committed a great public duty.

Mr BROKENSHIRE (Mawson): In the last week or so quite a lot of people have come to me and expressed concern about the innuendo and scare tactics that have been used by many of the institutions and unions, and indeed by the Opposition, with respect to the Audit Commission. It is really quite sad—

Mr Atkinson: What are their names and addresses?

Mr BROKENSHIRE: There are thousands of them, actually, because those people realise the importance of an Audit Commission. They showed that on 11 December when they clearly gave you the biggest flogging of your life so far and put us in here to do a job, starting by addressing the fundamental issues confronting our State today. Clearly, we must have a benchmark, and that benchmark is an Audit Commission—a body that should have been in place a long time ago—to determine exactly the State's financial position in respect of our assets, our true liabilities (funded and unfunded) and other contingencies.

But what particularly worries me now, when I see the tempo of the scare campaign speeding up again, very similar to the campaign that we saw over the last three, four or possibly five months before the election in 1993—

Mr Atkinson: That didn't work.

Mr BROKENSHIRE: Exactly, as the honourable member has now accepted. Perhaps you might like to give that message to the rest of your Party. It clearly did not work. The people did not buy it. And I can tell you that the people will not buy it this time. We now have a by-election coming up in Torrens—a by-election where I believe we will increase our majority following the excellent work done by Joe Tiernan, and we all know what a sad day his loss was: Joe Tiernan was a true representative of the people of Torrens, and they will not forget that.

So, they will not take the Opposition's decoy of the scare campaign, and if members opposite are not careful—and because the people of South Australia are quite intelligent—Labor will be harder hit in Torrens than it was at the last election. Indeed, I hope, for the sake of Joe Tiernan and all South Australians, that that is the case, especially in view of what we can expect (and I am sure members opposite must be very scared about this) to come out of the Audit Commission report. Maybe members opposite did happen to know the true extent of the desperate situation they put this State in, and maybe they never really wanted to bring it out in the open; but now it will be brought out into the open, and the people of Torrens and, indeed, South Australia know why the situation will be as bad as the report will possibly indicate.

But what are they doing? Once again, they are using SAIT. One only has to pick up the journal of 2 March 1994 to see, in the lead-in comments, that the South Australian Commission of Audits report will be used by the Government as a mandate to make widespread cuts to the public sector. What a furphy. The Premier has already clearly indicated that he has no idea when that report will be presented. He has had no input whatsoever into the report. It is a very fair and a very unbiased report, and it is about time we had reports like that in South Australia. Here members opposite go, working with SAIT, wasting the teachers' money to print trash such as this which is totally irrelevant to the main-frame picture. The fact is that, apart from all the garbage in that paper, the last paragraph clearly says—after all the rhetoric and rubbish that they have tried to jam into these intelligent teachers' minds:

> Not all Governments have acted to reduce the level of resources to public education as recommended by various Audit Commissions in the way of the Kennett Government. The Court Government in Western Australia did not Act on the McCarrey Commission's wide-sweeping recommendations in its 1993-94 budget. . .

There they are admitting it. The fact is that Court, Kennett and Brown all had to set a benchmark so that we could roll in our business plan for South Australia and get on with the job of giving South Australians and young people a future once again. So, I appeal to members opposite, to the unions and to SAIT not to waste any more money but to recognise the fact that the audit report is an essential element of a reform. If members opposite want to talk about mandates: on 11 December we were given the mandate to bring this and many other reforms into place. So, members opposite should get with us and help us and forget what they have done in the past, because it did not work.

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

Mr ATKINSON (Spence): The Minister for Emergency Services is ablaze over his claims that Adelaide is the only major city port with a fireboat. In the House yesterday, the Minister criticised the former Government for buying a firefighting vessel for Port Adelaide. The Minister told Parliament:

> No other major city in Australia has a fireboat—not even Sydney Harbor, with one of the largest, if not the largest, waterfront harbors in the world.

To interpose at this point: I do not know of any harbors that are not on the waterfront. Sydney Harbor's firefighting vessel is the *Eva Burrows*, Botany's is the *Shirley Smith* and Newcastle's is the *Ted Noffs*. They are owned by the port authorities. The port of Fremantle operates an emergency vessel, with its main role being firefighting. All major ports in Australia have firefighting vessels of some kind. For instance, Brisbane has two tugs equipped for firefighting, and those tugs are contracted to the port authority. Our new fire boat is needed to insure us against fires at the Shell terminal, Birkenhead; the Birkenhead works of Adelaide Brighton Cement; the Peterhead terminals of BP, Mobil and Caltex; the Penrice soda ash plant at Osborne; and the Australian Submarine Corporation. On the other side of the river, installations to be protected by the fireboat include the grain silos at South Australian Cooperative Bulk Handling, Adelaide-Wallaroo Fertiliser and the container terminal. The new fireboat can help extinguish fires within 1 kilometre of the Port River. It can also mop up oil spills and attend downed aircraft in the gulf near Port Adelaide. Alas, these safety and environmental risks have a low priority in 'Wayne's world'.

Mr Clarke: They won't provide him with a motorcycle outrider.

Mr ATKINSON: As the member for Ross Smith says, it is hard to see the Minister for Emergency Services introducing the new fireboat to the port of Adelaide with outriders. Turning to another topic, the member for Peake rose in the House yesterday to criticise statistics published by the Parliamentary Library indicating the personal vote of members of the House. The measure of personal vote was taken by comparing the two-Party preferred vote for the major Parties in a State district with the two-Party preferred vote for the Legislative Council in booths in the same State district. The member for Peake took umbrage at this because, after 20 years in Parliament, the member for Peake still polled less on the two-Party preferred vote than the two-Party preferred vote for his Party in the Legislative Council. This must come as a great disappointment to him. But I can assure him the measure is as good a measure of personal vote as exists, although I would concede there are some qualifications on it.

The member for Peake also attacked Independents and minor Parties, particularly those standing in the Elizabeth by-

election. He claimed that the Independents and minor Parties were all or nearly all stooges of the Australian Labor Party. I would point out to him that, in the State district of Elizabeth, the by-election for which was held on Saturday, there were six minor Party or Independent candidates. Two of those, which polled 14 per cent of the primary vote, gave their preferences to the Liberal Party, namely, Grey Power and the Mayor of Elizabeth, Mr Alf Charles. One of those minor Parties, the Democrats, which polled 4.5 per cent, did not direct its second preferences to any other candidate. Three minor Party candidates, namely, the HEMP (Help End Marijuana Prohibition) Party, Mr Tony Eversham, Independent, and Mr Bernard Cotton, Independent, who together polled 9 per cent of the vote, directed their preferences to the Labor Party.

Therefore, I must point out to the House that, on balance, the second preferences in Elizabeth from minor Parties and Independents actually favoured the Liberal Party and so it is most churlish of the member for Peake to claim that Independents and minor Parties in that by-election were stooges of the Australian Labor Party. It is also unkind for the member for Peake to make that allegation against local builder, Mr Kym Buckley, who stood against him in the State district of Peake at the last State election and polled 10 per cent of the primary vote.

The SPEAKER: Order! The honourable member for Ridley.

Mr LEWIS (Ridley): If you, Mr Speaker, your wife, your brother or his wife were to go shopping a buy a packet of soap powder, I am sure that you would all, as would other members and their spouses, be interested in any advertisement there may be for a packet of soap powder advertised at 50¢ when the going rate for the modern large packet of soap powder is somewhere between $3.20 and $4.50. I have no doubt that sales of that 50¢ soap powder would be quite outstanding if it had some unique feature and was well advertised. However, I also have no doubt whatever that if a majority of those packets contained nothing other than plain soap or, worse still, *papier-mâché* and sand, you would complain and the Office of Fair Trading would be called in to examine why that was happening. Yet if sales continued at record levels under the guise of offering a gold bar if you get the lucky dip, I should think that the tenor and tone of those complaints would increase even further, because that is not fair trading.

Yet, that is what I have discovered on investigating these basketball ticket collections that are being sold at present around Australia and in South Australia. It is a straight-out gamble as to whether you get anything of value inside the plain foil wrapper. The tickets that are sold for $5 or $10 a pack give no indication whatever as to what their contents will be. It is purely a gamble. It is identical to scratchies or something like that, and it is worse than keno, because no licence is required. In the case of selling bingo tickets or the like, where you do not know whether you have a winner until you open it up, which is identical to these basketball tickets, you must have a licence to be able to sell them, and you have to be a certain age before you can buy them. But not in this case. Indeed, the market for the product is deliberately aimed at primary school and young adolescent aged children. What do we find happening? We find that this pig in a poke arrangement to get these glossy-coloured cards of famous basketball players is enticing young people to get hooked. They want to be the first or one of the first to get a complete collection.

So far as I am aware, from numerous reports made to me and from what I have heard on radio in recent times, no-one has yet obtained a complete collection, and the sale of the tickets is at record levels. The practice of allowing commercialisation of this type of product without licence to anyone of any age induces those children who are hooked to go and steal and, almost without exception, children are so doing. It is not good enough for us to simply stand back and say that their parents should control them. They have become compulsory gamblers long before they understand the risks involved.

The other point I make about parents having to control them is that many of these children are wards of the State and, if that is the case, who then refunds the money or restores the stolen goods to the person from whom they were stolen by the child when the child is found guilty? Any solution to the problem which says that parents are responsible ignores the fact that wards of the State are at least as significant in their addiction to this kind of gambling, leading to their habit of theft, as are children still dependant on their natural parents or other parents to whom their custody and care has been given.

I therefore say that, as a matter of urgency, the practice ought to stop. It is crooked, indeed it is corrupt and it is an abuse of the law. It circumvents the law. There are no other products on the market anywhere that any of us would tolerate if we found that they were marketed in this way. It is for that reason that I raise the matter today with the Deputy Premier and urge the Minister responsible for consumer affairs to address this as a matter of urgency before any more children receive a criminal record.

MEMBER'S REMARKS

Mr ATKINSON (Spence): Mr Speaker, during Question Time today I raised a point of order, when I objected to a question asked by the member for Coles during which she invited the Premier—

The SPEAKER: Order! If the honourable member wishes to make a personal explanation, he must seek leave.

Mr ATKINSON: I seek leave to make a personal explanation.

Leave granted.

Mr ATKINSON: During Question Time today I took a point of order objecting to a question asked by the member for Coles in which she invited the Premier to read into *Hansard* the terms of reference of the Audit Commission. Those terms of reference have been available to the public for about four months now and have been widely circulated.

Mr Meier interjecting:

The SPEAKER: Order! Leave has been granted.

Mr ATKINSON: It appeared that the question was inadmissible under Standing Orders. The Standing Order to which I refer is Standing Order 1, which provides:

> In all cases that are not provided for in these Standing Orders or by sessional or other orders, or by the practice of the House, the rules, forms and practice of the Commons House at Westminster are followed as far as they can be applied to the proceedings of this House.

Page 291 of Erskine May states:

Questions requiring information set forth in accessible documents such as statutes, treaties, etc have not been allowed when the member concerned could obtain the information of his own accord without difficulty.

This ruling is reproduced at page 35 of the members' handbook, which is given to all new members when we come into the House. Mr Speaker, I ask you to please consider my point and give a more considered reply than you did earlier during Question Time.

The SPEAKER: Order! The honourable member has raised the matter by way of personal explanation. The Chair does not respond to personal explanations. Therefore, I am not in a position to give a considered response.

Mr ATKINSON: With respect, Mr Speaker, I commenced my utterances as a point of order, and you asked me to make it a personal explanation.

The SPEAKER: Yes, because the honourable member would have been out of order otherwise.

ADELAIDE FESTIVAL CENTRE TRUST (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. D.S. BAKER (Minister for Mines and Energy): 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.

This is a Bill to amend various provisions of the *Adelaide Festival Centre Trust Act 1971* relating to the powers and functions of the Adelaide Festival Centre Trust and the Trust's liability for water, sewerage and local government rates.

The Adelaide Festival Centre Trust is now engaged in a number of entrepreneurial and commercial activities which were not envisaged when the Trust was first established. The Trust has, since 1985, provided accounting, marketing and technical advice services to visiting shows including *Les Miserables*, *Cats*, *Starlight Express*, *Phantom of the Opera*, *The King and I*, *South Pacific* and *Me and My Girl*. The ordinary operations of BASS are also an example of such activity.

In November 1993, the Adelaide Festival Centre Trust pursued a business opportunity with the South Australian National Football League for the installation of computerised turnstiles at Football Park. The installation of computerised turnstiles at Football Park will enable ground management to control and account for crowds attending football fixtures at this venue. In return, the Trust will be granted exclusive ticketing rights to all football fixtures played at the ground for the next six years with a further option for four years. It should be noted that this arrangement enables the Trust to retain and expand ticketing services which BASS has been providing to the League in South Australia for many years, and yet does not give the Trust exclusive ticketing rights to non-football events at Football Park. This ticketing is open to competition.

Arrangements were made for securing the contract with the South Australian National Football League within the context of the Caretaker Conventions. The Department for the Arts and Cultural Development provided funds of $300 000 and entered a contract with the League for the erection of computer turnstiles at Football Park until such time as the Trust's Act has been amended, after which the Trust will repay the money (plus interest) to the Department.

One of the purposes of this Bill is thus to clarify the activities of the Trust in relation to entrepreneurial and commercial activities. The other purpose is to amend the Act in relation to the Trust's liability for rates.

The Adelaide Festival Centre Trust currently pays water and sewerage rates and local government rates on the Festival Centre, although these rates have been limited by virtue of section 31 of the *Adelaide Festival Centre Trust Act* which deems the Festival Centre to have an assessed annual value of $50 000 and an assessed capital value of $1 million for the purpose of levying rates.

Initially the deemed value was set for a period of ten years, expiring 31 December 1981. Subsequent amendments (supported by successive Governments) extended the expiry date to 31 December 1983 and then to the present date of 31 December 1993.

Under section 168 of the *Local Government Act*, land held or used by the Crown (or an instrumentality of the Crown) for certain purposes is exempted from local government rates. Section 31 expired on 31 December 1993 and the issue of future rateability of the Festival Centre should now be determined in line with rateability practices associated with other South Australian cultural organisations (eg Art Gallery, South Australian Museum, State Library). These organisations do not pay local government rates but are rateable for water and sewerage on a notional capital value determined by a Government valuation. It is of interest that comparable cultural centres in other States also do not pay local government rates.

In light of a case currently before the Courts relating directly to the liability for council rates of a Government organisation on Crown property involved in a "commercial type" activity (the Entertainment Centre), an amendment specifically stating that the Festival Centre Trust property is not rateable for the purposes of local government rates is proposed to avoid any ambiguity.

It is intended that the Trust will continue to pay water and sewerage rates so that the true cost of operations is reflected in the Trust's business operations and pricing structure. However, water and sewerage rates have been limited by virtue of section 31 until 31 December 1993. Any change from the present limited capital valuation of $1 million to a notional capital valuation of $54 million for the Festival Centre (as determined by the Department of Environment and Natural Resources) would increase water and sewerage rates significantly. The Trust has the ability to recover such costs but requires sufficient opportunity to review its business operations and pricing structure. Thus the proposed amendment is to be retrospectively dated from 1 January 1994 and will seek to extend the present limitations on water and sewerage rates until 1 July 1997, following which the Adelaide Festival Centre will be required to pay water and sewerage rates based on whatever future notional capital valuation is determined by a Government valuation for the Festival Centre.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides that proposed clause 4 will be taken to have come into operation on 1 January 1994, while the rest of the Act comes into operation on assent.

Clause 3: Amendment of s. 20—Objects, powers, etc., of Trust

This clause provides for the insertion of three proposed paragraphs in section 20(1). These proposed paragraphs provide that, among the Trust's responsibilities, are the responsibilities of—

- providing advisory, consultative, managerial or support services (within areas of the Trust's expertise) to persons associated with the conduct of artistic, cultural or performing arts activities;
- providing ticketing systems and other related services to persons associated with the conduct of entertainment, sporting or other events or projects, after consulting the Minister;
- carrying out any other function conferred on the Trust by the principal Act, any other Act or the Minister.

This clause further provides for the insertion of proposed subsection (1a) which provides that proposed subsection (1)*(c)* (ie: the paragraph dealing with the provision of advisory, consultative, managerial or support services) is subject to the qualification that, after the commencement of this proposed subsection, the Trust must not extend the areas of operation of its services under that paragraph except after consulting the Minister.

Clause 4: Substitution of s. 31

Proposed section 31 provides that, for the purpose of calculating water and sewerage rates, the land comprised in the Centre at King William Road will be taken to have an annual value of $50 000 and a capital value of $1 million. (This proposed section will expire on 30 June 1997.)

Proposed section 31A provides that, with the following proviso, land owned by the Trust is not rateable under the *Local Government Act 1934*. If any such land is occupied under a lease or licence by some person other than the Crown or an agency or instrumentality of the Crown, that person is liable as occupier of the land to rates levied under the *Local Government Act 1934*.

Mr ATKINSON secured the adjournment of the debate.

INDUSTRIAL AND EMPLOYEE RELATIONS BILL

Adjourned debate on second reading.

(Continued from 23 March. Page 546.)

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

A quorum having been formed:

Mr CLARKE (Ross Smith): The Opposition will seek to extensively amend the Government's legislation. During the course of this debate about 70 amendments will be put forward for the consideration of the Committee. I agree with the Minister, who unfortunately is not present to hear the Opposition's position—

The Hon. D.S. Baker interjecting:

Mr CLARKE: In light of the interjection from the Minister for Mines and Energy I can only assume that his extensive knowledge of industrial relations is better than that of the Minister. The Minister for Industrial Affairs has said—and I agree with him—that this Bill is a most important piece of legislation put forward by the Government. I would go so far as to suggest that it is the most important piece of legislation that the Government will introduce into the Parliament.

As the Minister has already stated, 45 per cent of the State's work force operates under our State industrial relations system. Approximately 300 000 workers plus their families rely, as far as their standard of living is concerned, on the determinations of the State Industrial Commission. I would go so far as to say that the Industrial Court and Commission of South Australia is the single most important tribunal in the State in respect of its importance to the living standards of so many South Australians. The Supreme Court is the highest State tribunal but, fortunately, not many of us appear there as a defendant.

The State Industrial Commission, by force of its orders and determinations, affects the living standards, at the stroke of a pen, of thousands of South Australians by either agreeing to or refusing wage increases or by varying or refusing to vary clauses of awards relating to a whole manner of things associated with one's occupation, various allowances, penalty rates and the like, including occupational superannuation.

This legislation classically divides the two major political Parties. It shatters the myth that the choice at the last election was between Tweedledee and Tweedledum. This will be a test for the true believers who want a relevant State Industrial Commission independent of the Government of the day with sufficient powers to enable it to prevent the abuse of workers, particularly those in vulnerable positions, and empowered to award increased wages and improved standards of living to workers under the State industrial system.

There are those whom I would characterise as being represented by the Liberal Party opposite and to my left who want to destroy such a system for ideological reasons only in the rather mad belief that in a deregulated labour market environment with as few legislative restrictions as possible the lamb, if I can characterise it that way (that is, the workers) will be able to lie down with the lion (the employers) and live happily ever after. The Opposition is proud to be amongst the true believers, because when we were in Government great strides were made under our industrial legislation to safeguard the independence and integrity of the commission and to improve the living standards of all South Australians.

Mr Condous interjecting:

Mr CLARKE: I am delighted that the member for Colton is a lion, and I am delighted that he is present in this Chamber, interjecting. It brings in a bit of humour and a bit of heat. Talking of humour, I notice that the member for Bright is present in the Chamber. The former Labor Government under its industrial relations legislation strengthened the definition of 'employee' to include independent contractors in order to give them protection from exploitation and gave the commission the power to review unfair contracts.

Members interjecting:

Mr CLARKE: Members opposite do not want that. We extended protection to outworkers in the clothing and textile industries, and we tried to include clerical workers as well, but the then Opposition voted against it. I well remember the speech given by the current Minister for Industrial Affairs on that particular exercise, as I was in the gallery at that time. He opposed it. We included in our industrial legislation a comprehensive reinstatement or compensation provision for employees who were dismissed unfairly. I know that members opposite hate that. We only have to look at the Government's legislation to see how much it hates workers.

We provided an enterprise bargaining framework, which gave employers and employees flexibility but retained the award safety net and guaranteed that no worker, whether they be a union member or not, could be disadvantaged by any enterprise agreement, unlike what the Government provides in this Bill.

Members interjecting:

Mr CLARKE: I enjoy interjections from members opposite, particularly from the member for Colton, because he shows his absolute and abysmal ignorance of industrial relations. He has not even read this legislation; neither, I suggest, has the Minister because the Minister does not have a firm grip on what the Bill provides. His public utterances and press statements indicate clearly that he has no idea of what is contained in his own Bill. That will become more apparent in Committee when we will see him flustered, as he was during the workers compensation debate when he had absolutely no idea of who would or would not be covered under his legislation.

Members interjecting:

The SPEAKER: Order!

Mr CLARKE: Thank you for your protection, Mr Speaker.

An honourable member: Do you need protection?

Mr CLARKE: No, I do not, but I will take any advantage I can get from you, Mr Speaker, as I am usually on the receiving end.

Members interjecting:

The SPEAKER: Order!

Mr CLARKE: We also provided an industrial system in our legislation which allowed workers to gain wage increases and have their conditions improved over time whether or not they were union members. The Government and its Employers' Chamber mates intend through this Bill to substantially disadvantage workers, particularly those who are most vulnerable. I refer, in particular, to non-unionists, some 70 per cent of workers employed in the private sector in South Australia, most of whom are women. We have heard some pious cant in this House in the past from members opposite, particularly female members of Parliament opposite, who spoke in glowing terms of the centenary of women gaining the right to vote and to stand for office. But they are only too happy under this Bill to put women into economic servitude, because that will be its consequence. I

will go through that in some detail, particularly in the Committee stage.

Members interjecting:

Mr CLARKE: I will have plenty of time. If I could spend 17 hours solid with the member for Mitchell, he would not be able to understand the first syllable of any argument. Other vulnerable members of the work force are persons from non-English speaking backgrounds and those who work in thousands of establishments throughout this State who lack any bargaining power with their employer. Members opposite forget—or maybe only some of them, because they have been employers in the past and are only too aware—that, if you are an employer, because you are the one who does the hiring, the firing and the promoting and all the other things that are involved in an employer-employee relationship, your bargaining power over an employee is dramatically increased.

Despite the agreement between the Government and the Opposition as to the importance of this Bill, the Government will ram it through the House by six o'clock tomorrow night. This legislation should be debated in full to its conclusion—that is, after each of the Opposition's 70-odd amendments have been fully debated. If that takes sitting until the early hours of the morning, so be it; if it takes one or two days of debate in next week's sitting, so be it. This is vital legislation that will affect the welfare of hundreds of thousands of South Australians, and it must be subjected to intense public scrutiny. Because members opposite obviously have not looked at the Bill, I draw attention to the fact that it is 118 pages long and contains 232 clauses. It fundamentally rewrites the employment relationship between employers and employees in this State. Hence it is proper that it be subject to detailed debate without the gag being applied to it.

Mr Ashenden interjecting:

The ACTING SPEAKER (Mr Venning): Order!

Mr CLARKE: I am interested in the interjection from the member for Wright who was involved in industrial relations but whose knowledge of industrial relations could be written on the back of a postage stamp. We should look at which groups of workers fit within the State industrial system. As the Minister has said, approximately 45 per cent of the State's work force is covered by the State system. That is down quite dramatically: a few years ago it was about 60 per cent of the work force. Since then a number of employees who were formally covered under the State system, such as at universities, public hospitals, building societies and the like, have moved to the Federal system. If this legislation is enacted without the sorts of amendments that the Opposition is putting forward, the Minister for Industrial Affairs will be the Minister for nothing. He will be the Minister for nothing because most, not all, of that remaining 45 per cent will be transferred to the Federal industrial relations system where workers will be protected through the no disadvantage test under the Federal Act and the maintenance and independence of the industrial relations commissioners.

Mr Brindal interjecting:

The ACTING SPEAKER: Order!

Mr CLARKE: The majority of those 45 per cent of employees covered under the State system, excluding those who work for the Public Service, are covered by common rule minimum rates awards. These employees are usually employed by tens of thousands of small employers in the following sorts of occupations: retail shop assistants; clerks in a whole manner of industries including legal, real estate and accountant's offices; workers in the hospitality industry, such as cafes, restaurants, motels, clubs, hotels; and cleaners. The majority of these workers are women. In some industries, such as the retail and hospitality industries, they are overwhelmingly employed on a casual or part-time basis.

The picture that emerges is that there is a vast army of mostly vulnerable members of our society who are open to all manners of pressures—subtle and not so subtle. The Liberal Party would say that this is 1994, not 1894. Employers are enlightened today and such skulduggery, if it occurred 100 years ago, would never occur today, because they go to church. Employers front up to church, seek absolution every week and then go about their normal business of trying to rip the workers off for the other six days. We only have to look at what happened in Victoria.

Members interjecting:

Mr CLARKE: The member for Colton has said a lot. I will cite a few examples.

Mr Kerin interjecting:

Mr CLARKE: I thank the member for Frome.

The ACTING SPEAKER: Order!

Mr Condous interjecting:

Mr CLARKE: I do admit that I gave the impression that every employer is a scoundrel: I withdraw that.

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

Mr CLARKE: If I implied that every employer was a scoundrel, I withdraw that, because quite clearly that is not the case. However, there are a number of employers who are scoundrels.

The Hon. D.S. Baker: Name them.

Mr CLARKE: Thank you. In Victoria there are some examples of enterprise agreements when the awards were abolished.

Members interjecting:

The ACTING SPEAKER: Order! The House will come to order. I cannot hear what the honourable member is saying.

Mr CONDOUS: I rise on a point of order. If he is asserting that there are certain scoundrels, let him—

The ACTING SPEAKER: Order! The honourable member must identify another member by his or her electorate.

Mr CONDOUS: Let the member for Ross Smith have the gumption to name the people he is referring to and not just stand there making innuendoes.

The ACTING SPEAKER: Order! There is not a point of order. The honourable member can make that point during the debate.

Mr CLARKE: Thank you, Mr Acting Speaker, and I thank the member for Colton for the invitation. I will oblige him. In Victoria where awards were abolished (and I am pleased to see that the Minister has arrived, because I was missing his interjections and losing some punch) there was a test case for employers to show that this really is 1994, that they are not scoundrels and that they would not take advantage of people because the Government of the day had removed the legislative constraints on them to do whatever they liked with their employees. This was their prime opportunity to show that things had changed in 1994 compared with 1894.

I refer to Westco Jeans and its industrial agreement for employees: a ground for instant dismissal was a case of lottery or gambling of any description, or performing personal tasks in company time. I also refer to Worth's Pty Ltd: an employee can be dismissed if guilty of conduct which in the opinion of the employer brings the employer's name into disrepute.

Mr ASHENDEN: I rise on a point of order, Mr Acting Speaker, regarding relevance. I do not see any relevance whatsoever in the honourable member citing an example which involves another State, not South Australia. We are debating South Australian legislation. What is the relevance of another State?

The ACTING SPEAKER: There is no point of order. The honourable member is allowed to illustrate his debate.

Mr CLARKE: Thank you, Mr Acting Speaker. Another company by the name of Hi-Care unilaterally abolished penalties with all wages to be paid at a flat rate of $10 per hour regardless of the time or day. I refer again to Westco Jeans. Many of the terms and conditions of that employment agreement can apply equally under the legislation proposed by the Minister.

Mr Brindal interjecting:

Mr CLARKE: I will be getting to that: hold on to your horses.

Mr Brindal interjecting:

Mr CLARKE: To the member for Unley, absolutely! You will enjoy every word. Other parts of the contract enable the company to dismiss staff with only 24 hours notice within a period of 150 days. It could roster staff any hour of the day, any day of the week. It took away the employees' rostered days off and afternoon tea breaks, abolished all overtime penalty rates and reduced payment for work performed on public holidays from double time to time and a quarter. It can be done under this legislation, which you know so much about but you have not got past the first page.

Mr Brindal: Were these enterprise agreements—

Mr CLARKE: Yes. Payment for jury service and make up pay on compensation injuries were taken away and loading for casual workers was abolished. A lot of you who as oncers have won seats have a lot of these people living in your electorates. If your legislation gets through and these sorts of contracts come about—which they will, and I will demonstrate—you will be feeling their wrath at the next election. In one sense, if it was not for the Opposition's care and consideration for workers, if we were politically opportunistic, we would allow this legislation to go through unimpeded. They would then start to complain about being ripped off—not by every employer, true, but by a significant number of employers.

Members interjecting:

Mr CLARKE: The worst part of that situation—since the member for Frome has raised the issue indirectly through his interjection—is that one can be a very good employer but one is in competition with the person down the street who is a terrible employer and rips off his workers. That will put pressure on the good employer to go down to the lowest common denominator in order to survive.

An honourable member interjecting:

Mr CLARKE: Unfortunately, the member for Wright does not understand the current industrial legislation. The Industrial Relations Act is still in force in this State, as the honourable member should know, and it prohibits those sorts of actions from taking place. Those sorts of examples are inappropriate, because the legislation does not allow employers to do just that.

The ACTING SPEAKER: Order! I remind members that it is against Standing Orders to interject, and it is also against Standing Orders to react to interjections. I ask the member for Ross Smith to keep to the subject of his argument and to ignore the interjections.

Mr CLARKE: I enjoy them, Mr Acting Speaker. The examples that I have just provided prove that, if there are lax labour laws, there will always be an unscrupulous employer able to exploit them. The situation is no different in 1994 from the situation in 1894, as it will be in 2004 or as it was in Victoria in 1993.

An honourable member interjecting:

Mr CLARKE: They were very pleased to see me. The Minister, in his second reading explanation, referred to the need as he saw it for Australia and, more specifically, South Australia to be internationally competitive. 'We should free up the labour market', he said, 'and Nirvana will be ours.' He would do well to read an article in the *Australian* of 17 February 1994, and I commend it to all members of the House.

The Hon. G.A. Ingerson: Have you read it?

Mr CLARKE: I certainly have.

Mr Ashenden: Who wrote it?

Mr CLARKE: Unfortunately, I write my own; I do not have the resources of the Minister. I have no problems with that at all, because I understand industrial relations. I understand the Bill and, as will become patently clear, the Minister has no idea. He sits there with a bemused smile on his face like an artificially inseminated cow: it feels good but he has no idea why.

The Hon. G.A. INGERSON: I ask that the honourable member withdraw that comment; it is unparliamentary.

The ACTING SPEAKER: The comment is not unparliamentary. However, the tone is most unparliamentary and I ask that the honourable member refrain from using such language.

Mr CLARKE: In defence of the cow, I withdraw the comment.

Mr BRINDAL: I rise on a point of order, Mr Acting Speaker. Standing Order 125 states:

> A member may not use offensive or unbecoming words in reference to another member.

It also provides:

> . . . if the member takes objection . . . the Speaker requests the member . . . to withdraw [the words].

I ask you to rule accordingly, Sir.

The ACTING SPEAKER: I ask the member for Ross Smith to withdraw that comment, but I cannot force him to do that. That is a qualification he must make.

Mr CLARKE: I am not aware of its being an unparliamentary term. If you can point it out to me, Sir, I will happily withdraw.

The ACTING SPEAKER: I have requested that the honourable member withdraw: either he withdraws or he does not.

Mr QUIRKE: On a point of order, Mr Acting Speaker, no word was used that could colloquially be called a swear word. Are you suggesting that the words are unparliamentary? What is your ruling on that?

The ACTING SPEAKER: Order! No further business will be transacted until the member for Ross Smith has either withdrawn or refused to withdraw.

Mr CLARKE: I refuse, Sir.

The Hon. G.A. INGERSON: I find the comments made to be offensive to me as a member of this House and request that they be withdrawn.

The ACTING SPEAKER: I have already asked the honourable member to withdraw and he did not chose to do so. I cannot force him to do that, but I remind all members that it is against the tone of good debate in this House. If the

honourable member does not wish to withdraw, the Chair cannot force him to do so.

Mr CLARKE: The article in the *Australian* of 17 February—

The Hon. G.A. INGERSON: I rise on a point of order, Mr Acting Speaker. I request that the member opposite recognise my request about the comment being offensive to me and ask him to withdraw.

Mr CLARKE: In deference to my friendship with the Minister for Industrial Affairs, and if he feels hurt by the words I have spoken, I withdraw. The article of 17 February 1994 was written by the newspaper's industrial correspondent, Mr Peter Wilson, and referred to an interview with a Mr Ray Marshall, a former Secretary for Labour in the United States and currently an adviser to President Clinton. Mr Marshall—

The Hon. G.A. Ingerson: Is he a leftie?

Mr CLARKE: I don't think you could describe anyone in the Clinton Administration or any previous American Administration as a 'leftie'. Mr Marshall made a number of interesting observations of which the Minister should take heed. Mr Marshall makes the point that the United States system of the deregulated labour market, in so far as its style of industrial relations, labour training and work organisation is concerned, is about the worst in the developed world. Mr Marshall said:

> I think the industrial relations system in the United States is not a model that most people ought to place faith in.

He goes on to say:

> American workers have weaker voices at work than the workers in any other major industrial country.

Tellingly he goes on:

> What is there about the American system [that Australian employers] would want except a weak union?

That is what this Bill is aimed at: the Government wants to reduce wages and working conditions in this State. It believes, somehow or other, that that will cure our unemployment problem.

Mr Marshall points out that it has been disastrous for America to follow a low wage, low value added economic strategy. He warns Australia not to follow that path. The evidence of such policies of following a low wage strategy is that two things will happen: first, companies will have to leave because there are always countries with lower wages; and, secondly, our wages will become much more unequal because we will have a few well-trained, well-educated people who are in the international market, therefore, they will be in short supply.

The Minister has ignored the tremendous strides that South Australian industry has made under the award restructuring and enterprise bargaining policies and the industrial legislation of both the Federal and the former State Labor Governments. Trade unions, in cooperation with management, have restructured the way work is done, eliminated wasteful work practices, enhanced the skills of the work force and provided for increased wages and job security. The Premier and the 'Minister for nothing but good news' (the member for Kavel) took a great deal of pride in the decision of Mitsubishi to invest further in South Australia. Mitsubishi has been involved in two major enterprise bargaining agreements over the past two years. Those agreements were negotiated under the Federal award system, which provides the award safety net, and in enterprise bargaining the workers have been protected by the no disadvantage test.

I well recall how the Premier and the Minister for Industry, Manufacturing, Small Business and Regional Development (the member for Kavel) puffed out their chests and said what a wonderful Government they all were, after a matter of about 60 days in office, that Mitsubishi had decided to invest further in this State. First, let me say that we are all delighted that Mitsubishi has done that. What the Premier did not say, because he did not know, what he had absolutely no idea about, is that Mitsubishi is and always has been covered by Federal legislation, ever since it was Chrysler in 1964, and that the reduction in work practices and the enterprise agreement worked out between the unions and the Mitsubishi plant occurred under Federal Labor legislation.

It was that type of legislation, that type of enterprise agreement, that considerably helped Mitsubishi's final decision in Tokyo to invest in South Australia. This is a far cry from the Government's Bill, which allows for a 'no substantial disadvantage' test and freedom to contract below the minimum standards set out in the Bill. This was not what was promised before the last State election. Cutouts from the *Australian* recently—and I have the details here with me if anyone wants to read them—of studies undertaken by the University of New South Wales show that it compared as best it could the quality of the enterprise agreements entered into under the State system in New South Wales, which has had a form of enterprise bargaining legislation since about 1991 under the Greiner Government, and those enacted under the Federal legislation.

Some of the information on those enterprise agreements in New South Wales is hard to come by because of secrecy provisions in that legislation, which says that nobody else can go and have a look at the information: similar legislation to that which the Government is trying to enact in this Bill. But, of the agreements that were able to be surveyed by the Centre for Labour Studies at the University of New South Wales, it found that overwhelmingly the enterprise bargaining agreements in New South Wales concentrated on cost cutting exercises only, such as reductions in penalty rates, in contrast to the Federal enterprise bargaining agreements, which had emphasis on improvement in productivity, skills formation and training of the work force.

There was no comparison between the quality of the State system in New South Wales and the Federal system. The New South Wales system is based on the lowest common denominator, the lowest wage rates that you can get away with, and it is a policy doomed to failure because, as we all know, there are countries near to us (and the 'Minister for good news', the member for Kavel, referred to his difficulties in attracting a tioxide plant to Whyalla because of various advantages the Malaysian Government was offering), countries to our immediate north, that can, because of their authoritarian nature and lax labour laws, offer to pay $7 a week in wages for people working in a petrochemical plant, whereas in Altona in Victoria the wage rates are $500 a week. You could cut their wages by $300 a week and it could not compare with the labour rates of Indonesia.

That is a policy doomed to failure and has been seen as such in the United States, which is losing hands down in terms of high value added industries to the Japanese, who have better rates of pay than apply in the United States, because the Japanese and other similar countries have concentrated on upskilling their work force, training and education, and going for the top end market. You can attract people to go through that type of training, that sort of skills formation, only if it is well paid. This might be a timely point, if the Minister gets a chance to read this document. It would be in his library. It is *The Australian Workplace Industrial*

Relations Survey, conducted by the Commonwealth Department of Industrial Relations. The date I received it was 8 April 1991 and I think it was produced around that time.

It was a major survey of employers throughout Australia, including firms in a whole range of different industries and with a total spread of occupations, union and non-union shops and the like. I will read this: it is not very long but members should find it edifying. Under the heading 'Barriers to change' it states:

It has been argued by some that there are significant structural barriers which prevent managers from introducing desired changes at the workplace. For example, in 1989 the BCA Industrial Relations Study Commission report argued that:

. . . Our industrial relations system has increased the cost of change or, to put it another way, has raised the 'hurdle rate of change.' Costs include lengthy and expensive negotiation and arbitral processes. . . When the cost of a change rises, rational managers either drop the change idea or give it a low priority. Thus, even though, as defenders of our system argue, change is possible under the system, the chances that change will be attempted and achieved are lowered as change costs rise.

That is not dissimilar to the argument put by the Minister and the Government, and I am sure from the member for Wright if he gets to speak on this matter, or the member for Colton. I will now go into what the survey found. It was quite different from the myopic perceptions of members opposite. The document states:

To examine, by example, the extent of structural barriers, managers were asked what the hours of operation of their workplaces were and the reasons for operating those hours. If there were legal or other formal restrictions on operating hours, managers were asked if in the absence of these requirements the workplace would operate different hours. Forty-nine per cent of managers indicated that the hours were determined solely by the demand for the product or service. Other reasons given by management for operating hours were union-management agreements, 11 per cent; legislation, 9 per cent; custom and practice, 13 per cent; and the requirement of an award provision, 14 per cent. Union-management agreements and award requirements were the major reasons given in electricity, gas and water, communications, and public administration.

Mr Ashenden interjecting:

Mr CLARKE: If the member for Wright would just listen he would learn something.

Mr Ashenden: It's not worth listening to.

Mr CLARKE: I appreciate he has a closed mind on this and just about every other subject. In fact, he is a waste of space in this place, simply for that reason.

Mr Ashenden: Typical of a union person!

Mr CLARKE: The article continues:

However, these were cited in 20 per cent or fewer of workplaces in wholesale and retail trade, community services, recreation and personal services, and mining.

If we leave aside mining in South Australia, just about all those other industries are covered by State awards in our State system.

Whether managers regard the workplace operating hours as restrictive is problematic. Managers at workplaces where operating hours were based on reasons other than demand or the technology employed or availability of supplies were asked to indicate if their operating hours would be different if not for the provisions of legislation, award agreement or custom and practice. Only 36 per cent indicated that it would be, with the highest response from wholesale and retail trade, 45 per cent.

To further investigate what, if any, efficiency barriers to change managers felt they faced, we asked the following open-ended question:

This is important, because basically the Government's legislation is founded on certain gross misconceptions. The question is as follows:

What, if any, significant efficiency changes would you like to make at this workplace but cannot?

Mr Ashenden: Get rid of the member for Ross Smith.

Mr CLARKE: You give me too much credit. The article continues:

Fifty-seven per cent of managers said there were no changes they could not make. Presumably these managers were satisfied with the way they managed their workplace or accepted any constraints as inevitable. Eight per cent indicated constraints involved management within their wider organisation; this most often involved their lack of authority or autonomy. Thirteen per cent of managers said they would make changes to unionism or worker-related issues. Three per cent wanted to change sources of funding. The most common efficiency barriers were deemed to be lack of appropriate technology and/or capital resources.

It had nothing to do with awards, the award system or the restrictions of our current legislation. Continuing:

The results suggest that attempts by management to become more efficient were hampered by management and organisational structure, management objectives and, in particular, financial or technical constraints facing workplaces, rather than simply industrial relations considerations.

A table—and I will just use the private sector for time reasons—indicates the six major reasons given by the private sector managers themselves for barriers to change as they saw it: lack of money or resources, 32 per cent; management or organisation policy, 14 per cent; unions, 14 per cent; Government rules and regulations, 9 per cent; awards, 6 per cent; and others, 28 per cent. The findings in this chapter—

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I understand. Thank you, Mr Minister—a good reason to get rid of the unions. Thank you for being honest. You were honest in this House just then: the only time you have been honest in your answers on this issue since the debate began.

Mr BRINDAL: I rise on a point of order. It is customary during the debate to speak through the Chair and not to point at people and call them 'you'. I wish you would give him some instruction on how to behave.

The ACTING SPEAKER (Mr Venning): That is a point of order, but I ask all members not to encourage members on either side to interject.

Mr MEIER: I have a further point of order. The member for Ross Smith made a personal reflection on the Minister, which I think was completely outrageous and untrue, and I hope that he will withdraw it.

The ACTING SPEAKER: Order! It was up to the Minister to raise that point of order if it was in relation to him, and he has not made that request of the Chair. So, there is no point of order. The member for Ross Smith.

Mr CLARKE: The findings in this chapter are on pages 203 to 205 of this publication. I am sure the Library has it, so members can spend some time and read it. The article continues:

The findings in this chapter indicate that Australian workplaces experienced significant change in the two to five years prior to the survey. Many of the changes have important implications for industrial relations. Traditionally industrial relations has encompassed those issues that are the result of the employment contract and the wages and conditions at work, but the extent of organisational change and its impact may require that parties widen their conception to the subject matter of industrial relations. It is important to note that we have experienced significant change in the two to five years prior to the survey, and of course that has been since the award restructuring principles of the Federal and State commissions under the Accord processes of the Federal Labor Government and also in our own State legislation.

Now, I know the members opposite hate hearing the truth: it spoils a good story. You want to blame unions, you want to blame workers, you want to blame the size of their wages, you want to blame the award system for all of our economic ills, but your own supporters—the management—when they got a survey and were doing it in a non-political forum

answered truthfully: 6 per cent of managers (and this is a survey of large and small employers right across Australia in a whole range of industries)—

Mr Ashenden interjecting:

Mr CLARKE: Read the book yourself and find out.

Mr Ashenden interjecting:

Mr CLARKE: You are so thick. You are just a pillock when it comes to this matter, I am afraid.

Mr Ashenden: Just tell us how many.

Mr CLARKE: Six per cent of your own managers, your own supporters, identified award constraints as being a barrier to change. That gives a lie to everything that has been stated in this House so far on the Government side with respect to this matter, and—

Mr BRINDAL: I rise on a point of order. If I heard correctly, Sir, the record will show that the member accused the Government of lying, and that is unparliamentary.

The ACTING SPEAKER: Order! I will rule that the honourable member did not actually accuse the members of the Government of lying. He used the term—

Mr Brindal: 'Gives a lie'.

The ACTING SPEAKER: I think he used the term 'gives a lie' rather than accusing them of having told a lie. I do not think the member for Ross Smith was casting a reflection on the members of the Government when he used that term, but he may wish to enlighten the Chair as to what he did say.

Mr Evans: He can't remember.

Mr CLARKE: That is probably the most accurate interjection I have ever heard. 'Gives a lie' was the term I used, Mr Acting Speaker, and it is true. I am quite happy to say that I do not think too many members, if any, of the Government—and, look, I will absolve them all: I do not think any of them have lied—understand the legislation. They do not have the foggiest notion. So, I absolve them from lying, simply because they do not understand.

The electors were regaled by the Minister, when he was spokesperson for the Opposition, that awards would remain and enterprise agreements would be subject to a 'no disadvantage' test, and that there would be an independent employee ombudsman to look after the interests of employees. Nothing of the sort could be further from the truth. As I said earlier, if the Minister understood his own Bill, he would have to agree with me. I do not believe he is trying to mislead us: it is just that he has no idea what he is doing in the area of industrial relations. Turning to the Bill, the Opposition has some 70-odd amendments—

Mr Brindal: How many?

Mr CLARKE: Seventy odd.

Mr Brindal: Seven zero?

Mr CLARKE: Yes.

The ACTING SPEAKER: Order! All exchanges will be directed through the chair.

Mr CLARKE: The central thrust of the Opposition's amendments will be to redress several critical areas. They are—and not necessarily in order of importance, although this first one would have to rank at the top—the maintenance of the integrity and independence of the Industrial Court and Commission of South Australia; secondly, to provide for enterprise agreements that will be accessible by non-unionists and unionists alike but with a safety net of awards firmly in place, together with a strong no-disadvantage test to be applied before an agreement can be certified; thirdly, the establishment of a truly independent employee ombudsmen answerable to this Parliament, not to act as the Minister's toady, to do his bidding, but with real powers to be able to intervene in commission proceedings and to represent the interests of workers and unionists and non-unionists alike; fourthly, the provision of a proper avenue to reinstate or compensate employees who are unfairly dismissed; and fifthly, to beef up the minimum standards provided in the Bill by allowing the commission to fix minimum rates of pay for employees who are award free.

Up to 20 per cent of the work force in South Australia is award free. These are the people who operate in a totally deregulated labour market. The member for Colton said earlier, 'Name the unscrupulous employers.' There is a general inference that employers will always do the right thing. In this area of award-free regulation, employers—in South Australia and not anywhere else—are able to demonstrate whether they are truly in 1994 or in 1894.

The Hon. G.A. Ingerson: Name a few.

The ACTING SPEAKER: Order!

Mr CLARKE: The telemarketing industry is award free. There is a huge demand for telemarketers.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I can.

The Hon. G.A. Ingerson: Well, name them.

Mr CLARKE: One of the telemarketing firms—and, unfortunately, I do not have the files with me—operates from a building in Light Square, just around the corner from Waymouth Street.

Members interjecting:

The ACTING SPEAKER: Order! All remarks will be addressed through the Chair.

Mr CLARKE: The name will come to me before the end of the night, and I will advise the Minister of that. The telemarketers concerned, who were operating in an award-free environment in South Australia when I saw them 12 months ago, were being paid a flat rate of $6.50 an hour. They work primarily at night, because they know that you will be at home. They ring up, often on behalf of a charitable organisation, and try to get you to buy tea towels or whatever. The manufacturer of the tea towel, which sells for $25, makes a few dollars, the charitable institution receives $1, and then the telemarketing firm gets its cut. Employees of telemarketing firms work seven days a week, including weekends, for $6.50 an hour, yet the base grade rate for a 21 year old casual clerk is around $9.50 an hour. With respect to letter box droppers—

Members interjecting:

The ACTING SPEAKER: Order!

Mr CLARKE: The people who distribute leaflets for stores such as Target and things of that nature and various firms—

The Hon. G.A. Ingerson interjecting:

The ACTING SPEAKER: Order! The Minister will address his remarks through the Chair.

Mr CLARKE: I will name that firm. I want to make sure I name the right one.

Members interjecting:

The ACTING SPEAKER: Order! All remarks will be directed through the Chair. The member for Ross Smith will not react to interjections. The debate is getting into a pretty low ebb, and we must continue the debate. We have nine hours in front of us. We want to keep to the point, and we do not want to waste the time of the Parliament.

Mr CLARKE: Indeed, that company's name is on the record of the Industrial Commission, because I took an unfair dismissal case before it—

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: No, it's not confidential; it is on the public record, because I took the company before the commission for an unfair dismissal, and all the facts are there. I will get the name of the company. It is certainly registered in the Industrial Commission because I went there and filed the claim.

Mr Brindal interjecting:

The ACTING SPEAKER: Order!

Mr CLARKE: The member for Unley says, 'Only one company.' I point out that it employed 80 people. The telemarketing industry is a huge industry. There are a number of other examples, such as the people who distribute leaflets and pamphlets. Those employees are not able to be covered by an award, because they do not fall within the definition of 'employee', despite attempts by the previous Government to include them. That was opposed by the then industrial relations spokesperson and the now Minister. Those people have no award rights, and they have no minimum standards. If employers are up with 1994 and are truly compassionate, in this free labour market they could have shown their *bona fides* by paying a proper rate of pay. That telemarketing company did not even pay a wage equivalent to that of a 21 year old base grade casual clerk. We will also seek to protect the 17.5 per cent annual leave loading as a basic minimum provision in the minimum standards, and to protect—

Members interjecting:

The ACTING SPEAKER: Order!

Mr CLARKE:—five weeks annual leave for regular shift workers required to work on Sundays and public holidays, which has been a standard of the Industrial Commission for decades. Those employees who are shift workers are not protected with respect to their annual leave, and the Minister should know it.

The Hon. G.A. Ingerson: Of course they are.

Mr CLARKE: They are not. The commission standard is five weeks, and your minimum schedule says four weeks.

Mr BRINDAL: I rise on a point of order, Mr Acting Speaker. I ask you to rule on relevance. The member for Ross Smith is talking about minimum awards and things which I believe are to be the province of an industrial tribunal: they are nothing to do with this legislation. I suggest that—

Mr Clarke: That just shows that you're ignorant.

Mr Brindal: They are not.

The ACTING SPEAKER: Order!

Mr Clarke: That just shows how pathetic you are.

The ACTING SPEAKER: Order! The member for Ross Smith will keep quiet while the Acting Speaker is deliberating. I rule that the member is talking to the subject. However, I ask the member to come back to the point, because he is straying. I feel he is straying because Government members are encouraging him to do so. Members are drawing out the time of this debate by their interjections, and I would suggest that Government members keep quiet so the member for Ross Smith can continue.

Mr ASHENDEN: I rise on a point of order, Mr Acting Speaker. I point out that the member for Ross Smith is not debating through the Chair, and he is using the terms 'your' and 'you' to the Minister. Mr Acting Speaker, I ask you to advise him that he must address his remarks through the Chair.

The ACTING SPEAKER: I uphold the point of order, because the honourable member has been doing that, and he is aware of that. I remind him again not to use the term 'you' and to address his remarks through the Chair. If he is referring to members opposite, he should refer to them by their electorate.

Mr CLARKE: I note that the member for Unley has taken up my suggestion and is no doubt reading the Bill for the first time. I am afraid that when I look at the member for Unley it is a case of 'Knock, knock, the lights are on, but nobody's home.' I refer to the independence of the commission and the judiciary. We will go through this in more detail in Committee, whereupon the complete ignorance of the Minister on this matter will become readily apparent. To forewarn him for the Committee stage, I draw his attention to the independence of the judiciary. There is nothing more fundamental than the fact that those who appear before the Industrial Commission and Industrial Court believe that the person sitting in judgment on their wage claim, unfair dismissal or underpayment of wages claim acts impartially without fear or favour. That is a fundamental tenet.

We would not tolerate, and the judiciary would not tolerate, Supreme Court justices of the State being appointed for a fixed term. Clauses 7 and 24 establish a new court and a new commission. The reason for that is quite apparent if one reads schedule 1 on page 91 and, in particular, the transitional provisions in paragraph 9, which allow for existing members of the court and commission to be sacked if the Governor so pleases.

The Hon. G.A. Ingerson: What about the Trade Practices Commission?

Mr CLARKE: I will deal with that.

The Hon. G.A. Ingerson interjecting:

The ACTING SPEAKER: Order!

Mr CLARKE: Schedule 1(9) provides:

(1) On the commencement of this Act, a person who held judicial office in the former court immediately before the commencement of this Act is transferred, unless the Governor otherwise determines, to the corresponding judicial office in the court under this Act.

(2) On the commencement of this Act, a member of the former commission is transferred, unless the Governor otherwise determines, to the corresponding office or position in the commission under this Act.

(3) The Registrar and other staff of the former court and the former commission . . . are, on the commencement of this Act, transferred to corresponding positions on the staff of the court or the commission (or both) under this Act.

(4) If the Governor determines that a judicial officer of the former court or the former commission is not to be transferred to a corresponding office in the court or the commission under this Act, the Governor must transfer the judicial officer to a judicial office of no lesser status.

A couple of matters arise. The Industrial Court and Commission of South Australia are comprised of judges—the President and Deputy Presidents of the Commission who also jointly serve as the President and judges of the Industrial Court. There are industrial magistrates also in judicial positions. They can be sacked from their current positions at the discretion of the Minister. Schedule 1(4) provides that, if they are not transferred to a corresponding position, they must be transferred to a judicial office of no lesser status. Members of the Industrial Court and Commission and judicial officers were so appointed because they wanted to be in the industrial division—they did not want to be in the Children's Court, the District Court or wherever. They were appointed to the Industrial Court—

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: The Minister's interjection is partly correct in the sense that some of them also hold commissions in the District Court, but their prime role is in the industrial arena. The four lay Commissioners do not hold judicial office and, therefore, there is no safety net for them outside the

commission. With the establishment of these transitional provisions and the new court and commission the Government can simply sack the four Commissioners who have been appointed under the current legislation until age 65, unless removed by both Houses of Parliament.

The State Government is the single largest employer in South Australia. The majority of its own workers operate under the State Industrial Commission. The State Government as an employer is regularly taken before the commission and the Industrial Court as a respondent, whether it be on wage claims, unfair dismissals, interpretation of awards or a whole range of other matters. Because none of you understand the area—

The ACTING SPEAKER: Order! The honourable member is again referring to members as 'you'. I ask that he makes his remarks through the Chair and, if he is referring to individuals, I ask him to identify them by their electorate.

Mr CLARKE: Members opposite know nothing about industrial relations and nothing about judicial independence.

Mr Ashenden interjecting:

Mr CLARKE: I am sure you would—around the corner with a rubber hose.

Members interjecting:

The ACTING SPEAKER: Order! Interjections are out of order.

Mr CLARKE: You frighten me to death—savaged by a dead sheep! If we look at the transitional provisions we find, quite clearly, that the Government is putting a gun to the head of the very people who arbitrate wages and working conditions for the Government's own employees. It is unbelievable that members opposite could countenance such interference with the independence of the Industrial Commission and Court. I refer to clause 33(1) on page 14 and clause 36(1) on page 15. I am giving page references as I appreciate that members opposite have not read the Bill. They can look them up for the purposes of this debate. Those clauses clearly provide that future appointments as members of the commission are for a fixed term, including the offices of President and Deputy President of the commission, of not less than six years—

The Hon. G.A. Ingerson interjecting:

Mr CLARKE:—which inevitably would be six years. Whilst the Bill says 'not less than six years', the Minister interjects that it is six years. We have that little bit of extra information out of him. It is the Government's intention that the term of office will be no more than six years, notwithstanding the fact that the Bill says 'not less than six years'. I thank him for his help.

As the State Government is the largest consumer of the commission in the sense of the number of employees affected by awards of the commission, it is not too hard to envisage what would happen in respect of a Commissioner who was 5½ years into his or her six year appointment and who had a particularly contentious issue whereby employees had lodged a significant wage claim against the Government. The Government is resisting it vigorously and is bitterly opposed to any ground being given. It could be the Police Department, whereby the successor to the member for Florey as Secretary of the Police Association has his troops before the Industrial Commission seeking a review of penalty rates since they missed out on stress claims under the workers compensation legislation, as supported by the member for Florey. The Government is bitterly opposed to that claim.

The Commissioner may be only 52 years of age and have been in the job for only 5½ years. He has not built up any long service leave or superannuation credits of any note. The members of the Police Association are aware of this, and they are worried. They know that the Government is pretty stroppy about this. If the Commissioner takes a decision in favour of the union against what the Government clearly believes should not be granted, will the Commissioner be tempted not to award the claim? On the other hand, the Commissioner acting without thought to what peril his own job might be in, might quite justifiably on the evidence and the facts refuse the claim from the Police Association. But you would never convince 4 000 policemen and policewomen that that was a just and fair decision without their thinking that the Commissioner went against them only because the Minister could have dropped him from the list in six months time.

If the Minister was dinkum in his arguments on this matter, he would reinstate what is currently in the Act and what has been supported by successive Liberal and State Labor Governments since the industrial code was brought in in 1920 in order to maintain the integrity and independence of the Commission beyond reproach, so that no-one who came before that court or commission could have any fear whatsoever that their matter would be dealt with impartially and on the merits of the case. In the case of commissioners, we appoint them to age 65 and in the case of judicial office-holders to age 70. If they are to be removed, that can be done only by a resolution carried by both Houses of Parliament. Members opposite may well recall the debate at the time of the establishment of the new Australian Industrial Relations Commission in 1988 and the furore that broke out amongst the legal fraternity when Mr Justice Staples was not appointed to that commission.

The Hon. G.A. Ingerson: Which Government?

Mr CLARKE: It was the Federal Labor Government. I did not agree with that decision. Every other member of the court or commission was transferred under their transitional provisions to their corresponding position in the new court or commission. However, the situation with Mr Justice Staples was a different kettle of fish. I raise this matter because I am sure that the Minister will, in any event. His problem was that since 1982, the Presidents of the commission, his own brethren—first, Sir John Moore and then the late Justice Barry Maddern—refused to assign him any work. Here was a judge going to work in his white car every day having to sit down at his desk with nothing to do. There was no provision in the Act to compel the President of the day of the commission to give him work to do or awards to handle. Mr Justice Staples wanted to do some work, to handle awards, but unfortunately for several years, because of the actions of his Presidents (Sir John Moore and the late Mr Justice Maddern) he was given no work to do.

In that circumstance, the Federal Government's action in not transferring the judge could at least be justified because there was simply no work to be done, not because the Government had interfered with him but because his own President had refused to give him work. Therefore, the taxpayers were meeting his costs of superannuation, his car and office and all the rest of it. I suggest that it is a borderline case as to whether that is still proper. I do not believe it was proper for the President of the commission to refuse to give one of his deputy presidents work to do, but that is another issue. You cannot instruct a President to do that, neither should you. That is the whole point behind maintaining the independence and integrity of the commission. We do not want to make light of that point, because as I said earlier in my address there are approximately 300 000 workers in this

State and their families who have to live. Their standard of living is governed by decisions that are taken by the Industrial Commission.

The second point I want to cover concerns the enterprise bargaining clauses (pages 29 to 32). I draw the attention of members to, in particular, clauses 75(1) and 75(2) (page 30), because again, if I do not take the time to go through it with them, they will not read it. Subclause (1) provides:

> The commission must approve an enterprise agreement if, and must not approve an enterprise agreement unless, it is satisfied [on three basic grounds]—
>
> (a) the agreement, considered as a whole and in the context of all relevant industrial, economic and commercial circumstances affecting the enterprise, does not substantially disadvantage the employees to whom it is to apply.

Here is the rub: here is the removal of the safety net. This gives the lie to your policies and your promises before the election that the award—

Mr ASHENDEN: I rise on a point of order, Mr Acting Speaker. The honourable member is not addressing his remarks through the Chair but is using 'you' and 'your' again. I ask you to remind him once more.

The ACTING SPEAKER (Mr Venning): I was distracted. If the honourable member was using those terms, I remind him to direct his remarks through the Chair and that the terms 'you' and 'your' are out of order. The member for Ross Smith.

Mr CLARKE: This gives the lie to the members of the Liberal Party who went out in their droves and campaigned saying, 'We will keep an award structure and you can have enterprise agreements that are better than the award. The award is protected.'

Members interjecting:

Mr CLARKE: I have read it; I wish you would. So, an agreement must be certified; that is, after you take into account the industrial, economic and commercial circumstances—

Members interjecting:

Mr CLARKE: I will deal with those in a moment; one at a time. It must not substantially disadvantage the employees, unlike the Federal system or the current State Act which stipulate no disadvantage. The words 'substantial disadvantage' are significant. The word 'substantial' is nowhere defined in the Act but, again, for the benefit of members opposite, the best guide I can go by is the definition of 'substantial' in the Oxford dictionary, as follows:

> Of real importance or value of considerable amount.

So, you can have an enterprise agreement which goes well below the award but which can still be ratified. You cannot do it under the—

An honourable member interjecting:

Mr CLARKE: I wish you would read it.

Mr Ashenden: We are asking you to understand it.

Mr CLARKE: I understand it perfectly well. I have no difficulty in comprehending this. As I said, members opposite have been advised by the Minister that everything is sweet in the rose garden when it is not. It is a bit like the member for Unley, who was stunned during the WorkCover debate about stress claims for police officers. It was not until the dying moments that it dawned on him that what the Opposition had been saying about the interpretation of the stress provisions was right all along. That is true regarding this matter also.

Mr BRINDAL: I rise on a point of order, Mr Acting Speaker. It is out of order to refer to other debates in this place, and I ask you to rule accordingly.

The ACTING SPEAKER: It is out of order. I ask the honourable member to withdraw that comment.

Mr CLARKE: If it is out of order, I withdraw it. There is no award safety net, because you can go substantially below the award. Clause 75 (1) provides:

> (b) the agreement has been negotiated without coercion and has the support of a majority of employees who are to be bound by the agreement;

This is the saviour. Regarding the word 'coercion', it is not coercion in an office of, say, three or four clerks for the employer to ask his or her employees to come in one at a time, to sit down at his or her desk, to be given the enterprise agreement and for the employer to say, 'This enterprise agreement does a variety of things, X, Y and Z. Would you like to sign it? The others have.' That is not coercion. But regarding the employee sitting on his or her own in the office opposite the boss, knowing there is 11 per cent unemployment and that the employer has the right to hire, fire, promote or whatever, that is not coercion. But that employee is feeling tremendous internal moral pressure: 'Shall I or shall I not sign that agreement? It has the support of the majority of the employees who are to be bound by the agreement.' It is fascinating.

I will provide an example. A company has 100 employees: 51 of those employees work 9 to 5, Monday to Friday only and 49 are shift workers who receive shift penalties and the like. The agreement is defined to cover the whole 100. The 51 who work 9 to 5 are brought into the employer's office and are told that the agreement offers the *status quo* for them: there is no change in the spread of hours, they still work 38 hours, they come in at 8.30 and knock off at 5, they still get a lunch break, they still get overtime and they still get the same rate of pay (or they might even get another 5 per cent on top to sweeten it). However, for the 49 shift workers, there are no penalty rates. The 51 day workers say, 'Terrific; I have a 5 per cent increase for nothing. I will sign.' That agreement has the support of the majority of employees.

Mr BROKENSHIRE: I rise on a point of order, Mr Acting Speaker. The honourable member has been misleading the House during this debate with respect to his quote from the dictionary: he has not quoted what it really says. It says: '. . . having substance actually existing'. He has quoted only the second definition.

The ACTING SPEAKER: Members cannot allege misleading comments but they can take up a matter later in the debate. The honourable member can selectively read the dictionary, as he might have done, but I ask the honourable member to bring up the issue in his contribution if he has a grievance.

Mr CLARKE: I take umbrage at even those comments, Mr Acting Speaker. I quoted from the dictionary and the dictionary has a number of definitions. You must apply the definition that relates to the circumstance. I take umbrage at your casting reflections on me, Mr Acting Speaker.

The ACTING SPEAKER: Order! I did say 'if' and 'selective quoting'. There is no point of order.

Mr BRINDAL: I rise on a point of order, Sir. The member for Ross Smith clearly reflected on a ruling of the Chair, and that is out of order.

The ACTING SPEAKER: I will not rule it out of order, because in my experience I think the honourable member was correct in that instance.

Mr CLARKE: Thank you, Mr Acting Speaker; as always you have been just and merciful. It is wonderful for the 51 employees who picked up the 5 per cent, but for the 49 shift

workers it is a bit of a rough deal. The test has been reached. You can go before the enterprise commissioner and say, 'Given all the industrial, economic and commercial circumstances affecting the enterprise (whatever that means, because it is certainly not defined in the commission) it does not substantially disadvantage the employees to whom it applies.' For 51 of them it is a good deal; they have 5 per cent more. The other 49 might lose 15 per cent, which could represent their standard afternoon shift loading. Does not the loss of the 15 per cent substantially disadvantage the employees? It might be a loss of $50 out of a $500 a week pay packet. Is that a substantial disadvantage?

There has been no coercion? There is nothing improper about an employer bringing in the employees one at a time and asking them to sign this form? There is not coercion? Nobody has been threatened? It meets all the tests. In fact, the commissioner is obligated under that clause to ratify it: it says he must do it. Subclause (2) is a beauty. In the lead-up to the last election we had the Minister (then the shadow spokesman) running to the media saying, 'We will legislate minimum standards below which nobody can go. You will have an award coverage, award protection is your base and, even if you are not covered by an award, we will legislate minimum standards on rates of pay, annual leave, sick leave, parental leave and redundancy pay.' Read subclause (2):

> . . . if an enterprise agreement provides for remuneration or conditions of employment inferior to the scheduled minimum standards, the agreement—
>
> (a) may only be approved if the commission is satisfied the agreement, considered as a whole and in the context of all relevant industrial, economic and commercial circumstances affecting the enterprise, is substantially in the interests of the employees who are to be bound by it; and
>
> (b) must be referred to the Full Commission if the member of the commission before whom the question of approval comes in the first instance is in serious doubt about whether the agreement should be approved.

Let us consider the following. First, the enterprise commissioner decides that it is substantially in the interests of the employees if he approves an agreement which goes below the floor: there is not even a basement safety net. He can do it. He does not even have to refer it to a full bench for approval. It provides:

> . . . must be referred to the Full Commission if the member of the commission before whom the question of approval comes in the first instance is in serious doubt. . .

This applies only if the enterprise commissioner is in serious doubt: it is not automatic.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I wish you could understand your own legislation. It does not even have to go to a full commission: it is only if the commissioner thinks it ought to go. Here is the beauty of the lot on this agreement: this is the humdinger. An average, fair minded person would think that those 49 shift workers whom I described and who said, 'I have just been shafted. I want to appeal. I think the enterprise commissioner is wrong. I was substantially disadvantaged. I think losing $50 a week out of a $500 a week pay packet on shift penalties is a substantial disadvantage and I want to appeal that' could appeal against that decision. Read clause 200, because there is no appeal against an enterprise commissioner's decision. There is justice, fairness and equity. If members do not believe me, let us take the time to look at the clause.

The Hon. G.A. Ingerson: That shows what a dill you are: there are two people agreeing with you.

Mr CLARKE: The Minister says that I am a dill.

The Hon. G.A. Ingerson: You have two people agreeing with you.

Mr CLARKE: Because, you clown, it requires only majority consent. Read your own legislation—

The SPEAKER: Order!

Mr CLARKE: —and understand it! For God's sake—

The SPEAKER: Order!

Mr CLARKE:—understand your own legislation!

The SPEAKER: Order! There is a point of order. I allowed the honourable member to respond to what was an unnecessary remark from the Minister. The honourable member went completely overboard. If there is any repetition of that there will be no warning but immediate naming. The member for Lee had a point of order.

Mr CLARKE: Mr Speaker, I obviously accept your ruling. The Minister knows that what I say is quite true. I believe that clause 200 is the relevant clause.

Members interjecting:

Mr CLARKE: What page?

Mr Brindal interjecting:

Mr CLARKE: Yes, that refers to the right of appeal. I thank the member for Unley. Subclause (2) provides:

> However—
>
> (a) there is to be no appeal against the approval, variation or recision of an enterprise agreement;

The legislation states that an agreement can be made if a majority of employees agrees. The example I gave of the 51 day workers and the 49 shift workers is exactly the point. Those 49 shift workers, who may believe that $50 out of their $500 is a substantial disadvantage, cannot even appeal to the full commission. That is in the Minister's own legislation.

Mr Brindal interjecting:

Mr CLARKE: Absolutely, I realise that and I realise that the member for Unley and his minions on the other side will all troop across and vote as a block on this legislation; I expect no other action. However, of course, at the end of the day this information will get out to the people of South Australia, and right ultimately triumphs. There is reference to an employee ombudsman. This is a beauty—another one. This Bill is replete with wonderful examples of authoritarian rule. I refer to clauses 59 and 60, at page 24.

Mr Brindal interjecting:

Mr CLARKE: I can count from 200 backwards; I doubt that you can count from five backwards. I refer to clause 59. Again, we have the Minister, when he was shadow spokesman, and the Premier wandering around prior to the election saying, 'Forget what the unions and Labor Government have to say because at the end of the day we will fix you up with a magnificent employee ombudsman who will look after you whether you are unionists or non-unionists.'

What would any right-minded person think when they heard the term 'ombudsman'? We already have an ombudsman in this State: a person appointed who can be dismissed only by both Houses of Parliament. That position is truly independent, fearsome, able to get out there and stand up for justice and against the bureaucracy if necessary.

Let us look at Graham's toady, which we call the 'Office of the Employee Ombudsman'. Clause 59 refers to managerial control and direction and provides that the employee ombudsman is subject to the general control and direction of the Minister. What a wonderfully independent, fearsome sort of body this is. Members should bear in mind that public servants and police officers are employees of the Government and for industrial relations matters are responsible to the Minister.

Now, the interesting point about it is that one could really see a State public servant, for example, wanting to know about an enterprise agreement that the Government is negotiating. That public servant, thinking that they have been subjected to a bit of coercion or heaviness to support an agreement, then decides to see the employee ombudsman. But, hang on, that public servant notices that the employee ombudsman is answerable to the boss.

The employee ombudsman can be told to do anything; he can be told not to do certain things or to do certain things totally at the discretion of the Minister. We do not know what the Minister orders the employee ombudsman to do: it is not subject to regulation or ministerial statement in the House so that it can be cross-examined.

We have an employee ombudsman who will look after the interests of all these public servants and other workers, but particularly public servants. This worker will think, 'I'll be heavied, but I will go along and talk to the employee ombudsman.' That is like going from Caesar to Caesar.

I know that there are a few lawyers in this place, and I thought this notion of independence might curdle a bit even in their guts. If they have not lost total disrespect for their own Government in relation to interference with the independence of the judiciary and the commission, I would have thought that this concept of an employee ombudsman would start to curdle their guts. However, it does not seem to have evoked any response at this stage. So, Graham's toady will sort it out. That is a joke; it is a scandal.

We then see what magnificent powers this ombudsman has. If the Government were honest about it, it would scrap the term 'ombudsman'. It misleads the public; it conveys an impression that is just not factual. Subclause (1) refers to the general functions of the employee ombudsman and states:

(1) the employee ombudsman's functions are—

(a) to advise employees on their rights and obligations under awards and enterprise agreements.

That is fine. It further states:

(b) to advise employees on available avenues of enforcing their rights. . .

Yes, they can go and see a lawyer for $1 500 a day and be represented. A lot of use that is. The Bill further provides that the ombudsman's functions include:

(c) to investigate claims by employees or employee associations of coercion. . .

Yes, that is to 'investigate'. It relates to a narrow point of coercion, which is very difficult to prove. However, the only power there is to investigate claims by employees or employee associations of coercion in the negotiation of enterprise agreements. One then assumes that the employee ombudsman will be able to get into the Industrial Commission and represent the worker's rights and say that the 49 shift workers have been ripped off; they are being substantially disadvantaged. But, no, members should look at paragraph (d), which states that the ombudsman's functions also include:

to represent employees in proceedings related to an enterprise agreement matter if there are grounds to suspect coercion in the negotiation of the agreement or some other special reason [whatever that might be] justifying the employee ombudsman's intervention in the proceedings.

There is no general power for the employee ombudsman, contrary to what the Minister said in his press release last night, to go into bat before the Industrial Relations Commission or before the enterprise commissioner and say that these 49 shift workers are being screwed—they are being substantially disadvantaged. There is no power under the Government's Bill for the employee ombudsman to do that. There is silence from members opposite. Usually when they think I am wrong they are all on at me.

Members interjecting:

Mr CLARKE: Members opposite will not admit it publicly, but some of what I am saying is slowly sinking in. The only other thing is that the employee ombudsman is also what was known in the past as a DLI inspector. Clause 63, 'General functions of the inspectors', provides:

to investigate complaints of non-compliance with the Act, enterprise agreements and awards; and

to encourage compliance and, if appropriate, take action to enforce compliance.

They can do that, but it does not give them the right to go into the commission and argue the 'no substantial disadvantage' test. That is not an automatic right. So, an employee ombudsman is not an ombudsman. He is directly responsible to the Minister of the day, and any company that may be a heavy contributor to Liberal Party finances, being investigated by an employee ombudsman, phones up the Minister for Industrial Affairs and says, 'Can you direct this employee ombudsman not to investigate my affairs? ', and the Minister of the day may well decide to say, 'Yes, drop it.'

Mr CAUDELL: On a point of order, the member for Ross Smith is asserting that the Government is responsible for corruption. I find that personally offensive.

The SPEAKER: It is inappropriate for people to impute improper motives to another member. The member for Ross Smith was making a broad generalisation which was getting fairly close. I suggest to the member for Ross Smith that he not continue that line.

Mr CLARKE: Thank you, Mr Speaker. What I find offensive is this con job that the Government is putting to the public about an independent employee ombudsman who does not exist in fact. That is what I find offensive. Let us look at reinstatement. Let us look at clauses 99 to 102, and the whole of that part of the Bill. I will just summarise it for members. I assume, given that the Minister has included some form of remedy for unfair dismissals, that the Government accepts it as read that employees have such a right to challenge a dismissal. The Liberal Party did not support it in 1972 when the Act was first brought in to give unfair dismissals—

Members interjecting:

Mr CLARKE: Whatever I have signed I stand by. I have no problems whatsoever on that note.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I only wish that I would have a right of reply, as you have a reply to my contribution. This is a dreadful piece of legislation. The commission does not order reinstatement too often, and there are many reasons for that. Neither the employee nor the employer likes it. Many are one on one situations: a small employer place, personal relationships break down, and therefore it is better to move on; but the person is dismissed unfairly. At the moment there is no limit to the amount of compensation that the commission can award for unfair dismissal. It is true that the commission has been extraordinarily miserly, in my view, about the compensation that has been paid to dismissed workers.

There seems to be a very clear differentiation between award covered employees who get a minimal amount of compensation and non-award managerial employees, such as the case of *Stow v South Australian Brewing Company and others*, where significant sums of money have been awarded for non-award covered employees in lieu of re-employment. However, that is a question of argument before the commission on the merits of the case, but the important point

is that it is without limit. Here the Government's legislation cites a maximum of six months of your average earnings for the three months immediately prior to your being given the sack.

What an open invitation for an employer to say, 'I want to sack this person. I might end up in court for unfair dismissal: how do I minimise my risk as far as costs are concerned?' There is no doubt really on reinstatement, because the commission is loath to order reinstatement except in exceptional circumstances, but on monetary compensation I would reduce that worker from a full-time status if I were that employer, put him on half time or, if he was a casual employee, as are many workers under State awards, a shop assistant on 25 or 30 hours a week, I would cut his hours to 15 or whatever I could get away with, and then at the end of that three months give him the sack. And, no matter how bad or unfair that dismissal was, the most that employer will pay in compensation is 26 weeks at that reduced rate of pay.

Or if you are a manager on a salary package of $50 000 a year and you said, 'I will drop it to $25 000 a year,' the same principle can apply. It would significantly reduce the cost to the employer. This is an open invitation for unfairness.

Mr Ashenden interjecting:

Mr CLARKE: I have had a lot of experience with section 31s, as members opposite know.

Members interjecting:

Mr CLARKE: I have lost some and I have won some.

Members interjecting:

Mr CLARKE: We mainly beat the RAA, but I do not think we had any unfair dismissals there. There might have been unfair dismissals but they were not members of ours. In any event, the other point that is particularly obnoxious about this part of the legislation is that, if it is a *bona fide* redundancy, the worker cannot claim for unfair dismissal, and case law on this matter is extensive. The legislation says that, if you are redundant and you have been paid out your minimum standards, your 13 weeks, the maximum you can get (13 if you are over the age of 45: 12 if you are under), it does not matter under this legislation if the employer has acted unfairly in a selection process for that person to get the sack or has flouted the principles the commission has established over the years in various unfair dismissal decisions as to how an employer should conduct himself when a retrenchment situation arises.

And there have been cases, including some I have taken myself, where without doubt the employer wanted to reduce the total number of employees for reasons of economic recession, or whatever, but then used that as an excuse to get rid of people it regarded as trouble makers, union delegates or whatever. It is a very cheap way of getting out of it, because under this legislation you cannot file for an unfair dismissal. You cannot file for unfair dismissal if you are dismissed by reason of retrenchment or redundancy and paid out your minimum standard.

So, no matter how crook the selection procedure was, no matter how harsh or unfair, you do not have a remedy under this legislation for unfair dismissal. This legislation also prohibits you from pursuing an unfair dismissal claim if you lodge an alternative application for an unfair dismissal through, say, the Equal Opportunities Commission. The principle that has been handed down is that you cannot ride two horses. If you turn up at the Industrial Commission and you still have a claim before the Equal Opportunities Commission, you have to make your choice. I am not arguing about that: that is what the procedure says now. You cannot sue the employer through two different tribunals—only one. It gives the employee the opportunity to seek proper legal advice and advice from the union as to which is their best avenue to pursue their redress: if it was a sexual harassment case, or something of that nature, would it be better to go though the Equal Opportunity Commission as against the Industrial Commission?

This legislation provides that, if you have filed in any other jurisdiction, you have no rights to pursue a claim for an unfair dismissal. Given that the Government is attempting to reduce the time span from 21 to 14 days for employees to elect to lodge an application for unfair dismissal, it is not unreasonable for them to file also with the Equal Opportunities Commission while they consult their lawyers or other advisers as to which is the best avenue in which to seek redress. That is not permitted under this legislation.

Members opposite may believe the way the legislation is drafted is all very smart and that it will avoid the Federal Industrial Relations Act, which does not have this upper limit and this basic unfairness with respect to unfair dismissal. Members opposite think that, by putting up two-bit legislation such as this in respect of unfair dismissals, that will save them from Federal legislation. Well, if it gets through unamended, they will find out how wrong they are. There will be significant avenues for people to pursue remedies in the Federal jurisdiction rather than the State.

However, I prefer the State jurisdiction: it should stay as it is. It is less costly than the Federal jurisdiction; it is faster; the members of the commission have been dealing with these matters for the past 22 years and have built up a great deal of experience; and, overwhelmingly, the majority of the matters are dealt with expeditiously and settled without going to arbitration. I would prefer people to stay within the State system. The State system has been a good system and it has been a just system, but this legislation that the Government is putting forward will drive people into the Federal arena, it will increase their costs, and it will increase the time lag it takes for people to have their claims properly dealt with.

I have already alluded to the schedules for the minimum standards, and I will not take up more time now—I will do that when we go into Committee—but there are fundamental flaws in those minimum standards and, if members opposite are half dinkum about it, they will support my amendments.

Mr Caudell: If we were fully dinkum, we would throw you out!

Mr CLARKE: There speaks a great democrat! There speaks the true voice of the employer. I know Mr Caudell is an employer. One day I should perhaps inspect his time and wages records to see whether he complies with the awards.

Mr CAUDELL: I rise on a point of order, Mr Speaker. The member for Ross Smith made an assertion of impropriety against me and the way I conduct my business, and I find it offensive. I ask for it to be withdrawn immediately.

The SPEAKER: What were the words?

Mr CAUDELL: He said that I underpay the people I employ and that he would have great delight in inspecting the books of the people that I pay. I find that totally offensive.

The SPEAKER: Order! Does the member for Ross Smith wish to withdraw?

Mr CLARKE: No, Sir, because I did not utter those words. I said that the member for Mitchell is such a great democrat on these sorts of matters—I know he is an employer—and I would have great pleasure one day of inspecting his time and wages records to ensure that he is paying the award rates.

The SPEAKER: Order! The Chair is of the view that that is an improper imputation against a member.

Mr Clarke: Frog shit!

The SPEAKER: Order! Therefore, I am going to request that the comment be withdrawn. It is contrary to Standing Orders to impute or make any threats to a member. I therefore ask for an unqualified withdrawal.

Mr CLARKE: I withdraw, Mr Speaker. The Opposition's amendment allows for enterprise bargaining for non-unionists, and it provides an award safety net. It provides for the retention and maintenance of the integrity and independence of the Industrial Court and Commission. It allows all workers—unionists and non-unionists—to access a truly independent employee ombudsman to act before the making of any agreement and before the enterprise bargaining commissioner to protect workers from exploitation. It stops Graham's employees toad from—

The SPEAKER: Order! The Chair has been very lax. The member for Ross Smith will refer to the Minister by his correct title.

Mr CLARKE: My amendment, with respect to the employee ombudsman, will prevent any Minister for Industrial Affairs from being tempted to interfere with the independence of that person in carrying out his or her functions without fear or favour. It provides for the protection of the minimum standards in the legislation. Our amendment provides all the flexibility that employers and employees want—unionists and non-unionists—and it enshrines the protections that working men and women in this State deserve and demand.

Mr ASHENDEN (Wright): If ever we have had an example of the effect of the troglodytes of the union movement on the effectiveness and efficiency of South Australian industrial relations, we have just had a prime example. The honourable member who has just spoken, as we all know, was the secretary of a union within this State, and it is unfortunate that he seems to think that he can come into this Parliament with the same heavy-handed approach he used in his career in industrial relations.

The Hon. M.D. RANN: I rise on a point of order, Mr Speaker. In the light of your previous ruling I think that the honourable member should withdraw that inference against the member for Ross Smith.

The SPEAKER: Order! What are the words to which the member objects?

The Hon. M.D. RANN: The honourable member was implying impropriety in respect of the member for Ross Smith's previous career.

The SPEAKER: Order! It is contrary to Standing Orders to impute improper motives to another member. If the member made comments of that nature, I ask him to withdraw them.

Mr ASHENDEN: I did not use those words at all. I said that, if the honourable member believes that he can use in this Parliament the same heavy-handed tactics that he used as a union official, he has a lesson coming.

The SPEAKER: Order! I suggest to the member for Wright that those comments are not helpful and that, if he wants to be critical, it would be far better if he used more appropriate words. I suggest that he not continue in that vein.

Mr BRINDAL: I rise on a point of order, Mr Speaker. I apologise to the member for Wright. The Opposition spokesperson mentioned a series of amendments. Do we have any amendments? I have none.

The SPEAKER: Order! I cannot uphold the point of order, because whether amendments are circulated is not the Chair's responsibility; that is entirely a matter for individual members.

Mr ASHENDEN: We also had the crocodile tears from the member for Ross Smith when he talked about the fact that two days was not adequate time to debate this legislation. He spoke here for well over two hours. He just rambled on when he could have used that time far more effectively and efficiently in the Committee stage. So do not let the honourable member for one minute try to bleat about the fact that he has been guillotined or any nonsense of such type, because he has just wasted two hours of this Parliament's time, and he could have used it far more effectively. I just cannot understand that anybody could argue that two days is not adequate time to debate any legislation which is before this Parliament. I am afraid his posturing has shown him up for exactly what he is.

I also note that, as far as this legislation is concerned, the Australian Democrats are rattling their sabres and stating that, when this legislation appears before them in another place, they intend to throw it out. I just remind the Democrats of one thing. I was handing out how-to-vote cards at Elizabeth alongside the Leader of the Democrats in the other place on Saturday, and he was waxing lyrical about the fact that the Labor Party was all finished, it was history, it was gone. He said that the new Opposition would be the Australian Democrats, and they would go from strength to strength. I point out to the honourable member that his bleating and carrying-on against good legislation led the people of Elizabeth to halve the vote of the Australian Democrats. So, perhaps he might sit up and take notice and realise that they really are an insignificant group within this State, and it is not up to them to try to move in and stop the absolute endorsement that the people of South Australia gave to this Government in relation to its proposed industrial relations amendments.

I turn to some of the specific points made by the member for Ross Smith. He stated that he will bring in 70 amendments. All I can say is that this is just absolutely typical of the Opposition. One day the member for Ross Smith will wake up and realise that no longer will the unions be in control and run this State as they have up until this day. At last legislation is coming in that will provide a level playing field for all parties—and that is what the unions do not like. They hate it. They like to have the absolute power that they have abused for so long. At last we are getting some legislation that will enable employers to bring business into this State.

We heard the honourable member using the typical union jargon. The only word I did not hear was the word 'comrades'. We had the 'true believers', the 'abuses of workers' and all the usual prattling that comes from the mouths of the union heavies. What about the abuse of power by the unions? I could give the honourable member chapter and verse, from my experience in the industrial relations area, of the abuses which I saw time and again from the unions. We talked about how this will destroy—

Members interjecting:

The SPEAKER: Order!

Mr ASHENDEN: The way the honourable member is carrying on now is the way that he is used to carrying on; that is, he thinks if he carries on loud and hard enough people will tremble before his might and give in. Unfortunately, he is now in an area of democracy, and he is just wasting his time. The honourable member also said that this legislation will

destroy living standards. I point out that one of the major problems that we have in this State today is the lack of employment opportunities because of the restrictive industrial relations legislation that Labor Governments for the past 20 years have forced upon this State. One day the member for Ross Smith will realise that the only way that business can be encouraged in this State is if business itself is encouraged. Obviously, what we need is industrial relations which, as I said, will be fair to all concerned and not carry forward the ideology of previous Labor Governments which, as we all know, were the mouthpiece of the unions anyway.

The honourable member also talked about independent contractors. He talked about the fact that the present industrial legislation brings the independent contractors into the industrial relations net, and he said that was a good thing. I suggest that the honourable member should go and talk to the independent contractors and ask them whether they think it is a good thing that they have been forced against their wishes into the industrial relations net. Independent contractors regard themselves as exactly that: self-employed businessmen. What right does any Government have to force those people into unions? Let us face it, the only reason the previous Government legislated in that way and the only reason the unions wanted it was that it increased their sustentation fees and it also increased the union membership, and that is all they were worried about.

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

Mr ASHENDEN: In continuing the remarks I started before the dinner break, I make mention of the fact that the member for Ross Smith is not even in the House. He is the lead speaker for the Opposition. He likes to dish it out but, when the Government wishes to put forward points, he is not here. When somebody is leading a debate, they should show greater responsibility and be in the Chamber.

Members interjecting:

Mr ASHENDEN: His speech was pretty pathetic, anyway. The member for Ross Smith is not in the House, and that is so typical of the heavies in the union movement who are so used to getting away with threats and abuse rather than proceeding with calm and logical argument. The point was made by the honourable member that this Bill will give considerable power to employers. That is nonsense. As I said before the dinner break, it will provide employers with an incentive to employ, although that is the last thing the unions want. I will never in my life forget the words of a secretary of one of the biggest unions in South Australia when I was talking to him about a claim he was putting on my employer. I said, 'You do not realise that if you are successful in this claim it will mean only one thing, and that is that we will have to reduce the size of our work force to cover the increase that you are seeking for the others'. I will not use the words that the secretary of that union used to me as they were extremely crude, but it added up to the fact that he could not give a (and I will leave out the word) about employment: he was simply worried about his members and he could not care less whether or not the unemployed remained so. So much for the interest of the unions in terms of providing incentives for employment!

I have made the point clearly that the member for Ross Smith is still not in the Chamber. In his debate the member for Ross Smith could not come forward with any logical argument whatsoever, so he resorted to the standard union heavy tactic of personal abuse and vilification. He used such words as 'scoundrels', 'ripping off the workers' and so on. It was a totally emotive speech. He had to withdraw a number of remarks. When they cannot argue with any logic, they come out with the abuse and vituperation that we saw from the honourable member during his contribution.

He made the unfortunate mistake of referring to the United States industrial relations system of which he has absolutely no knowledge. I was fortunate, with a previous employer, to spend a considerable amount of time in the United States. I saw first hand and worked with the United States industrial relations system. The honourable member said that the unions are weak in the United States. I was in the United States during the period in which United Airlines was not able to fly for over three months because the union totally black banned that airline. But, of course, these are the weak unions! With my U.S. employer, every three years we would have to sit down and negotiate with the unions an agreement for the next three years. If we could not negotiate that agreement, we got no work done.

Let us stop this nonsense that within the US industrial relations system the unions are weak. The one thing I will give the United States industrial relations system is that, unlike the unions in Australia, when the unions over there strike a deal, they stick to it. You would know that, after agreement was reached, for three years you would have industrial peace and there would be no blackleg strikes as we get over here and no political strikes as we have here, because the union could be taken to court and required to pay damages to the employer for the period during which they were on strike for absolutely nothing to do with the work force which they were supposed to be representing.

The other point I make is that the honourable member eulogised about the State and Federal industrial relations systems. I always thought that he had difficulty in reading and he obviously was not able to read the paper recently, as he would have seen exactly what employers think of the new Federal labour laws that are being forced on employers. When Australia continues to go downhill in terms of unemployment, they will not look at the reason for it, which is obviously the penalties they are imposing.

The member for Ross Smith talked all sorts of nonsense about so-called bad employers, but when asked to name one he could not and did not. We can treat that with the disdain that it deserves. He also talked about percentages. He said that X per cent of employers do this or that, but he did not put any numbers to it. You can talk about 100 per cent of one and say that 100 per cent do this or that, but it may be only one person, so the percentages he talked of were totally meaningless. He then talked about unfair dismissal and changes that will occur under the new legislation. I point out to the honourable member that under existing section 31a the unions have abused the system left, right and centre with frivolous claims, and it is about time fairer legislation was brought in. This legislation will still allow a person who has been dismissed unfairly to have recourse, but it will cut out a lot of nonsense.

I can remember what the unions did in my previous employment when twice we were brought before the commission on a harsh, unjust and unreasonable claim under section 31a. On both occasions we won. Why did the unions invoke section 31a? On one occasion we dismissed an employee for attempted rape, which was proved in a criminal court, yet the unions still took us to arbitration under section 31a. In another case the employee was guilty of sexual harassment, but again the union took us to the commission

on a harsh, unjust and unreasonable claim. In other words, even where rape and sexual harassment had occurred, the unions took us to the commission. I will never forget the words of the commissioner regarding the rape case when he told the union that he was absolutely disgusted that it had brought the matter before him.

The bleating of the member for Ross Smith about how the legislation will not provide protection under that section is nonsense. Protection will still be afforded, but let us hope that the legislation will be enacted so that we have a much better and fairer system of industrial relations.

In the remaining five minutes available to me I will briefly summarise the advantages of the legislation before the House. They were conveniently overlooked by the honourable member opposite. Unfortunately, the member for Ross Smith brought out so much garbage that I had to address the nonsense. The Bill before us is the first overhaul of State law for 22 years. For goodness sake, surely it is time we brought in law that is relevant to today and the conditions under which we now work. The Bill is proudly South Australian and does not draw on other legislatures. Of course, the member for Ross Smith spent about half of his wasted 2½ hours talking about the Victorian system, which has absolutely nothing to do with the system being introduced by this Government. The legislation is different and there is no comparison. Again, scare tactics and irrelevancies from the member for Ross Smith are there for all to see.

The objects of the Bill are, at long last, to bring about a fair situation in industrial relations where both the employer and the employee are coming from an equal position, something which I know members opposite know only too well is not the case at the moment. All the time, the employers are coming from way behind the eight ball in terms of the Industrial Relations Act, which has been enacted by previous Labor Governments over the past 20 or so years. I would be very interested if the next speaker would like to address himself to the problems that employers in South Australia have because of the existing industrial laws in this State and to look at the changes that will come about in employment conditions and the encouragement that will now exist for employers to increase employment within South Australia.

We have heard all sorts of nonsense about there being no award conditions, that wage conditions will go here and there and that we will have this and that. That is typical of the way in which the Labor Party operated before the election and the way it is operating now in terms of the audit report that is about to come out. Members opposite believe that if they say something often enough, loud enough and long enough someone might believe it. All I ask is that members opposite address the Bill and talk about what the Bill will do rather than bringing in emotive arguments relating to other States and all sorts of other irrelevancies. As I said, probably the biggest irrelevancy that was brought forward by members opposite related to the statement that there would be no award protection.

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

A quorum having been formed:

Mr ASHENDEN: I want to place on the record my contempt for the action just taken by the member opposite. That is typical of the way in which union heavies operate: when something is being said that they do not like, they will do anything they can to stop it being said. Make no mistake, the ploy that was just pulled was purely and simply an attempt to take away some of the time available to me in this debate. That is so typical of the way in which these people operate.

As I was saying before I was so rudely interrupted on this matter, the scare tactics brought in by members opposite in terms of no awards and all that sort of thing will be seen when this legislation is enacted for the nonsense that they are. I know from having been on the end of enterprise agreements how difficult it is to negotiate under the existing law and how much better it will be when the new legislation is enacted.

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

Mr BASS (Florey): Tomorrow morning at 9 a.m. Tasmania will no longer be an Australian State but will become the third island of New Zealand and will be known as the 'Western Island'. If anyone in this House believes the verbal diatribe and hypothetical garbage that has come from the member for Ross Smith, they will believe that statement. The Industrial and Employee Relations Bill is the last piece of legislation that will steer South Australia back from the brink of despair and give it the chance, once again, to be competitive in national and international markets. The new Industrial and Employee Relations Bill replaces in full the Industrial Relations Act (SA) 1972 and the Industrial Relations Advisory Council Act 1983. May I say that a full overhaul of State law in relation to these areas is long overdue. In fact, this will be the first overhaul for some 22 years.

I have heard the plaintive cry from the other side of this House that we are changing a proved and tried system and that it is an insult to those officers who have presided over the old, obsolete system for the past two decades. When a system has been in place for as long as the one which this legislation replaces and when it is as complicated and as outdated as the old legislation, it is no wonder that the persons who preside with such outmoded and complicated legislation have difficulty applying the law. This new legislation has not been modelled on any other system either State or Federal but is uniquely South Australian, written by Parliamentary Counsel in plainer and more simple language. It brings to fruition another Liberal Party election promise, one which gave the Government an overwhelming majority.

Contrary to what the unions and their servants (the Labor Party) have stated, this Bill promotes goodwill in industry. It will contribute to employment and economic growth, enable improved wages and conditions through enterprise bargaining and maintain key existing award standards as a safety net. I repeat that important part: it will maintain key existing award standards as a safety net. It will reduce, prevent and settle industrial disputes, enforce awards and agreements and, further—and this is why the ALP through its masters, the unions, oppose the Bill—provide for freedom of association and encourage democratic control of associations.

As a past secretary of an association which represented employees (the Police Association), I am not concerned at all about this new legislation. What it will do, of course, is to make unions that have relied in the past on compulsory unionism become more active and do things that are relative to the wants and needs of their members. It will make the employees of an area want to become members because the union is working for and on behalf of its members and not branching out into politics and areas which are of no concern to unions and which do not represent at least 50 per cent of the association members. It will be a new experience for the

full-time employees of unions, but let me assure them that, having been a full-time employee of a voluntary association, it is a good feeling to know that your members want voluntarily to be part of your association as a result of the effort that you, the full-time staff, put into their cause rather than having to be a compulsory member.

Awards are always the backbone of an association, and this legislation will maintain all State industrial awards and will continue to be a common rule. The Industrial Relations Commission will have an industrial relations division which will continue to make and vary awards through the compulsory conciliation and arbitration system. Enterprise agreements will be an important part of this new legislation and will be available to unionised and non-unionised businesses and will apply to union and non-union members. Enterprise agreements will be made under this legislation without coercion, and trade unions or enterprise unions will be able to act as negotiating agents on behalf of groups of employees if the majority of the employees involved agree. Under this legislation, any enterprise agreements must be submitted to the enterprise agreements commissioner in the enterprise agreements division for approval, otherwise they do not have legal status. Further, agreements can be approved only if there is no disadvantage to the employees. They contain minimum standards for wages, annual leave, sick leave and parental leave, and equal pay for men and women for work of equal value.

Under this legislation covering enterprise agreements there must be a dispute settling procedure, and award provisions must be identified in the agreement. I now refer to the employee ombudsman, a matter about which the member for Ross Smith had a lot to say. I notice he is not in the House at present which really shows his concern for this legislation. The employee ombudsman is also a new initiative in this legislation and will give the unions a warm feeling because it is another safety net for employees who feel that they have been coerced into an enterprise agreement. Unions even have the right to represent employees before the enterprise agreement commissioner. What is even more appealing to workers is that the employee ombudsman has the right to investigate all contracts involving outworkers, which is an area sadly neglected by the previous Government.

The absent member for Ross Smith, during his time wasting dialogue, made much comment about the Minister's role and the appointment of the employee ombudsman. There is nothing wrong with the Minister's having responsibility here, as it is an identical power that the Minister has over the Commissioner of Equal Opportunity. Section 10 of the Equal Opportunity Act provides:

> The Commissioner is responsible to the Minister—

surprise—

> for the general administration of this Act, and in carrying out that function, is subject to the general control and direction of the Minister.

What is the difference between that legislation and the legislation we are considering tonight? Nothing. The member for Ross Smith makes a big fuss about legislation similar to that which existed when the Australian Labor Party was in Government in 1984.

Freedom of association is, without doubt, the area of concern for the Opposition: as I said earlier, it does not suit its masters, the UTLC. There is nothing to be afraid of, provided full time union officials are not scared of hard work on behalf of their members. I might say that many union officials are not worried about this legislation. It even protects those unions in existence inasmuch as they shall remain as registered associations. Many other initiatives contained in this legislation will assist the South Australian work force.

The Bill gives a dismissed employee the right to sue for unfair dismissal, but it is changed from the old legislation so that it provides a fairer and faster resolution in this area. I will not waste the House's time as the member for Ross Smith did. I commend the Minister for introducing this legislation so quickly after taking office. It is legislation that is fair to all parties concerned. I support the Bill.

The Hon. FRANK BLEVINS (Giles): That was a brief contribution by our resident Alf Garnett and of the usual quality. I do not think anything annoys me more than somebody who has lived off the workers, with everything they have coming from workers, and they then come in here and sell those workers out. At least the advisers to the Minister have lived off the other side. They lived off the employers and are here representing the employers' interests. That is a much more honest role, and I respect that role. They are the bosses' lackeys: they do the bosses' work and get well paid for it.

I want to mention at the outset the time that has been allowed for this debate. I was very disappointed that the guillotine motion was moved. I do not think at any stage when I was Leader of the House that such a motion was moved without the agreement of the Opposition. I cannot remember a single occasion. The then Opposition might have had some difficulty with complex Bills—maybe a couple of complex Bills were listed on the Notice Paper for that week—and they would come to me and say, 'The shadow Minister has both Bills. We really need some more time. The employers are slack getting back to us; you know how hopeless they are. Will you give us another week?' I cannot remember refusing them time on any occasion. I stand to be corrected, but I think that for the last 12 months I did not move the guillotine motion at all. There were some large and complex Bills, and it was done by cooperation.

There is absolutely no reason for a complex Bill of this nature, with obviously a whole raft of amendments to be moved to it, to be guillotined. Nobody on this side has created any obstruction in the running of the House since the election. In fact, given our reduced numbers I do not think we are capable of creating any obstruction. There is absolutely no reason at all to play around with the guillotine, particularly on important matters such as this. I have some principal opposition to the guillotine, anyway, although as it is a device that the House has I will not debate that matter. However, given the numbers in the Parliament as a whole, it is counterproductive to move the guillotine here, because in the other place they will go through all the amendments that were not discussed here. Many of the amendments will not be discussed here because of the time constraints. That is utterly unnecessary and it is not the way the Parliament ought to operate.

I know the Minister now at the table had a very brief period as Deputy Leader. It was not his finest hour. His own Party disposed of him very quickly. He was replaced by somebody who had more of a feeling for the Parliament. For the Minister to feel that this is a good tactic just shows he is still out of touch with how the Parliament operates.

This Bill is about reducing workers' wages and conditions: it has been brought into Parliament not to benefit workers but to benefit employers. I do not know what workers have done

to deserve this particular legislation. Workers in this State have the lowest average wages in Australia. No other State in Australia has lower wages than South Australia. Some argue that is because of the composition of the work force or whatever. The ABS statistics show that workers in this State have the lowest average earnings in Australia. That indicates to me that, as it stands now, the balance of industrial forces in this State certainly does not favour the employee. If it was weighted in favour of the employee I would expect the ABS to come up with somewhat different statistics.

We have the lowest labour costs in Australia, significantly lower than the other States, with our present industrial system. In this State there has always been the maximum cooperation with employers. The employees in this State have cooperated to a degree that does not apply in any other State. We can test this by looking at the statistics on industrial disputes or strikes.

Traditionally, the number of strikes in South Australia over the past 20 years, with the exception of the period between 1979 and 1982, has been the lowest in Australia. The most recent statistics I read in the paper this morning or yesterday morning, indicated in the period that was surveyed that industrial disputes in South Australia did not register. The figure was zero; there were not any. That gives some indication of the cooperation that we have had with this system between employers and employees.

That has not always been easy because, quite frankly, there is a significant section of management here in South Australia that is third rate. When they closely examine the A.D. Little report members will see that that is what that report was saying—it was a condemnation of management in this State. It was not a condemnation of unions, the Government or Government charges and taxes: it was a condemnation of management in this State. To a great extent A.D. Little got it right, because management personnel in this State have been very difficult to work with. They have a level of sophistication that at times makes one weep when one is dealing with them. One really has to hold the hand of many of them. The reason for this Bill can only be the ideology of members opposite and their lack of sophistication in this area.

The principal employers in this State and in Australia agree that the present industrial relations system, with some modification—I have no argument against that—is working. The good employers say that we have just about got it right. Essentially, we go to the umpire. The United Trades and Labor Council will confirm that when I was Minister of Labour, if there was an argument, we would take it to the commission. I did not care whether it was in the public or the private sector: my approach was to take it to the commission, without any equivocation. I always tried to negotiate and I always preferred to get agreement. However, I did not hesitate to say, 'That's the bottom line as far as I am concerned. If you don't like it, go to the commission.'

The authority of the commission was pretty well untrammelled within the parameters of its Act. The South Australian Government always backed up the commission. If the commission wanted to get tough with a union or employer it knew it had the support of the Government. Where the issue related to Government employees we would assist the commission in enforcing any suggestion or, in the extreme, any orders it cared to make.

This Bill is a significant change of emphasis. I hope those employers who have pretty low self-esteem (I can understand why that is the case; I think it is a realistic self-assessment), and who believe that the way to good fortune out in the hard world is to bash employees and reduce their wages, conditions and security, know that their businesses will fail. It does not matter how this Government attempts to help them: they are incapable of being helped, they will fail and the State will lose because of that.

The good employers will not be terribly interested in this Bill. They know how to conduct their industrial relations and how to talk to the unions and their employees. They know how to come to agreements within the confines of the award and are very happy to operate in that arena. They see nothing in this legislation to benefit them; in fact, quite the reverse.

At the moment a considerable number of small businesses break the law on a daily basis. Their activities are illegal and they are committing criminal acts. I have heard members here stand up and defend that and support them. They say that the only way they can stay in business is to break the law. So members opposite applaud them, even though those businesses underpay their workers and rip them off, particularly the juniors and women.

This is a charter for regularising the present breaches of the law that members opposite support. I have heard them support this activity; they have stood up in this place and supported those businesses. It is pretty appalling when members of Parliament condone breaking the law, turn a blind eye and get up here and justify it by saying that it is the only way those businesses can exist. If many people in the community had the same untrammelled rights to break the law as certain small businesses have, they could exist a lot better, too, for a short time. However, the whole community would be that much poorer.

This Bill is about giving a handful of small businesses the right to regularise their present practices of ripping off people, particularly the young and women. If, to boot, they are migrants then they are even fairer game for many of the people whom members opposite claim to represent, and they do represent that sector of our community. They can have them; I would not want to be associated with the people operating those business.

Much of this Bill concerns me, and the shadow Minister, the member for Ross Smith, has detailed very well from the Opposition's point of view some of the principal problems with this legislation. So, I do not intend, in the few minutes left to me, to go into them all. However, I do want to comment on the question of the ombudsman. To use that term is a joke. It is offensive to the English language and to the spirit of what ombudsmen are supposed to be about. This so-called ombudsman is nothing more than a lackey for the Minister. I believe that there is nothing necessarily wrong with the Minister's having lackeys to do his bidding. That is fine if the Parliament supports that; that is why we have elections to sort out these matters of principle. If the Minister wants lackeys, he can have them. But let us call them 'lackeys'.

Let us say that the Minister can direct these people, irrespective of the merits of the case, to do whatever the Minister chooses within the law, of course, if at the time the Minister is worrying about the law. That absolutely flies in the face of everything for which the position of ombudsman stands. The principle of the ombudsman is that the office holder is definitely not subject to direction by any Minister. The ombudsman reports directly to Parliament. Throughout the world, where the position of ombudsman exists, that is the way it is. If the Minister wants a lackey, that is fine, but we should take out the word 'ombudsman' and put in something that is more appropriate and honest. We will have that debate

and we will win some and lose some. I think that is intellectually a more honest debate.

The Government should not come into the Parliament and pretend to the people of South Australia that we are having an ombudsman when, in effect, if that person is subject to ministerial control, all we are having is another ministerial and Government apparatchik. I would oppose that. However, that is the type of thing that we win and lose and I would not get overly upset about it.

Without a doubt what will happen in this State—and I would advocate all unions examine it—is that there will be a flight to Federal awards. Irrespective of this Bill, I think that would be a good thing. I do not believe there is any role in Australia in the 1990s, if at any time there was a role, for all these various tribunals and jurisdictions. I think, and always have thought, that is ridiculous. Whenever a union has wanted to apply for a Federal award, where I have had some influence over the years, I have always encouraged them to do so and I would be only too delighted if our State system of industrial relations disappeared and the Federal system took over. I believe that that will happen anyway and that this Bill will accelerate that.

Obviously, we do not know how this Bill will come out of the Parliament. My suspicion is that it will come out of the Parliament in a form significantly different from that in which it was introduced. The Minister will say that that is not the case, of course, but we all know what that means. Nevertheless, I believe that, because of the sheer injustices that are in this Bill, the Federal Government, on behalf of the welfare of the people of Australia as a whole, will ensure that many of these provisions will not stand the test when measured against the Federal provisions and that those Federal provisions will prevail.

I hope that all unions apply for Federal awards as quickly as possible, where that is possible, and get out of the system and away from the people opposite, whose knowledge of industrial relations is pretty minimal, even if they understand what they are doing and, in some cases, I do not believe that is so. Without wanting to be rude, it was quite clear when the workers compensation legislation was before the House that the Minister at the table did not have a clue what the Bill was all about. I am not talking about the finer details: even in regard to the main principles, unfortunately, the Minister could not satisfy the Parliament in rational debate that he knew what the Bill was about. That is a great pity. So, I look forward—

The Hon. G.A. Ingerson: Still as arrogant as ever, aren't you? You never change.

The Hon. FRANK BLEVINS: The Minister interjects that I am as arrogant as ever. I am saying this more in sorrow than in anger, because it is very helpful to the Parliament and very helpful to the debate to have a Minister who has at least a minimal understanding of the matters that are before the Parliament. That is all I ask, but it is something that to date has been lacking. I hope it is not the case on this Bill. I hope the Minister does understand and I hope that the Minister's advisers understand and are able to assist him. I am saying this not in any way to create any fuss but merely to assist the Parliament in getting through the business as quickly and efficiently as possible.

I regret that this Bill is before the Parliament in the way it is. I have never been a Luddite in these areas: I think that from time to time all systems can bear a significant review, and, where necessary, adjustments can be made to keep the legislation more in tune with the times. However, I do object when employees in this State have cooperated to an unprecedented degree with employers, yet employers choose this opportunity to have a go at employees by using their political Party in this place. To a great extent, this is the same as some of the other propositions that we have seen. It is a pay-off for the very large amounts of money that were given by the employers to the Liberal Party, and here is an example of the employers saying, 'We paid the piper, and now we are going to call the tune.' I wish that members opposite would be more up front and honest—and that is what it is about—and would not come into this place bleating about the good of South Australia, because that certainly is not the case.

The SPEAKER: Order! Earlier this evening there was a series of points of order to which I was responding when the member for Ross Smith was heard to interject. There are two points that I wish to make. First, the Speaker should always be heard in silence. Secondly, the member used language which, had I heard it, would have led to instant naming, as I regard it as offensive in the extreme. I now direct that the member for Ross Smith withdraw the comment that he made.

Mr CLARKE: I unreservedly withdraw the words 'frog shit'.

The SPEAKER: I point out to the honourable member that respect for the Chair is not only a benefit for the occupant of the Chair but for the whole House. Therefore, this sort of conduct cannot be tolerated, and in any future repetition of any comments of this nature, by any member, there will be no warnings given. I repeat: if I had heard it, I would have instantly named the member. I have declined to do that because of the importance of this debate, but any transgression and the member concerned will be instantly named.

The Hon. S.J. BAKER: On a point of order, Sir, I do not disagree with your ruling, but I point out to the House that the member for Ross Smith has shown a complete lack of respect for this Chamber and for this Parliament in his behaviour. I now have the *Hansard* transcript of his contribution. He was called to order and warned on a number of occasions during the debate. He was named yesterday. I do respect your ruling, Sir, but I do not believe that the Parliament can tolerate the member's behaviour any more.

Members interjecting:

The SPEAKER: Order! The Deputy Premier was debating the issue. It was not a point of order. I now call the member for Napier but, before doing so, I again clearly draw to the attention of the House that the Chair has tried to be very tolerant of new members and to be completely impartial. I point out that the tolerance of the Chair is at breaking point with certain members, and that members should be aware that the Chair does not have to warn them before naming them. Any transgression of a serious nature will lead to an immediate naming. The member for Napier.

Ms HURLEY (Napier): I think the member for Ross Smith has gone through in a general and very comprehensive way a number of problems with the Bill, but from this side of the House I wanted to speak particularly in regard to women in low paid employment, and the Bill's effect on them. I feel some obligation to bring some of these problems to the attention of the House. It has been well recognised that there are large numbers of women in casual part-time work and areas regarded traditionally as low skilled. Often they are there—and this applies very much in my own electorate—because they need the extra money to cope with the financial pressures of a young family, and of having a mortgage and

other expenses. They need the money to keep their heads above water.

It is only a small amount of money, but it is required for the family finances. Women in such areas are not in a strong position to negotiate. They often need to work at night or at the weekend to allow for child-care arrangements. Under the current award system this work is made more worthwhile to them because of the penalty rates applying to such jobs. It is widely recognised also that there is a clustering of women in a number of areas. They are in the retail, community service, and tourism and recreation areas. I believe the Government realises this, because they are some of the areas targeted by this legislation. It is a deliberate targeting of those areas to improve the position for employers to the detriment of employees.

First, I will concentrate on job flexibility under this arrangement, and in doing so I will talk about the reality of the situation as it stands now for many women, rather than the situation that I would like to see with equal sharing of job and family responsibilities. Women are often in need of more flexible working conditions in case of problems with sick children or aged parents, the need to fit in with school hours, the need to fit in with their husband's full-time job and other family commitments. Currently, women in lower wage jobs are least able to get such flexibility of employment. People in higher and executive positions are often able to adjust their job routines to take into account their family conditions, but the measures that the Government is proposing will assist employers to make it even harder for women in these positions.

The mechanism for that is through the enterprise bargaining arrangements that are proposed. I will give a likely example of what might happen under these enterprise bargaining arrangements where employers have absolute discretion as to when their casual employees work. For example, a woman who has an afternoon's casual employment in perhaps a small shop arrives at work after organising child-care and spending perhaps half an hour getting there by public transport. The employer notes that business is slowing down and tells her to go home and come back to work an extra few hours another day. She gets paid only for the hour she has spent at the shop. For the employee it is a frustrating, time consuming and expensive exercise. We have heard much from employers about the costs of production: we must recognise that there are costs to employees in providing their labour.

There may be some advantages to the State of having a low cost environment for business—there is no argument about that—but we have to look at the trade-offs, and I believe there are many disadvantages to this State of ignoring the needs of employees and their families. I also want to talk—and, again, this is particularly relevant to women—about wage equity, because there are also disadvantages to this State in sending signals to employers that wages and conditions are able to be lowered easily, and this legislation does give employers *carte blanche* to do that.

I refer to an article by Kathy MacDermott entitled 'Women's Productivity: Productivity Bargaining and Service Workers' in the *Journal of Industrial Relations*, December 1993, as follows:

> In a nutshell, American courts have been increasingly inclined to the view that employers are able to exercise their own discretion in setting relatively low rates of pay for women's work as long as they do not explicitly set out to commit an act of discrimination and can prove that other employers set similar rates. Australian employers currently are not granted such discretion in relation to award matters. Enterprise bargaining may, however, increase their latitude in wage setting.

This Bill, as it is currently framed, does increase their latitude because, first, unlike the Federal arrangements, unions have no right to be heard on the question of an enterprise agreement unless they are able to be a party to that agreement. That can drive conditions below the existing award without the intervention of any union—

An honourable member interjecting:

Ms HURLEY: Yes, but unions can intervene. It creates a situation where employers can gradually establish lower and lower rates of pay. I quote again from Kathy MacDermott in the *Journal of Industrial Relations*, as follows:

> Labour costs in service delivery have always been a particularly compelling target for employers, whose capital outlay is relatively lower in that sector and whose labour costs are therefore a larger proportion of costs overall. In addition, the traditional view of women in the sector as characteristically low-skilled, high turnover workers has left many service employers with an inclination to improve productivity by making skills lower and turnover higher.

So, we now have a situation where employers prefer not to pay higher wages, where they have a disincentive to encourage skilled development, and where they are not deterred by having employees turn over quickly because of poor wages and conditions. It is also in the employer's interest to maintain the traditional view of women's work as low skilled, when in fact it is more likely that women's work is poorly recognised in terms of what skills are used.

A classic example of this is nursing. Not so long ago nursing was regarded as a caring, noble job, but one that was basically low skilled and of a domestic duties nature. It was regarded as a bit grubby to look upon it as a career and demand more money for doing it, especially by striking. Nurses gradually became more strongly unionised and are now a strong, independent force in the medical profession. Nurses now have more just wages and conditions, a better recognition of their skills and a career structure to encourage skills development.

On the other hand, we have the current situation with, say, nursing home assistants: they are often casual, they are often part-time and they are often women; they are left alone, particularly at night, to look after large numbers of nursing home residents; they do not have any senior nursing or medical back up; and they often work longer hours because they care for their patients and they feel some obligation to be there. That is not recognised in their rates of pay and it is not recognised by their employers. It is regarded as low skill employment, and there is a lot of female fodder that is happy to work those casual out-of-hours, weekend and night rates—no matter if they turn over fairly quickly; there is always fresh fodder.

The skills that these people have in nursing administration and management are under recognised. Under this current legislation, unionisation for these sorts of workers will be more difficult. In fact, if we read between the lines, it is actively discouraged, particularly if employers want to put in an enterprise bargaining arrangement. The option is wide open for their employers to force down their wages and conditions and discourage skills development. I just wonder whether this is the sort of State that we want to see developed. The Government has talked a lot about a low cost State for business, but as well as a low wage State do we want a low skills State? Do we want that sort of situation to arise?

The Hon. G.A. Ingerson interjecting:

Ms HURLEY: Okay, so you get higher employment if you get lower wages, but what sort of social values do you develop then?

The Hon. G.A. Ingerson interjecting:

Ms HURLEY: An old argument and a wrong argument. You might go back to the full employment of the Playford days, but I am old enough to remember my parents working in the Playford days when our quality of life was not very good. When you are talking about—

Members interjecting:

The DEPUTY SPEAKER: Order! I remind members that debate is conducted through the Chair and not across the floor of the House.

Ms HURLEY: In other words, the Government is happy to have low social and family values operating in this State; it is happy to provide factory and social services fodder, to pay them low wages, give them poor conditions and have a State which will attract businesses for that reason. I think that is a regressive step. We should be encouraging other sorts of development.

The Government's view is that the market forces have it right: low pay, low productivity and low skills. That is the sort of business environment in which it is prepared to live. Admittedly, the previous Government had some problems, but at least it tried to encourage development in which there were skills, in which we occupied a higher niche in the world order, and one which I would prefer to see us pursue.

I have been talking about women in particular because, as I said, I feel some obligation to speak on behalf of women, and particularly my constituents who are often in this sort of situation and who have a low ability to organise their own activities to bargain against employers. They desperately need the money: they are not in a situation to deal with the sort of enterprise bargaining that the Government wants to put in place. The Government is fully aware of this, and that is why it is introducing this legislation. The Government wants a low wage State—and it is at a cost to those people at the lower end of the spectrum who are unable to deal with it. They will be screwed down so that employers and executives can continue to enjoy the good life, and they have little regard for low paid workers and their families. That is the bottom line of this legislation—there is no question about that. There is no recourse for these workers; they have no ability to deal with that situation.

What I have been saying about women applies equally, and perhaps more so, to young people who are starting out in the work force. The Government has talked about unemployment rates, but young people leaving schools are at the beginning of that unemployment spiral. It is those people who need to get into employment that is reasonably well paid, that encourages them to stay off the dole and that provides them with the skills development path that will encourage them to stay in gainful employment so that in future they can set up a life and a family environment that they can cope with. Currently, our young people are unable to get jobs, and they are locked into a downward spiral. Labor Governments attempt to address that. This Government will lock in that downward spiral even further, no matter what happens at the Federal level.

It is our young people, and our young women in particular, who are even more vulnerable and about whom I am concerned in terms of this legislation, because they will be overlooked by this Government, this Government's ombudsman and the Industrial Commission. On that basis, I totally oppose the major parts of this legislation as the member for Ross Smith has outlined.

Mr CUMMINS (Norwood): I have pleasure in participating in this debate. I want to make some comments in relation to some of the remarks made by the member for Ross Smith. It appears that he purports to be the leading speaker on this legislation. He talked about the true believers, by which I assume he means the Labor Party in the 1940s, because I do not think there have been true believers in the Labor Party since the days of Ben Chifley and Curtin. They do not exist in South Australia, because the previous Labor Government certainly did not look after the workers in this State.

The honourable member went on to say that the Labor Party would prevent the abuse of vulnerable workers. I sometimes wonder whether he has read the legislation, because under the proposed legislation all the existing State and industrial awards will be maintained, the awards will continue to be common rule, the awards cannot operate retrospectively, the Industrial Relations Commission will have an industrial relations division and will continue to make and vary awards for the compulsory conciliation and arbitration system, and the Industrial Relations Commission must review awards on an annual basis, and it must maintain the provision of State award hearings. One would have thought that was good protection for the workers, but it goes beyond that, because we have enshrined in the legislation minimum standards in relation to wages, annual leave, sick leave, parental leave, including maternity, paternity and adoption leave, equal pay for men and women for work of equal value, and International Labour Organisation conventions. One would have thought that that was preventing the abuse of vulnerable workers.

However, it goes even further than that, because we have also introduced the concept of an employee ombudsman. There has been some criticism of that, but the reality is that he has the power of inspector. The position has been created. He has the right to investigate complaints by employees who have been coerced into enterprise agreements. He has the right to represent employees before the enterprise agreement commissioner; and he has the right to investigate all contracts involving outworkers and report to the Minister on any new laws required on this topic. In addition, as we know, he has the right to represent workers before the commission itself. So much for the allegation by the member for Ross Smith that the Labor Government wished to prevent the abuse of vulnerable workers. From all those provisions one would have thought that the workers were well looked after indeed.

As usual, with the member for Ross Smith, he makes allegations which he purports to substantiate by generalisations but, when you look at the facts and the reality, you see they are not correct. The other allegation he made is that we intend to deregulate the labour movement. If we look at what we are doing with the trade union movement, we see that all existing unions remain registered associations. There is recognition of enterprise unions which may be registered or unregistered; unions must not represent non-members in industrial matters; unions retain all rights to apply to vary awards; unions maintain all rights to represent their members, and so on. It is simply a matter of reading through clauses 133, 144, 187, 132, 131 and 4. Therefore, I would have thought one could say that we are not deregulating the labour market: we are giving people a choice. It is patently obvious that the trade union movement which has had a role—and it is a role of which I have always approved, personally—will

continue to have that role in relation to negotiating for workers, but it will not be imposed on workers.

Members interjecting:

Mr CUMMINS: The real reason members opposite are opposed to this legislation is quite simple: members of unions pay their affiliation fees to the ALP. They will lose some of their funding, so they will not be able to run an effective campaign—not that they did run an effective campaign last time: they certainly did not. However, presumably money must help to some extent. That is the real reason for their opposition to this legislation.

Mr Meier: And they don't care about creating new jobs, either.

Mr CUMMINS: Exactly! If members opposite had bothered to have a look through this Bill, they would see that it creates 50 new rights for workers, and I will not go through each clause. If members opposite sit down one day and take the time to read the Bill (and they purport to be the true believers and the workers' friend), they might know what they are talking about next time.

The member for Ross Smith also said that the legislation will put women into economic servitude. If we deal just with the general rights that we have given workers, we have now given them a general right to appeal to the Supreme Court. That right was never in the old Labor legislation. There was a right to appeal in relation to questions of law. There was never a general right of appeal; we have given that right of appeal to the Supreme Court.

Mr Meier: In other words, the highest court.

Mr CUMMINS: Yes, the highest court in this State; that is correct.

Mr Meier: They don't like that.

Mr CUMMINS: No, they don't like that, for some reason known only to themselves. In addition, we have enshrined—

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Norwood has the floor.

Mr CUMMINS: He did have the floor. In addition, under one of the clauses we have enshrined the importance in agreements of looking at the question of social issues, the family and leisure, as well as the rights of the family. That obviously addresses some of the issues raised in relation to women's rights. In fact, we have gone even further than that, because under clause 67(2) we have enshrined in legislation, in relation to enterprise agreements, the principle of equal pay for men and women for work of equal value. The honourable member said that we were not looking after women's rights. In this legislation, under clause 67(2), we have ensured that that concept and that principle of which this Party has always approved is enshrined in legislation: it is not just talk.

Members interjecting:

Mr CUMMINS: I suspect that, once again, the honourable member has not read the legislation, but I suggest it might be worth doing so. The other matter that the member for Ross Smith raised was the question of freedom to contract below minimum standards in the Bill. He alleged that that was something new. Of course, he probably forgot or he did not know (although I thought he worked for a trade union movement), he might have remembered or he should have remembered, that in the South Australian State wage case former Minister of Industrial Relations Gregory gave a right to—

Mr Brindal: Who?

Mr CUMMINS: Gregory.

Mr Brindal: Was he here once?

Mr CUMMINS: Yes, he was here once.

Mr Meier: He was deserted by the union movement in the end.

Mr CUMMINS: Well, I can imagine why, too. His submission was that, in certain circumstances, taking into account economic conditions, you could go below the minimum standards. Clause 75(1)(a) provides that the commissioner must consider all relevant industrial and economic circumstances before that can be done, but under clause 75(2)(a) it must be in the interests of the employee before it can be done. The essential and critical thing about this legislation that the member for Ross Smith seemed to have missed is that it is an agreement. There cannot be anything below the minimum standards unless the employees agree. The member for Ross Smith has just fallen into the House; I acknowledge his presence. He missed the point that it has to be an agreement. He also forgot to the mention to the House that in a State wage case a former Labor Industrial Relations Minister proved that very principle a long time ago. So much for the Labor Party looking after the workers! The principle is a good one, and I commend the former Minister for doing it.

The other matter that the honourable member mentioned was the maintenance, integrity and independence of the Industrial Court. He said that there was a provision whereby the Governor must transfer the commissioners to the new commission unless she otherwise determines. Of course, under another clause they must be transferred, if they are not transferred to the commission, to judicial office of no lesser status. The amusing thing about that is that we were attacked on this. But members might remember that, when the WorkCover legislation came in, Judges Russell, Allen, and Bright were in the Industrial Court, and they were transferred by the Labor Party to the District Court. So they beat us on that one, too. This is another principle on which the member for Ross Smith missed out on. Of course, the precedent was established by the Federal Labor Party, when Mr Justice Staples, for reasons well known to the Federal Labor Party, was not appointed to the Federal commission. It was the same thing. Once again, it indicates the hypocrisy or, alternatively, the lack of knowledge in industrial relations of the member for Ross Smith.

The other point he raised was the independence of the employee ombudsman. It is clear that in relation to a lot of legislation various people holding non-judicial offices are subject to the direction and control of the Minister. As pointed out by another member of this House recently, under the equal opportunity legislation—a Labor Act, I might say—the commissioners were under the direction and control of the Minister. One would assume that, because the Opposition does not want it in this case, it considers that workers wages are more important than discrimination against females or males on the grounds of sex, sexuality, marital status, pregnancy, race or age. So much for the Labor Party's concern about the rights of females and the various rights of workers. The reality is that it introduced the concept in the equal opportunities legislation in 1984 and it is now criticising us for the same thing. Again, it is an example of their hypocrisy or alternatively or both an example of their ignorance. One can take a choice.

We then come to the humdinger clause 200, to which the member for Ross Smith referred. I thought that he was finally going to make a point but, unfortunately, he did not. Any agreement under clause 200 has to be an agreement, so why provide for an appeal? In the Supreme Court we have what

is called a consent order. One cannot appeal against a consent order in the Supreme Court. The member for Ross Smith is saying that, if he has entered into an agreement or contract to do something and if he changes his mind, he should be able to appeal to the Supreme Court. It is again an indication of the level of his knowledge on this Bill. There is no appeal against an enterprise agreement. Imagine having an appeal to a court against an agreement that you have entered into yourself, for goodness sake! It is a rather unique concept and certainly one I have not heard of in law. The Supreme Court—the highest court in this State—has not heard of it either.

He also talked about unfair dismissal saying that the quantum was reduced to six months loss of wages. He tells us that he is very experienced in the Industrial Relations Commission. That surprises me because, if he was, he would have heard of the case *Chennery v Klemzig Nursing Home*. I was the counsel in that case before the full commission and it clearly set the high water mark of six months for unlawful dismissal. In fact, the legislation is enshrining the maximum that the industrial commission has been given. The commission was appointed by the Labor Government, so I assume that that is one body that the Labor Party would think would support its cause.

It is patently obvious why the Opposition opposes this legislation: it sees that people have the right to choose whether or not to join a trade union movement and, if they do that, there may be fewer numbers in the union movement as people will not be coerced by the various organisers who go around and put stops on jobs and so on. The ultimate result of that will be fewer trade unions, fewer affiliation fees and fewer campaign funds. That is the reality of what the Opposition is talking about: that is what it is concerned about, and the member for Ross Smith, being a former union employee, would probably not even have had a job if this legislation had been put through a few years ago. That might have been a good thing for the trade union movement.

Mr FOLEY (Hart): I do not wish to go into too much technical detail on the Bill, as it has been well covered by the member for Ross Smith in what I thought was an excellent contribution. I will refer briefly to what I thought this Government was all about, namely, trying to get this economy moving and trying to get some competitiveness into it to make it stronger. What is its solution? Its solution is the John Howard theory: low wages equates to more jobs. John Howard has been peddling this issue for the past seven or eight years and it has been continually rejected at the Federal level.

Many of the things put forward by the Minister in his Bill are the same sorts of issues that John Howard tried to put to the Australian people earlier last year. There is a view that allowing minimum standards in the award to be reduced so that companies can put pressure on their workers to take lower wages will somehow miraculously create thousands of jobs. I find it ironic that in this Chamber we are lectured about what is needed to modernise an economy, but one can only question where the Government's members have been when it comes to the real world. We should have a close look at where many of the members have come from. We have public servants and farmers who have never had to go out and get a job, have never had to work in a factory and have never known what it is like to work under the pressure of a boss.

I have seen what happens in a lot of workshops around the country and, unfortunately, in this economy many employers put enormous pressure on non-unionised workers in this State. It happens every day of the week. I have seen it: I have witnessed it. I am not at all surprised that members opposite have not seen it as, unfortunately, many have not experienced what it is like to work for a boss and know that they do not have the ability to do anything but accept what the boss demands or they will lose their job. This great piece of reform by this macho Government that says it is tough and wants to be serious about reform is supposed to be the answer, but it will do away with minimum standards and awards and allow small employers to take advantage of situations where workers simply do not have the ability or the power to withstand the pressure of the boss.

The member for Giles was correct when he said that many of the major employers in this State do not care about this Bill and do not need it to make their enterprise productive, profitable or to grow and employ people: they do not need it. This Bill is targeted at giving small enterprises with dictatorial management the ability to screw the worker, to achieve lower wages and to increase their profitability not by being clever, not by becoming productive, not by increased quality, not by adopting world standards in their design and not by being entrepreneurial and coming up with new models of product but rather by adopting the easiest method, the lazy method, of screwing down wages. Unfortunately, this is the theory and practice perpetrated in this country for far too long. They believe that the only way to increase profitability is to screw the workers. That is not the answer. I wish to quote from a couple of reports. One would think, given the way the Government goes around, that the only ones responsible for this economy not being vibrant right now are the workers.

Members interjecting:

Mr FOLEY: All right: for political reasons you can continue to blame us for all the ills in the world, but you then blame the worker. This great Government comes into this Chamber and says that it has the answer for a more competitive economy: first, it blames the former Government and then screws down lower wages. That is the answer. The problem in this State is the quality of management and of the enterprises. I will quote some passages from the Arthur D. Little report, which was an independent assessment of this State's economy. We can see what it said about the quality of management in this State and how it impedes the situation. The report was undertaken by KPMG—consultants that are well known to all in this Chamber—and I will quote from a subsection entitled 'Management ability'. Just listen to this:

> One of the reasons cited for South Australia's lacklustre economic performances is poor management—

poor management—because we have insular, parochial, small-town businesses in this State that are not prepared to become world competitive, to produce quality and to take on the world. What I want to see in this State is not a low wage economy but a high wage, high value economy. That principle is a bit hard for members opposite to understand, because it is the Federal Labor Government which has dragged this economy off its feet, that has dragged this economy up and modernised it. The Federal Labor Government has got rid of the poor economic management of the Menzies and Fraser years and the protectionist years and opened up our economy. Why cannot members opposite be a bit creative when it comes to policy? Why can they not sit back and say, 'What really clever things can we do to improve the standard of living in this State?' instead of coming into this Chamber and taking on what they consider

to be easy targets. They have done it with the WorkCover Bill and they are attempting to do it with this Bill, and who knows what else they have in store for the worker as we go on during this parliamentary period.

The Hon. G.A. Ingerson interjecting:

Mr FOLEY: If the Minister thinks that the Government will create thousands and thousands of jobs by simply reducing the wages of those who have the least ability to protect their wages, he is wrong. I would have thought that as a small businessman he would know what I am talking about. He should go for a drive through Wingfield and Gillman and the manufacturing operations in those industrial areas, as I have over many years, and see the conditions, the wages and the quality of the working environment that those members have to tolerate. What do members opposite think some of those engineering companies will do when this Bill passes this House?

An honourable member interjecting:

Mr FOLEY: Exactly, they will cheer, because these groups of 20 workers who have been told by their boss that they cannot join a union will have no power to take on their boss. They know that, and if the Minister is suggesting that the employee ombudsman somehow will be a magic white knight when a person's job relies on the good grace of the Minister to sign his contract or to recommend to the Government that that contract be signed, I hardly think that such an employee will have a lot of confidence in such a system.

I return to my point and say that I wish the State Government would be a little more creative in its policy making and not simply go for the easy policy, dust off the John Howard policies and walk into this place trying to convince us that they have some miracle cure for this State's economy which revolves around its ability to take conditions away from workers. We have seen how gutsy this Government is. It says it wants reform. What about one easy reform? We could have an easy reform next week. The employers are calling for it—they are at one. Every major employer in this State says that they want eastern standard time. Even the Minister supports eastern standard time. I give the Minister credit for having the guts to stand up in his Caucus and say, 'We should go for eastern standard time.'

Mr BRINDAL: I rise on a point of order, Mr Deputy Speaker, and ask whether this is relevant to the debate at hand.

The DEPUTY SPEAKER: This issue is being brought up as an example. Whilst the reference is fairly tenuous, I will allow it, but I ask the honourable member to return to the debate on the Bill.

Mr FOLEY: I understand the member for Unley being a bit sensitive about this issue because I think he wanted the clocks wound back an hour—quite a silly theory. The point I was making is that there are many elements in the reform of an economy, and the Chamber of Commerce and Industry has been calling on this Government for a long time to go back to eastern standard time. But members opposite will not take on their Caucus or their rural members, because that is difficult. The Leader leads a divided Party, one that is enormously divided internally. He will not take tough decisions, but he will go out and say to the workers in my electorate, 'Sorry, guys, you'll have to suffer because we're going to please our supporters on Greenhill Road and assist them by giving them the opportunity to screw down lower wages and to reduce minimum conditions.'

The Government is doing this with WorkCover and it is trying to do it with this Bill, but it will not take it further and introduce a reform such as eastern standard time, because it is weak when it comes to making decisions that cause any degree of disunity within its own Party. The leadership of this Government will take on no issue that is remotely likely to cause an internal blue. It will not take on its own Party, but it wants to take on those who cannot defend themselves—the workers.

I always like to give members opposite a bit of a lecture about the economy because they know so little about it. Tell me what this economy has been doing with industrial disputation over the past decade. This State has continually year after year had the lowest industrial disputation level of any State in Australia, and not by a small percentage.

Members interjecting:

The DEPUTY SPEAKER: Order! Members will cease interjecting. The tone of the debate does not need to be lowered, I assure members.

Members interjecting:

Mr FOLEY: The Deputy Speaker is one member of this House on the other side who listens to my speeches.

The DEPUTY SPEAKER: There was no inference intended regarding the honourable member's remarks, I assure the honourable member in the interests of fairness.

Mr FOLEY: The point I am making is that this State, through the cooperation and the work of the trade union movement, has seen industrial disputation at a record low. The member for Waite would know what I am talking about, because the company that he worked for spent all its time trying to provoke disputation with the union movement, but the union movement in this State has delivered industrial harmony.

An honourable member interjecting:

Mr FOLEY: Sorry, the member for Elder. What we have got from that is a record contribution to profits in this country and in this State. What have they done with it? Most employers have not ploughed those profits back into employment. So why do members opposite blame the trade union movement? It has been responsible and it has helped to transform this economy. The trade union movement in this State has done more constructively to contribute to the development of this economy than members opposite have done over the past 10 years when they sat on this side of the Chamber, consistently wanting to tear down any initiative and consistently criticising, carping and being negative.

The union movement in this State has gone about restructuring. Why is the automotive industry in this State now so successful? It is successful because the trade union movement has sat down with the various manufacturers under the Federal system and developed enterprise arrangements that have benefited the workers and companies. Enterprise bargaining does not necessarily mean that workers must be disadvantaged. The Federal Government has proven that enterprise bargaining should be about improving standards for workers, not decreasing them. Why do members opposite want to put at risk—

Mr Brindal interjecting:

Mr FOLEY: Why do you want confrontation? I do not understand. Why do you not accept that we have seen industrial stability in this State for a decade and that that has contributed to the expansion of companies such as Mitsubishi, General Motors and many other major companies? The bottom line is that South Australia can be a wealthy State, but the way to achieve that is not by screwing down workers' wages and conditions. We can do it by being a little creative.

In conclusion, I wish that Government members would show as much guts as they are showing when they take on the worker—like they are doing here now—when it comes to some other tough decisions. I say to the leadership of the Liberal Party: show the same guts and determination that you are trying to show in here when it comes to taking on your own Caucus. I acknowledge the Minister because he was prepared to push for eastern standard time: I acknowledge in that instance he is correct. I say to the leadership: take on your own Caucus with the same guts that you are trying to display here when the opposition is a little closer to home.

Mr BROKENSHIRE (Mawson): Bills such as this are not introduced every day, and I guess one could summarise this measure by reading from the front of the Bill where it says that it is an Act about the relationship of employer and employee. That really is what it is all about. It is not about the rubbish that we have heard on the other side concerning union confrontation and the lowering of wages for workers. It is about working together in a good direction by creating more jobs to make sure that people have the opportunity of getting fair pay for fair input and productivity, and at the same time providing the opportunities for further investment and development in this State.

We all know the reasons why Bills such as this have had to be introduced. It is a pity that members on the other side do not really think about this. The current economic state of South Australia is not sustainable. Everybody in South Australia, other than those on the other side, realises this. Reforms like this are paramount. Australia is suffering badly enough as it is but we all know that South Australia is dragging way behind the field. From month to month our unemployment levels are still showing considerable spasmodic direction. The only way that we will ever see sustainable reduction in unemployment is if we can get Bills like this through the House. Members opposite all leave now: that shows how interested they are in listening to both sides of the debate.

There is an absolute urgency about increasing economic growth in this State, and the WorkCover Bill and Bills such as this provide some of the means by which we will accomplish this. As I have said before in this House, if you are going to build a new wheel you have to put about a dozen new spokes in from the hub to the rim of that wheel. This is one of those spokes and it is a pity members opposite did not realise this. All the other points they have mentioned will come about as other new spokes in that wheel. The problem is that the Opposition cannot get a grasp of that plan for this State and that is why it caused such a mess when it was in Government.

South Australia must introduce fair but positive reform packages to address the problems that face it. This is a fair and positively structured reform package. Even Paul Keating, a Labor Prime Minister, said late last year that one of the biggest problems confronting the Federal Government was the slow pace of industrial reform in the States. This particularly points to States such as South Australia, and it is a pity members on the other side did not listen to their Labor Prime Minister. He was screaming out then to get Bills like this in place to make sure that we could get the productivity and reforms in Australia that we need, especially in South Australia.

I now refer to enterprise agreements. Having examined this Bill thoroughly and talked to workers and employers, I believe this Bill is fair and offers opportunities for both. In fact, it offers opportunities for all employers and employees at the moment, those younger people who will be coming into the work force in the next few years and that massive number of youth who are wandering aimlessly around our streets at night because they do not have a job. The quicker we can get them into work the better off this whole State will be.

The Bill is not about kicking the unions. In fact, as I have said before in this House, a lot of the work that the unions have done in the past I endorse, and I am sure I will continue to support quite a lot of their work in the future. I happen to have friends in the union movement, and one in particular would be a hell of a lot better member to have in this House than the one who is the shadow Industrial Relations Minister. Unfortunately, it seems that when members opposite know that the Government is trying to get on with the job they lobby the unions to make our job more difficult. The evidence that scare tactics are back on track I have already mentioned in this House today.

This measure is clear evidence from our Minister, a Minister who can be relied on to come up with the goods, that we are not about telling untruths as members on the other side were doing during the election campaign. We are about implementing honest policy and doing so by means of an honest Bill, which we are debating tonight.

Nobody needs to be scared by this Bill, because all minimum standards will remain and the opportunity is there for more carrots to be dangled in front of people. We know that the safety net, annual leave and sick leave provisions will remain; in fact, some increased opportunities have been suggested there. Parental leave has come into the arena.

We have even looked—and this is an important issue concerning which I commend the Minister and Cabinet—at equal pay for men and women who perform equal work of equal value. That is the first time in South Australia that this matter has been considered. I support that clause in the Bill. The fact is that there is a lot more for people to get out of this Bill, not a lot less as the Opposition is trying to suggest in the public arena. The only thing it knows anything about is using scare tactics and creating false and untrue impressions among the people of South Australia.

These minimum standards provide a further safety net which will underpin enterprise bargaining. These standards can be exceeded in enterprise agreements. We have not heard the other side say anything at all about exceeding the minimum standards. The benefits are there for those people who want to get out there and have a go, who want to get away from the mainstream and show that they can be more productive, being rewarded accordingly. That is the great part about this Bill. All existing award provisions in excess of these standards continue to apply.

With respect to awards, I do not know who wrote the speech that the member for Ross Smith has been reading tonight. When he was debating the WorkCover Bill he wore out the carpet, causing further expense for the taxpayers, by continually going up into the gallery to get advice from the union movement. It is interesting that the union movement is not here tonight. Obviously, they are disappointed or dejected. The majority of them are certainly not here, not like they were previously in considerable numbers. I understand the reason they are not here tonight is that they were so disgusted with the member for Ross Smith last time.

To give an example of where unions can sometimes cause problems, I know of one instance where a business is now defunct and 50 people are out of work. This business, which had been operating in South Australia for about 40 years, was

having trouble getting employees to come to work. As they started to accrue their sick leave they decided that, rather than support the best interests of their colleagues and the boss, they would start to take a few 'sickies' towards the end of the year. The boss decided to give them what he called an 'incentive allowance': if they turned up for the whole month they got an extra $25 in their pay packet. That goes back about five or six years and to me that was a form of enterprise bargaining—offering those employees a further initiative to honour their commitment to come to work and not take sick leave when they were not sick.

What happened? The union stepped in there and said, 'We won't have a bar of this', and took the matter to the commission, and the bottom line was that the employer's action was deemed out of place and he was told that no longer could he substantiate the incentive he had put forward. To top all that off, the employer was forced to continue to pay the money and was back to square one, paying $25 a month more, with people still taking 'sickies'.

The bottom line today is that the company is broke and 50 people are out on the dole queue. The question to the member for Ross Smith is, 'Do you want to see people employed or not?' Frankly, I do not believe he does, and I think that is sad. When our Premier came back from Tokyo after talking to the leaders of Mitsubishi he clearly said in this House that the Mitsubishi Corporation was expecting to see reforms such as this get through the Parliament. That is the reason why it has made a commitment to build the next model.

That is the reason why we can see some confidence coming back into South Australia. I ask members on the other side of the House: do they want to destroy that confidence we are starting to bring forward into this State? Do they want to see companies like Mitsubishi once again start to question whether they should be investing in this State, or do they want to join with the Government and support and encourage that confidence and development and see further expansion of Mitsubishi, GMH and many others? If they do, they should be serious about it and support this Bill instead of just bashing at the Government because they are members of the Opposition.

The Industrial Commission will retain its industrial relations division and it will continue to make and vary awards through compulsory conciliation and the arbitration system. The provision for the State wage case hearings will be maintained. I have real trouble with members opposite in relation to that debate, because it is clearly specified in black and white in the Bill that those sorts of things will stay in place.

I have constituents applauding the concept of and waiting for the employee ombudsman, particularly some of those constituents who work for very small businesses and who are not involved with unions and do not have awards. They feel at the moment that they are being very much under paid. This innovation will give those people the opportunity to go to an absolutely independent person to negotiate an enterprise bargaining agreement that will put more dollars in their pocket and help their family.

The employee ombudsman's function is to assist, investigate and represent employees and outworkers who believe that they are working under unfair conditions or are being coerced into enterprise agreements. What better protection and support can be provided for the individual? Yet, the Opposition is saying that the Minister will control the ombudsman. If members opposite read the relevant parts of the Bill properly, they will see that that is not the case.

The Government's Bill is based on the principle that an employee has the right to choose whether or not they join a union. That is the way it should be. Workers have been pushed around for too long. Members should look at the SAIT situation last year, where the union spent something like $150 000 of valuable money, which teachers put into that organisation, and which could have been spent to enhance and support education, teacher training and the technology and development that members opposite rave on about. In theory, we are not supposed to support those initiatives, but we are their greatest supporters of all time. We have a Premier who is so up with technological development that it is not funny. He is a great supporter of that development, and members opposite should acknowledge that. However, what happened? Many teachers left the system.

The fact is that under this legislation workers will have a choice and will be able to go to an independent person if they do not want to join a union. However, if they want to join a union, the unions still have all their rights. As an employer—and prior to being an employer I was also a worker, so I certainly know both sides—I found that many workers like the opportunity to achieve a higher income through productivity and enterprise bargaining. They resent the fact that they are jammed into an award. A particular group of workers in a different factory might be so much more productive and dedicated but they do not have the chance to get paid any more money. Where is the fairness in that? However, we do not hear those sorts of points. Why should all workers be placed in the same category? Human beings are not all the same.

Young workers have not been supported by unions, anyway. A worker came to me the other day, and I believed that he had been unfairly dismissed. I rang the union at 4.15 p.m. and got an answering service. I left a message and three days later the call had still not been returned. At least I will be able to contact an employee ombudsman in a couple of months and look after that young guy.

Reforms are essential, and this has been recognised by all South Australians except the Opposition, possibly some members of the union movement and the Democrats. To pick up the newspaper today and see what Mike Elliott was saying was amazing. I guess he will say the same sort of thing about this. I really wonder where the Democrats came from. They were slammed in the Elizabeth by-election, and yet they have the audacity to try to manipulate legislation and to stop the essential reform which we need and which we have the mandate to make. It is about time that people said to Mike Elliott and the Opposition, 'This Government has the mandate; it has my support; and let it get on with the job.'

Members should look at a couple of examples. Why has no-one spoken about SPC? SPC and Fisher and Paykel had problems. What did they do? Those workers entered into enterprise agreements because it was either enter into an agreement or join the dole queue. What has happened there? They are doing very nicely, thank you very much. They are earning a lot more than they were under the award; they have shares in the company; they have a vested interest in the company; they are proud of their jobs; and they are taking many more dollars home to their wife and kids.

The honesty is in this policy. It was clearly laid on the table before the election, and it has been reinforced in this Bill. It is exactly the same as what was offered to the people of South Australia before 11 December. The Opposition should not forget that, and it should not give us a hard time when we need to get this through. Otherwise, it will not be

the Government that has to answer to the public of South Australia in four years—no, not at all. Mike Elliott had better think fairly clearly about whether he wants to see the Democrats survive at all in South Australia at the end of this four-year term. If he continues to carry on the way he did this morning, it will be clear that he is missing the message and he had better listen. His head will roll and so will those of the Opposition.

This will not reflect on the Government if the Labor Party and the Democrats do not support us in these crucial reforms that we have to get in as a Government to ensure that South Australia has a future and that our children have an opportunity to get out into the work force and lead the life that they should be entitled to lead in a State like South Australia if they have good Government. They have not had it in the past, but they have it now. I commend this Bill to the House and I commend the Minister for the excellent work he has done in getting this Bill together. I plead with the Democrats and the Opposition to think seriously, to get behind the Bill and behind us and think of South Australia.

Mr De LAINE (Price): The aggression expressed by Government members was an indication to me that our lead speaker on this Bill, the member for Ross Smith, did an exceptionally good job. He presented a very good case, touched many nerves on the other side and created that aggression. I do not intend to go into the technicalities of the Bill, because they were more than adequately covered by the member for Ross Smith. I will make a few general remarks about the situation as a whole and answer some of the comments and criticisms from Government members.

Government members challenged the member for Ross Smith to name South Australia's bad employers. There are potentially bad employers out in the community, but they are not being allowed to operate as they would like because of the current legislation. That is the whole point of the exercise: the current legislation is working, and that prevents many potentially bad employers from being just that. It is a situation that needs to be spelt out. If we are unfortunate enough to see this legislation pass, the Opposition will then be in an extremely good position to supply a long list of bad employers to this House. While the current legislation is in place, that will not be necessary. If this Bill passes both Houses—and I certainly hope it does not—bad employers will be let off the hook and will be able to do as they wish in many areas. If this were to happen, that would be a bad situation not only for employees but also for employers. Many employers in this State rely on the legislation and are good employers who do the right thing at all times.

Government members opposite still believe in Father Christmas, I am sure. Their philosophy is that, if they throw enough money at the private sector and do away with protective legislation, award conditions and all those sorts of things, everything will be quite okay, the economy will receive a boost and everything will be quite rosy. We know that is not the case—it is rubbish. We must legislate and regulate to control would-be bad employers the same as any other people in the community. The current protective legislation was established because it was needed. That is why virtually all legislation like this is introduced into Parliaments: because there is a need to rectify rorts and problems not only in the industrial area of our society but in any area of human activity.

If there are rorts and problems, they need to be addressed with legislation, and that is what this and other Parliaments do. If there are no problems out there in the community or in the workplace, there is no justification for legislation to regulate and control and, therefore, it just does not happen. That is the first point. Many employers originally created the climate in which we saw the need for trade unions and their establishment. That is a well documented fact. The way people were exploited over the years, especially young people and kids, created trade unions in the first place. Then, to make sure that those trade unions survived, those same employers went about making the trade unions as cohesive and strong as they are.

They have only themselves to blame, because of their own agenda, the provision of poor working conditions and their own very poor treatment of employees. That, once again, is documented fact. Many employers now complain about trade unions and their hard won gains, but they brought the situation on themselves. The member for Ross Smith was quite right when he said that the vast majority of employers nowadays are good, honest people, and I have always said that—the vast majority of them are, and they treat their employees well, trying to do the right thing by them. They provide good, clean, safe working conditions. Of course, that has been brought about once again only because legislation and regulations have forced them to do it.

Very few employers over the years have done things out of the goodness of their heart. They have provided these conditions only because they have been made to, otherwise they would have been put out of business. I make that point loud and clear. Nevertheless, many of them do the right thing and provide these conditions for workers these days. I would like to place on record once again the fact that I was employed by General Motors for 34 years before coming to this place, and I recognise that General Motors is a very good employer; it recognises the value of working with unions and, in most cases, it has a good relationship with the unions.

In fact, for many years one of the conditions of employment—which was enforced by the company and not by the unions—(and I think it is still in place) was that any person who joined the company had to join the appropriate trade union or association within two or three weeks of employment, otherwise he or she did not get a job. The company recognises the value of trade unions, of cooperation and of negotiation with trade unions. It does not want to mess around and deal with individuals and small groups; it wants to talk to responsible trade unions, and that system certainly worked very well over the 34 years I was with the company.

Employers are no different from other groups in the community. The vast majority of people are law-abiding citizens, but laws, rules and regulations must be made to control the minority of crooks. We all know this through the road laws we abide by and the civil laws we live by day to day. It would be wonderful if everyone did the right thing, was honest and law-abiding and did not rip people off and cause problems. It would save millions of dollars in not having to have police, courts and other jurisdictions but, unfortunately, we live in the real world and some people are unscrupulous and dishonest. They try to use up people and abuse people and, because of that, we have to legislate and have regulations and laws to protect people.

Unfortunately, this happens in the industrial field as well, and the vast majority of law-abiding citizens and of good employers are inconvenienced and constrained because of the crooks. It is no good making our laws for the good employers, the good road users or law-abiding citizens; we have to make the laws to control the crooks, and that is the bottom

line. This is a typical example of where that is the case. We have legislation that works, that controls and seeks to protect both workers and employers, and it should be left alone. We have an industrial record in this State that is the envy of the rest of the country and, in fact, the envy of many parts of the world and, if it works like that, why mess it up? Why change it? If it is not broken, do not fix it.

As I say, the provisions in the current legislation are not one sided: they seek to protect the rights of the employees as well as the employers, and as far as I am concerned it works very well. As I say, unfortunately the vast majority of people must be inconvenienced because of legislation which must be brought in to protect people, both employers and employees, from the crooks in society. The Government should blame the crooks and not the unions. The unions are trying to protect the workers of this State, and unions do many other things that always go unnoticed.

They are always accused of causing trouble and creating strikes. Over the past few years many unions have celebrated their centenary in this State, and some of them have never taken strike action. There are some very militant unions that cause problems from time to time, but by and large they still have reasons to do that. Largely, the industrial action is only a small part of the activities of the trade union movement. They do an enormous amount of good. They educate, they make people aware of problems, they highlight the dangers of asbestos, dust and all sorts of chemicals for the protection of all people—trade unionists and non-trade unionists and their families.

We can all thank trade unionists for those protections over the years and for the standard of living that we all enjoy today. The Government is hell bent on abolishing penalty rates in one area of this legislation, and I ask members opposite: why should workers who give up their leisure time, quality time with their families, quality time to play sport and do other things they want to do, not get penalty rates? I refer to my father-in-law, who has been retired for many years now but who was a waterside worker. For all the years I have known him, something like 35 or 40 years, he had an ordinary, very hard, long hours, low paid job with very little pay, yet he was in a position where he was on tap 24 hours a day, like a doctor.

He could not make any arrangements to go to the pictures or anywhere else because he had to sit by the phone or, in the days before phones, wait for a message in case he had to report for duty in the hold of some ship. That was the case for years and years. He could not make any plans because he was on tap, as I say, 24 hours a day on very low wages, with very hard and dirty work. Situations such as that were intolerable. They have been fixed up by the trade union movement over the years and protected in legislation, and I do not see why we should change those.

The justification for some people in the community, such as doctors and other professional people, to be paid higher wages was that they were needed 24 hours a day and had to be on tap. That certainly did not apply to people like waterside workers and other hard workers who had to be on call 24 hours a day but who did not have the advantage of a higher wage; they got a mere pittance. These sorts of provisions ought to protect these people. I certainly do not want to see a system such as that in the USA and other countries where tipping has become institutionalised. It does not happen here, but I feel quite sure that, if penalty rates and other awards conditions are abolished or reduced, we would see the situation established as in America and other countries where people receive a very low wage, just a retainer, and they rely on tipping to make a living.

I would hate to see that here. That is foreign to my nature, and I would hate to see it happen. That is one of the things I can see happening if this legislation and other proposed legislation gets through this place. Government members are always attacking holiday leave loading payments, but I would like to point out that these were originally won by trade unions giving trade-offs in return for them. We are always led to believe, by the Government and by the media, that Australia is the only country in the world that gives leave loading payments. The fact is that it is not. In fact, Australia is if not the lowest then one of the lowest payers of leave loading among the western industrialised nations of the world. It is not unique to Australia.

I now refer to unemployment. I can understand that some members opposite are new to this place, and some have been farmers and are perhaps insulated from business by not being in an ordinary sort of workplace or in factories, but I cannot understand the ignorance of the Minister and some of the other senior members of the Government who should know better. They continue to blame the previous State Labor Government and the current Federal Government, industrial laws, WorkCover and occupational health and safety for the unemployment rate. It is a tragic and unacceptably high unemployment rate, but I cannot believe that Government members are so ignorant. Most unemployment these days is caused not by those factors but by the impact of technology and low commodity prices.

You, Sir, would know something about that, being in the farming industry. That is something that is certainly out of the control of Governments, both State or Federal. I remember speaking to the former member for Chaffey (who retired recently), who said that in recent years grape growers have received one-sixth of the price they used to receive, and that has been caused by pressure being exerted on those growers (who do all the hard work and get nothing out of it) by big employers and money people. Despite our unemployment levels, we still have record employment levels in South Australia, but most of the problems have been caused by the impact of technology.

The Federal Government, in my view, has done a magnificent job in recent years. It has achieved what a lot of other countries have not been able to: it has got interest rates and inflation right down. Those two factors would normally mean that unemployment was defeated, but in this case the Government has achieved those two factors but we still have persisting unemployment, because of the impact of technology.

I relate a couple of examples from my time in General Motors. In 1978 General Motors employed 27 000 employees around Australia: today it employs something over 5 000. That is a reduction of 22 000 jobs in one company. The Ford Motor Company would be in a similar situation. Yet those companies are building more and better quality cars than ever before. It is technology. You can say the same thing about the waterside at Port Adelaide in my electorate. A few years ago there were 3 000 waterside workers; today there are fewer than 100, because of technology—containerisation and bulk handling. Despite that, today there is more cargo going in and out of Port Adelaide than ever before in the State's history. That is another example of the massive job losses. The same applies to rubbish collection: five people on a truck would collect the rubbish, but now there is one person, a driver, and the truck has an automatic apparatus on the back.

The Federal Government has done a magnificent job in overcoming interest rates and inflation. When it came into power in 1983, it brought in a series of Accords, as we all remember, and that resulted in enormous wage restraint by Australian workers. That wage restraint was unprecedented in the history of this country, I believe. The workers have already carried the load of restructuring with those virtual wage freezes, and it is about time they started to reap some benefits: they should not be further depressed by this sort of legislation. That is different from the executive salaries in this country, which have increased out of all proportion. The workers of this country have borne the brunt of restructuring and do not deserve this sort of legislation being levelled at them.

South Australia has a record of industrial peace that is enviable not only in Australia but overseas, and I am sure that if this legislation is passed it will destroy that peace and will impact very heavily on this State's economy. It is not a threat but a fact of life that this will happen, and it will be to the detriment not only of the employees but of the employers and the whole economy of the State.

The member for Wright criticised the number of amendments to this Bill that the member for Ross Smith will try to introduce. I took offence at that, because the number of amendments indicate that there are problems with the legislation—a lack of understanding and a lack of consultation. The number of amendments that the member for Ross Smith will be moving is an indication that there is much wrong with the legislation.

The fact is that most trade unions and employers cooperate, and I agree with the member for Mawson when he said that we need one another, and that is the case: employers and employees need one another. There was a good relationship at General Motors when I was there. I know that workers need jobs and companies need incentives to invest. Companies have to make a profit—we all know that—but also companies cannot make one cent profit without the workers. So, we need one another, and it is about time that we got together. Instead of trying to intimidate and harass one another, we should work together. I oppose the Bill. I support the current legislation. It is working well and, as I say, if it works do not fix it.

Mr CAUDELL (Mitchell): I have heard a certain amount of twaddle and waffle, and I would greatly appreciate the member for Ross Smith taking his seat because I have no intention of saying anything about him behind his back: I have every intention of saying it right in front of his face. I have heard about a certain amount of bullying and, since having been appointed as a candidate and as a member of this House, I have been bullied, my premises have been broken into, I have been threatened and I have been intimidated. I will stand against all those situations and I will not be frightened of putting my point of view and voting for what I believe in. I will not stand for the bully boy tactics of the member for Ross Smith or his henchmen who were in the gallery earlier.

I stand by the way I run my business. I refer to myself as an honest employer. I refer to myself as an employer who looks after my staff. I run a business for which there is no award system: it is involved in the tourism industry. But when I reach agreements with my staff, I work out what I believe is a suitable award for the types of work they might be doing. I then work out whether they will be doing overtime, and so on, and the hours that they are working, and I pay them that salary. I give them annual leave. I give them 17½ per cent annual leave loading. I give them sick leave.

Mr Clarke: That is the law.

Mr CAUDELL: It is not the law because, under the ruling by the Department of Labour, I can pay them $1 if I so want. So, I can assure members that I have no hesitation with regard to my situation, but I will not put up with the bully boy tactics and the utter threats of the member for Ross Smith. I have already been investigated by the member for Giles when he sent his henchmen to my office to look at my books. When the member for Giles was the Treasurer, he arranged for his henchmen to come into my premises. I will also not stand for what happened regarding the member for Ross Smith earlier this afternoon, and later on I do intend taking the matter further.

In this House we have heard those running businesses being referred to as scoundrels, with everyone being under the thumb. About the only thing that was not trotted out here tonight was Charles Dickens—of having people in rags and in the salt mines and young children working. It has been said that almost every employee out there is in rags, with holes in their shoes, and that every employer is the old scrooge.

Mr Brindal interjecting:

Mr CAUDELL: David Copperfield; he didn't quite get to Charles Dickens. Obviously he has not read it. When the member for Ross Smith does give a speech, as members will note, he has a height complex, and he has to use about half a dozen books to be able to see. Perhaps the member for Ross Smith should obtain a pair of glasses or contact lenses: some notable people wear glasses, such as the Minister for Industrial Relations and the member for Newland. They are not worried about inferiority complexes, as the member for Ross Smith is. It is amazing that, in all the speeches of members opposite, wages were constantly mentioned. They said that we will drive down wages, that everyone's wage will be reduced, that people will cry poor, and that poverty and famine will set in. All the adjectives in the world were used. If any of these Opposition members were a little of aware, they would realise that, in the books of accounts of any operation, wages are only one small part of the costs of business. There are other costs.

If the member for Hart, who loudly went on with the same sort of twaddle through his speech, is prepared to listen, I will give him a lesson in running a business. The member for Hart has obviously forgotten what it is like to be in the private enterprise world. Having been an assistant to the person who ran the business of this State so poorly for so long, he has forgotten what it is really like in private enterprise. There are other things more important to a worker than just wages. As the member for Hart must also realise, in management practice in most instances, wages are a demotivator rather than a motivator. There are other things more important to the hierarchy of needs of the worker.

Some things cannot be bought, and we can legislate to ensure that only some things occur. Perhaps I should pass on to members opposite a lesson on good employee/employer relations. As an employer, I can hire a pair of hands, a pair of legs and a back but I cannot hire a person's mind. I can offer them terms and conditions that I believe are suitable for their job. If that person believes that those terms and conditions are good, they will employ their mind in the operation of my business. All good employers realise that their greatest asset is not the machinery on the floor or the motor vehicles that are out in the back (in the case of my business) but the people working for them. The people involved in that

business are its greatest asset. Any employer worth his salt would realise that, and he would look after his people. When he sits down to work out an agreement with those people in the first instance, he will look after them with a worthwhile agreement. If you pay peanuts, you get monkeys: if you pay good money, you get good employees and people who are prepared to look after your business and work hard with you for your business.

The staff must feel secure in their job. They move up the hierarchy of needs, as the member for Hart would realise, and they get to other things which they are looking for in their employment. If an employer does not satisfy the needs of workers, the business will go down. It is most important—

Members interjecting:

Mr CAUDELL: He is obviously not listening: when it comes to the truth, they go into hiding. A business is like a row boat. If someone is not pulling their oars properly, the boat will go backwards. If one oar is missing, there is a chance they will go around in circles. If they all stand up in the boat at the same time, there is a good chance it will sink. Therefore, everyone must work together and have the right attitude. There must be the right wages, conditions and incentives, and people have to feel welcome within that business. So, by standing up here, as the members for Hart and Ross Smith have done, and as the members for Napier and Giles did beforehand, and berating everything involved in wages, they forgot the simple task. They lost the ball: they dropped the ball, as they have done previously. They do not realise there are more things in this world other than wages: there are things such as terms and conditions of the employment, which this legislation so aptly covers.

Members opposite made assertions that businesses which were employing people who were not covered by awards were rogues and charlatans. As I said earlier, I felt these comments were both offensive and out of order, and that I will be considering further steps over the next 24 hours. They used quotes totally out of context with regard to the reality of what has occurred. As I said before, it you do not look after the people who work for you, you will have no sales. If you do not look after your people, you will have no employees. It is obvious that members opposite have never employed one person in their whole life. If they had employed one person in their life, they would know the trouble you have to go to to employ that person.

Mr Foley interjecting:

Mr CAUDELL: Excuse me; I have the floor, thank you, the member for the Hart. If you had employed a person, you would realise that not only do you to have to make the phone call to the *Advertiser* to lodge the advertisement but also you have to prepare yourself for the interview and go through the interview stage. When you have gone through the interview stage, you go through the offer and acceptance of that person. Then you go on to the training side of it. You can spend anything up to one months down time for each employer that you put on. So, every employer worth his salt knows that he does not want to change employees day after day. He wants to make sure that he has good employees, that he looks after them, and that they are working for him and for his business. At this stage, this Bill offers that opportunity.

We have said before that members opposite have never run a business. I hesitate to say this, but I feel they have run one business—the previous Government. They were the managers of the business of South Australia—the business of Government. But, unfortunately, they failed in that business of management. They sent this State broke: they sent their business broke, because there was no flexibility in the business operation in the marketplace and they did not identify the needs of their customers, the customers being the people of this State. They forgot the basic principles of running a business, and that business failed.

The only thing we could say is that they identified the needs of their managing directors, their managing directors being the trade union heavies. They satisfied their needs, but they failed to satisfy the needs of the customers, and that is one thing that must be identified in any business. They excluded their customers and, as a result of excluding their customers and sending their business broke, the shareholders of that business rose up in one and, at that their annual general meeting on 11 December, they kicked out the board, they got rid of the management team, and they put in a new team to run this business. That new team is now acting, and that new team is running the State. They can cry all they like from the sidelines, but it will not do them any good. The shareholders of this business have spoken and they want action—and they are getting action. They have run a business before, and they sent it broke—and did they send it broke. I could provide a number of examples of bullying with regard to the trade union movement. There are a number of—

The Hon. G.A. Ingerson interjecting:

Mr CAUDELL: Well, Mr Minister, I can refer back to an example of bullying by the trade union movement that involved me personally. I was holding a safety meeting at Port Stanvac for all the people for whom I had responsibility. I advertised the safety meeting for all the drivers and the storemen. They all turned up to the meeting, and I was about five to 10 minutes into this meeting, explaining first-aid procedure.

The union representative walked in and said, 'I want to sit in on this meeting'. I said to the union representative, 'Excuse me, but who are you?' He said, 'I am the union representative and I demand to sit in on this meeting'. I said, 'I'm sorry, but I didn't invite you; you didn't ask to turn up and it is only manners that you speak to me first about this. If you want to speak to your members you can wait until after the meeting is finished.' At that stage the union representative called out the leading hand and said, 'I want all members out on the grass immediately'. The leading hand came back into the meeting and advised the meeting of what the union wanted to happen. The members voted and said, 'No way, the union is being rude and has poor manners—if they want to turn up at Colin's meeting, they should let him know beforehand.' At that stage the union representative walked back into the meeting and said, 'I want you guys out on the grass in five minutes.'

Mr Meier: What right did he have to do that?

Mr CAUDELL: The union had no right. At that stage I ordered the union representative out of the meeting and continued on with my safety meeting. Unfortunately, as a result of that the Transport Workers Union had a meeting of all other transport workers in the oil industry outside the refinery and decided to put a black ban on Esso until they offered an apology to the Transport Workers Union. That black ban held for 48 hours, until the Transport Workers Union realised that it was wrong, as it would be found to be if the matter went before the Industrial Commission, because it had tried to bully its way around the situation. That was not uncommon in a number of other situations that arose during my association with the union movement.

This legislation allows freedom of association and will allow good employers to run their safety meetings and to

provide good conditions for their employees, the greatest asset in their business. I commend the legislation.

The Hon. G.A. INGERSON (Minister for Industrial Affairs): I move:

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

Motion carried.

Mr QUIRKE (Playford): The member for Mitchell said that the only one who had not got a guernsey here tonight was Charles Dickens. Basically his speech is straight out of that era, as are his attitudes. I do not know what hassles he had with the Transport Workers Union but, if he carries on in the way that he obviously has in the past three or four months, I can well understand how he has had a couple of hassles with certain organisations. The fact that he says he can pay someone a dollar if he wants to, that he does not have to give them annual leave, and will determine what is and what is not good for them is one good reason for having unions in the twentieth century; in fact, it is a good argument for needing to have unions in the nineteenth century. The fact that the poor individuals in his employ are basically at his mercy, at his whim, frightens and horrifies everybody over here as it makes clear to all of us that, if that is the situation, not only is the member for Ross Smith on the right course but indeed also is the trade union movement in South Australia. I would like to hear the Transport Workers Union's version of that story—it may be at slight variance with what we have just been told.

I congratulate the Minister for this legislation—I honestly do. He is much more intelligent than I thought he was going to be when I looked at him from that side of the Chamber. I always had a reasonable amount of time for him, but I did not think he was as smart as this Bill is or as some of the other measures are which he has introduced in the past few months. Since he has come to the job he has brought to it an extremely intelligent approach. Before I get expelled from this side, give me time to make out my case.

In essence, what we thought we were getting before 11 December was Kennett. We thought that the matter of industrial relations would be high on the agenda, and certainly it has been. We thought that it would be radical, and certainly it is. We thought that there would be a number of changes. We also thought that we would be subjected to the usual union bashing. We were not sure how well it would be done and it has not been done too well here tonight. At the end of the day we got Kennett mark II—a much smarter version of Kennett.

When I first heard about the Bill, I went up to the conference room with the members for Ross Smith and Hart and sat in the corner waiting to receive our copies of the legislation. The media were there and the whole thing was announced. I found that everybody was going to get a wage rise, that the award system would not be ruined and all the benefits would be there with people going on and making more money: in fact, nirvana was here. The problem was that I went off and read the fine print. The difference between this Minister and Kennett is that this Minister realises that many people do not read the fine print and, by the time many people do, it is too late for many of the genuine questions to be asked. The Opposition has had a lot of time to scrutinise the Bill. We do not like it much. One of the dilemmas was whether to reject it totally out of hand or do something constructive with it.

I take off my hat to the Minister because the unions in South Australia, particularly the white collar unions, have made a number of comments and have gone to see him. They certainly saw the Leader of the Opposition before the last election and were promised that there would be no problems with deductions. What did we get? We got the Kennett approach to that. Deductions were fixed up—well and truly fixed up.

The Hon. G.A. Ingerson interjecting:

Mr QUIRKE: The Minister is asking how many have rejoined. He did not say any of this stuff before 11 December. I take my hat off to this Minister as he is like a film that I saw many years ago called 'Bedazzled'. When you do a deal with the devil you put in every possible caveat because, if the Minister can find any way around it to help his mates the employers and every shyster in South Australia who wants to rip off wages, he will do it.

The Hon. G.A. INGERSON: On a point of order, Sir, it is unfortunate that the member opposite is suggesting that every employer in South Australia is a shyster and I ask him to withdraw.

The ACTING SPEAKER (Mr Venning): Order! The comment is unparliamentary and I ask the honourable member to withdraw.

Mr QUIRKE: I withdraw and in fact make clear that not every employer in South Australia is a shyster. That is totally a wrong interpretation. I said that the Minister hangs around with some people of dubious repute.

The Hon. G.A. INGERSON: On a point of order, Sir, I ask the honourable member to withdraw that comment because it is offensive to me as a member of this Parliament.

The ACTING SPEAKER: The comment is not unparliamentary. The Minister can reply in the debate if he wishes. The honourable member knows that the Minister is offended and he may wish to withdraw. However, it is not unparliamentary.

Mr QUIRKE: I withdraw—there is no problem with that. At the end of the day we have Victorian legislation that is a lot smarter, a lot thicker. They have given us an extra day to debate it. Over there, it took one day, I understand, and they all went home at midnight. Over here, we will have had a couple of days minus private members' time tomorrow, but at the end of the day that will be the sum total of the debate here. I will observe with interest when this legislation goes a bit further up the corridor where the numbers are a little different than they are in this Chamber. I honestly hope that, when this legislation goes to the Upper House, the Australian Democrats, in particular, take a long, cold, hard look at it.

It is my experience over the past four years that much of the industrial legislation, which at that time was amended by the then Opposition in both this Chamber and the Legislative Council, survived the parliamentary process because of support by the Australian Democrats. A large number of Liberal members in this Chamber have forgotten that, because they take the view that, if they do not get every single piece of legislation through, these people as I said before are mates. I think this Bill is over the top. If this Bill is not seriously amended and largely changed in a whole range of areas, I hope it is not successful in the parliamentary process.

In my view, the situation in South Australia was largely set down in the 1950s and 1960s, certainly in the 1950s by an enlightened Liberal Government run at that time by Sir Thomas Playford. We found in the 1950s a cooperative approach even though the members of the Adelaide Club still

had the same attitude to unions that we have heard expressed tonight by the likes of the member for Mitchell, although I suspect they never renewed his membership. At the end of the day, in the 1950s we found a cooperative approach between the workers and the boss, between capital and labour and, indeed, in this Chamber.

We can point to many things in South Australia that resulted from that level of cooperation. In many respects, the Dunstan years brought about enlightenment in a whole range of areas. The reality was that the image of the Dunstan years was one of overall enlightenment. In fact, in many areas and in many ways that enlightenment was already here. It was here because there was a perception that there was a role for organising unionised labour, that there was a role for unions to play. Indeed, during the progress of this State, the development of Elizabeth and of Whyalla before that and the various industries—in particular, the car industry—the Government brought the components together and we went forward—we had a time of prosperity.

I must say that the Premier led a team on 11 December last year which comprehensively won the State election. Indeed, it has ushered in a new era: those on this side of politics do not deny that. We hoped to see a new era of cooperation which we were told before 11 December would be the case. We find, of course, that the spoken word is not what is contained in the legislation before us. The record so far is not a very good one: journey accidents have been knocked off the WorkCover legislation; there have been changes to occupational health and safety provisions; and it looks to me as though there will be further changes to WorkCover later in the year. I was told during that debate by way of interjection that that would be the case.

So we find that, as far as workers compensation in this State is concerned, the slipper has been put under it. We now find more of that agenda in this measure. We find in this legislation the sorts of measures that have comprehensively been rejected in other jurisdictions. In many respects, the Government is treading as softly as it can. Our job as an Opposition is to point out the fundamental changes to South Australian life which this Bill, in particular, is about to bring in. I say that because there are some fundamental changes in this Bill, some breaks with the past, which no other Liberal Government has countenanced before. The only thing I can say is that the Minister has been much sharper and shrewder than his interstate counterparts in introducing this and other measures.

From his point of view he has probably done a reasonable job. Our job is to point out to the rest of the world the unacceptable nature of most of the provisions of this legislation. I will not keep the House too much longer tonight because we want to get into Committee in the time that is left. We are keen to see a large number of amendments succeed. I have never been unreal in terms of counting numbers. I suspect that some of the amendments will prove to be rather difficult to obtain through this Chamber, but one never knows the generosity of the Minister. That is why I withdrew unreservedly any remarks I made about him, because he may see the wisdom of keeping us happy on some of these points.

The Hon. G.A. Ingerson interjecting:

Mr QUIRKE: Well, that is possible. Certainly, one amendment of the Minister may be successful, but we will have to find out whether we intend to support it. I am sure he is waiting with baited breath for that analysis. At the end of the day, we accept the verdict of the people last year. We are in Opposition now and we know that the bosses are doing better than we did when we were over there. However, every dog has its day, and we will be over there at some stage in the future. Let me make quite clear: I hope that at some time in the future the member for Ross Smith will be the Minister for Industrial Affairs. I say quite openly on the public record that the present Minister had better introduce a proper industrial relations Bill which will reverse the imbalance that is likely to be created at least in this Chamber and possibly in the other.

Mr Foley interjecting:

Mr WADE (Elder): I ask the member for Hart to wait a while and he will hear. The difficulty in following my colleagues who followed the member for Ross Smith is that, because his arguments were so transparent, his delivery so obtrusive and his examples so absurd, my colleagues have already negated most of his points. That does not leave me too much opportunity to take his arguments apart, but luckily I have been left with a few points. The member for Ross Smith has insulted over 65 per cent of the working population who are not union members. It would appear that these people are so weak minded, so pathetically lacking in confidence, that a faceless boss can take them one by one into an office and force or coerce them to sign an enterprise agreement.

Frankly, I do not know too many bosses who would have the time to bring their entire work force into the office one at a time to explain an agreement, which I assume the boss has written secretly, and coerce or tell those people to sign that agreement. After the first person has been faced with that kind of process, does the member for Ross Smith really believe that the rest of the work force would not know what was going on, would not talk about it and would not take action? They will be able to take action because we will ensure that all employees know their rights under the Act. Has the member for Ross Smith never worked in a non-union enterprise?

Members interjecting:

Mr WADE: I am glad to hear that some members have done that, because they will know that these people think for themselves and do not require unions to think for them. The member for Ross Smith stated that there was no right of appeal against an enterprise agreement. In fact, he paused to let that sink in. However, it did not sink in too far because with his selective reading or just plain lack of understanding he failed to read clause 60(1)(d) which provides:

> The employee ombudsman's functions are—
> (d) to represent employees in proceedings related to an enterprise agreement matter if there are grounds to suspect coercion in the negotiation of the agreement. . .

An agreement already signed, sealed and delivered can be changed or even rescinded as a result of arguments brought to the enterprise commission or the Industrial Court by the employee ombudsman. An employee cannot appeal an agreement but, if the agreement is shown to have occurred as a result of coercion, it was never an agreement between the parties in the first place and it can be rescinded or changed accordingly.

One hopes the member for Ross Smith reads up on his industrial relations law. Apart from that aspect, the member for Ross Smith spoke about retaining the 17½ per cent leave loading as one of the minimum conditions in an enterprise agreement. The honourable member has forgotten the words of Mr Clyde Cameron, a former Federal Labor Minister, who introduced the 17½ per cent leave loading in the 1970s. In the

1980s Mr Cameron publicly stated that this was the worst thing he had ever done apart from introducing flexitime. We do not wish to repeat the mistakes of the past.

The member for Ross Smith gave examples of a permanent employee being transferred to a part-time or casual position and then three months later being fired, thereby receiving only the part-time or casual payment rate throughout the six months. I thought the honourable member was an industrial expert. If you make a permanent employee part-time or a permanent employee casual, you have broken their contract of employment; you have dismissed them at that point, and they are paid under their old classification.

Now that I have taken care of the member for Ross Smith's arguments, I will now proceed with my arguments. The current awards are the end product of years of industrial disputation. They have truly been brought about through blood, sweat and tears. Awards have been an integral part of the South Australian industrial relations system since its inception. They are familiar mechanisms for ensuring a safety net of minimum legal conditions of employment for classifications contained therein. The award is the starting off point for further industrial disputation which usually results in additional conditions being inserted into the award which are an extension of what already exists. These new conditions become the accepted norm and the process starts all over again. It is a rare occurrence for any hard won condition to be removed from any award.

In the normal course of events an employee will receive a log of claims from a union, and it is these claims to which the employer responds. Traditionally, the employer will attempt to hold the line, maintain the *status quo* and, finally, try to negotiate the most minimal adjustment possible. The current system is a confrontationist approach that requires a dispute to be registered before conciliation and arbitration can commence. It has its roots in the classic action/reaction paradigm. It is an adversarial system promoting an attitude of the haves against the have-nots, the 'take what you can get' approach against the 'hold on to what you have got' approach. It is a class war attitude that breeds distrust and greed. The award is a complacent safety net which, once blessed by the commission, is enshrined in law until a new round of conflict is initiated.

The award system is what we know. We grew up with it. It is familiar ground. To remove it would give some employees, some employers and more than some unions a feeling of naked exposure to the chilling elements of uncertainty and change. Nevertheless, attempts were made in the 1980s to break away from the cloying constrictions of inappropriate award conditions. Changes were forced within the award structure in an attempt to modernise, update and give flexibility to working conditions—changes such as the removal of demarcation, productivity bargaining and broad banding of classifications.

At this point it is appropriate that I provide an example, and I am sure that the member for Hart would like to hear it. I refer to a firm that had a desire to bring itself into the twentieth century. In 1989 it initiated discussions with three major unions under the structural efficiency principal. For nearly 12 months it had difficulty in getting the unions to sit down and talk. There were problems and a lack of communication. There was disputation and the old, traditional conflict was occurring. In November 1989 I was brought into that firm to resolve the conflict. By 22 December of that year the conflict had been resolved and an award was issued on 22 February 1990. Not one second of lost time occurred during the negotiations for that structural efficiency principle.

It is appropriate that I point out that this award was a trendsetter in many ways. The object was to allow the majority of employees to adjust their working conditions to suit themselves; something very similar to what we are trying to do now through structural agreements. For example, a clause on shift work provided:

> Shifts may be changed, or the time of commencing and finishing times of shifts may be varied, by agreement between the employer and the employee or a majority of employees in the department or work area. . .

The clause goes on to describe the relevant conditions. Another example deals with meal breaks, as follows:

> Subject to the employer and an employee or a majority of employees in the department or work area agreeing. . .

These clauses reflect the fact that the majority of employees had to agree.

It was not the employer forcing individuals in an office to take a change in shifts: it was the majority of employees agreeing on a course of action they wished to take to improve the quality of their working life. That is an example that the member for Hart wished me to raise, and I appreciate the fact that he did because it is a perfect example of what good consultation and communication can achieve if the unions are willing to listen, if the employees are willing to change and if the employer has the courage to approach them both. Regrettably, the industrial process of which awards are a part is a monolithic, lumbering dinosaur that has been shown to be too slow, too awkward and too entrenched in the past to react effectively to a changing economic, industrial and social environment.

This Bill recognises the shortcomings of our present system and offers another option. Life-long habits can be hard to break. Some employees, employers and unions may be reluctant to move very far from the anachronistic, outmoded, familiar award system. These employees, employers and unions can continue to be protected, legally and emotionally, by an award. Schedule 1(5) provides that all existing State industrial awards are to be maintained. Awards will still be able to operate within the familiar compulsory conciliation and arbitration system as provided in clauses 26, 27, 147 and 190 to 196. Clause 85 guarantees that awards can continue to be the common rule. As has always been the case, an individual bound by an award cannot contract out from the provisions of that award. This surety is provided in clause 88. Even award-by-award variations via State wage case hearings are available for those who choose to be bound by awards.

There is no need for gnashing of teeth, flailing of arms or chanting dirges of despair: the old ways are still there for those who feel most comfortable travelling that worn but familiar route. For others the old ways are no longer appropriate. The familiar route is no longer headed in the direction they wish to go. The lumbering, meandering mechanisms that litter the traditional road are a hindrance to their very survival.

The Bill offers the option of enterprise agreements. Enterprise agreements are not part of traditional award bargaining: they stand separate and independent from awards. They contain an alternative set of conditions. These conditions, like awards, have basic minimum legislated standards that must be included in each and every enterprise agreement. The protection of an employee's minimum conditions and wage—which is the award ordinary time rate of pay; annual leave of four weeks per year; sick leave of 10 days per year; and parental leave of up to 12 months unpaid leave—are

enshrined in this legislation. Equal pay for men and women performing work of equal value is guaranteed. Dispute settlement procedures must be in every agreement, and award provisions can be included in enterprise agreements.

Enterprise agreements ensure that basic conditions of employment will be maintained. To include conditions less than the minimum requires agreement between the employer and the majority of employees. It must be approved by the commissioner or the full commission and, even then, only on the basis that the commission is satisfied that the agreement is substantially in the interests of the employees concerned. Enterprise agreements empower employers and employees to implement meaningful changes at an enterprise level. They can agree on specific changes that reflect their particular enterprise needs rather than be forced, through general award variations, to apply conditions of employment reflecting union or industry ideologies.

This Bill gives employers and employees the ability to negotiate and collectively agree on conditions of work that will sustain and develop that particular enterprise. Some employees may have concerns that they will be coerced, intimidated and threatened into signing agreements that will reduce their overall benefits. If they are not now, I am certain that some unions will be out there ensuring that they are.

Apart from the protective mechanism of the commission, employees will have access to an employee ombudsman who will have all the powers of an inspector, and who will have the right to investigate complaints by employees that they have been coerced, and will represent employees before the enterprise agreement commissioner and deal with other areas. Unions are still recognised. This Bill is not anti-union: it is very much pro-employee—a position some union officials purport to support in words yet fail to achieve in deeds.

One of the most consistent philosophical arguments put forward by unions in support of compulsory unionism is that it is not fair under our award system that non-union employees covered by an award receive benefits gained by unions on behalf of union members. Our current system is to blame for that, because non-union employees cannot approach the Industrial Commission to ratify award conditions. The unfairness is in the system. With this Bill we are empowering the people to take control of their working life. That is real democracy. I commend the Bill.

Mr BUCKBY (Light): I support the Bill. I agree with the member for Mitchell. When I was sitting in my room listening to the contributions of members of the Opposition I thought that every boss and employer in this State was an absolute tyrant. However, I will not continue with that. I will bring a few issues to the attention of the House. First, I refer to macroeconomic and microeconomic change. Since 1983, this country has undergone quite some macroeconomic change in the area of banking and in bringing the Australian economy into a global economy. Many would argue that we have not had enough macroeconomic change as yet and that there is more to come. However, much change has been achieved.

It is a pity that that has not flowed through to microeconomic change, because that is where the real gains in productivity and labour can be made. In fact, we still see that very little has been achieved in microeconomic terms on the wharves and the waterfront. I bring to the attention of the House the report by the OECD only 10 days ago, as follows:

> Australia has not gone far enough in microeconomic reform, especially in the area of enterprise bargaining.

Until we make greater microeconomic changes we will not become more competitive.

As was said by the member for Elder, Labor's own former Minister the Hon. Clyde Cameron is on record as saying that it was a mistake of the Whitlam Government to introduce many of the loadings that it did introduce. He said that, had the Government had its time again, those loadings would not have been brought into the award system. It would seem that the Labor Party, which has led this country and this State into the recession that we had to have, is living out of line with what makes employment productivity. The OECD warns that greater flexibility is needed in the labour market and that high unemployment will remain unless there is significant labour market reform.

The Opposition does not seem to understand the basic economics at work here; that is, there is a substitution effect between capital and labour. If the cost of labour becomes too high or the award conditions under which they operate, the flexibility of work conditions, do not suit the employer or restrict his competitiveness, there will be a substitution of capital for labour. Employers will replace labour with machinery. The OECD says that labour market reform must go further. In fact, the OECD would have Australia go the way of New Zealand, where a decisive break with the award system has occurred. That is straight out of the OECD report.

We choose not to go that road, because it is well recognised by all that the award system should be maintained, but we seek greater flexibility within that system. This Bill allows the employer and the employee choice. A majority of employees must agree that a change will occur: it cannot occur just because the employer wants it to; it must be because both sides are in agreement. Trade unions can act as the employees' agents. Are members of the Opposition suggesting that those trade unions are not capable of representing them in the fact that they do not wish to go down the path of enterprise agreements?

'No coercion' is another factor under this Bill: an employer is not allowed to coerce employees into entering into an enterprise agreement. There must be minimum legislated standards for wages, annual leave, sick leave and parental leave. All those are things that I would have thought the Labor Party would support, but here we see that that is not occurring. The agreements must contain dispute settlement procedures, the very things that have enabled this State to have a good industrial record over the years. We are not breaking down those areas: we are maintaining those procedures.

Further, Labor overlooks the fact of the capital investment employers have in their employees. As the member for Mitchell said earlier, the last thing employers wish to do is get rid of their employees. They represent their greatest capital investment. They represent time spent by the employer in training them, and only a fool would look to get rid of those employees willy-nilly out the gate, as the Opposition would have us believe. The problem, however, is when this labour market becomes inflexible.

At that stage the employer, striving for greater productivity and for greater competitiveness, is looking to replace inflexibility with flexibility and will then go down the track of saying, 'If I cannot get flexibility, I will turn to machines to do the work rather than labour because, first, the cost of production is lower; secondly, it leads to greater competitiveness; and, thirdly, that will increase my sales.' What the Opposition is overlooking is that, if flexibility is brought into the system, those very things can still apply.

Increased productivity will lead to greater competitiveness. We are told that we are to encourage companies to export overseas. That requires greater competitiveness. That greater competitiveness will lead to greater sales, and those greater sales with a flexible labour market will lead to increased employment. All those factors are conveniently overlooked by members of the Opposition. The awards set up or maintained under this Bill can continue to apply across industries or occupations, and unions or employer associations can maintain their rights to apply to the Industrial Relations Commission to vary awards and to represent their members in commission hearings.

There are minimum standards set down under this Bill, although the Opposition would have everyone believe there are not. Minimum standards are set for wages, annual leave, sick leave and parental leave, and equal pay for men and women. What members opposite would have everyone believe is that all those standards will suddenly break down when the labour market becomes more flexible. I can assure members that that would not happen. It would not be in the interests of employers for that sort of anarchy to operate.

Further, the Bill presents the opportunity to employees to bring in an employee ombudsman. The office of employee ombudsman will be created to assist, investigate and represent employees in any negotiations or problems that arise with enterprise bargaining. It has the right to investigate these complaints, and I suggest that that is a very good safety clause for employees to maintain.

I will not comment further, apart from saying that the Opposition in this case is overlooking the relationship between flexibility in the labour market and productivity that leads to greater competitiveness and greater sales, which of course would lead to increased employment. That is a gross oversight. It is a particularly blinkered vision, and the Opposition would do well to look at basic economics to understand exactly what will happen. I support the Bill.

Mr KERIN (Frome): I, too, am pleased to be able to support this Bill. It proposes changes that are fundamental to the State's economic future and to getting us back on the road. I listened to the Opposition's arguments tonight, and they clarified for me that the fears about this legislation are those of the unions rather than the workers. Enterprise agreements are absolutely central to the changes necessary for South Australia. To me, it has always appeared very strange that unions have either opposed or been very reluctant to accept the notion of enterprise agreements. I propose that, if trade unions were basically looking after the prosperity and jobs of their membership, they should embrace these agreements.

I have not been a union basher in the past and acknowledge that unions continue to have a role. However, their role needs to be a positive one, looking after the continued existence of the job because, without the employer remaining viable, there is no job. I trust that many more union people will acknowledge this and look after the long-term benefits of their workers. Fundamental to enterprise agreements is the basic principle of choice. Under this Bill, the choice of staying under the industry award remains. The principle of choice, however, goes even further when the option of an enterprise agreement is accepted. It allows the employer and his employees to use some imagination and trade-offs to come up with a situation that is beneficial to both parties.

Much of the scare campaign focused on this concept has portrayed the worker being forced into an agreement prejudicial to his interests. Whilst this has been mischievously presented as the norm, reality is that the Bill makes this an offence and applies safeguards, including a $15 000 fine. The clause which provides that unions can enter into an enterprise agreement only on behalf of employees if the majority agree really does present a challenge to the union movement. It really does mean perform or fade away. Unions will now have to meet much the same criteria as businesses have had to meet for years.

I acknowledge that unions have played an important role in the country's past and, indeed, I agree that they have played a role in avoiding exploitation of workers over time. No-one can deny that there are and always have been a few employers who, without the pressure of industrial law and the presence of unions, would not have done the right thing by their workers. But whilst there have been bad bosses, there have also been bad workers and bad union officials, and they have all been guilty of trying to do a little bit better than a fair day's pay for a fair day's work. I acknowledge the earlier generosity of the member for Ross Smith in saying that not all employers are scoundrels. I would return the compliment: not all union officials are, and since the election their numbers are probably down a bit.

We have been accused of union bashing, but I have not heard many accusations, yet during the debate I have heard employers referred to as shysters, crooks and criminals. I wonder whether the unions are not a little more sensitive than are employers. The member for Giles made it sound as if it was criminal to create jobs, and our good friend the member for Hart said that not too many of us had been both an employer and an employee, but many on this side have had that experience. That experience is invaluable when you look at the relationship between employers and their people.

Harmony in the workplace, productivity and levels of employment have all been harmed by the snail's pace at which industrial relations reform has progressed in Australia. As I said, this presents a massive challenge to the union movement and one which, quite frankly, I hope it is successful in meeting, because if that happens the face of trade unionism will also change. The outlawing of compulsory unionism, forced closed shops and preference to unionists will have the effect of bringing the unions into the real world. The union which gives its members value for his subscription will obviously prosper, and those that do not will not prosper.

The member for Ross Smith has constantly told us that we do not understand industrial relations. In reality, it is not that we do not understand industrial relations: our concept is totally different and not based on conflict. To me and many other members on the Government side of the House, IR is not a game or a means of creation of employment for lots of union officials and for tying up the courts: it is really about the relationship between employers and their employees. To some, it has become a game: it has got out of hand, and we do not need the hangers on. It really is about the relationship.

As an employer, I always felt that it was vital to have a happy work force. A bit of harmony always returned itself in productivity. My experience was certainly that the better you looked after your staff, the better they looked after you. It was said that not too many on our side of the House have employed people. I am sure that the number of members on this side who have employed people is greater than the number of Opposition members.

Mr Foley interjecting:

Mr KERIN: No, it is not hard, and I am sure there are a number of us on this side of the House who have employed

more people than are currently in the Opposition. As it provides for minimum standards, the Bill gives workers greater choice than in the past, and enterprise agreements replace the big stick approach, so I can see the Bill leading to far greater productivity in the workplace, with resulting benefits for the worker, the employer and the State.

The member for Hart pointed out the importance of our not having confrontation. Most of us completely agree with him, but the constant misrepresentation that we have heard about this Bill tonight is a far greater call for confrontation than any of the provisions. The Bill does not call for lower wages, exploitation of women, the scrapping of the safety net or some of the other things levelled at it. I commend the Bill. I think it will be a big help for both employers and employees and will promote cooperation rather than confrontation. I congratulate the Minister on its content.

Mr SCALZI (Hartley): I also support the Bill. I will not speak at length, as much has already been said, and said well, about the benefits of this Bill. I, too, would like to compliment the Minister and the Government for introducing this Bill. The Bill, as members opposite cry, is not about taking away from the workers: it is a new and correct approach. It supports a philosophy that production of any good or service comes about only through the input of all workers, that is, employers and employees.

I agree with the member for Price, who said that we need cooperation from both these inputs of production. The outdated notion that employees are the only workers is wrong. It creates the outdated notion of 'us and them'. That no longer applies, and should not apply if we want to progress into the twenty-first century and to compete internationally. The 'us and them' mentality has to go. Employees cannot be employees of unsuccessful employers, and employers cannot succeed without employees. So, it is about recognising the reality: individuals, whether they be employers or employees, union or non-union, are to be recognised and protected from exploitation. Employers, too, can be exploited, and that is not on if we are to succeed.

Enterprise agreements, which are fundamental to this Bill, contrary to what members opposite say, do not disadvantage workers: all workers will be protected by State awards. That has been said often by members on this side, yet some members opposite still do not believe it. I say 'all workers', because members opposite who advocate enterprise agreements only for unions get there as long as the unions get cuts through union fees. All workers, whether they be union members or non-union members, should be able to negotiate enterprise agreements. We on the Government side believe that all workers should have that choice and be free to negotiate with or without a union. Forcing people in or out of enterprise agreements, as has been said, would result in a $15 000 fine. When have workers had such protection in the past under any Government in this State? They have not.

As members have rightly pointed out several times, an employee ombudsman will look after the interests of the workers, independently of whether one belongs to a union or not. Regarding the notion put by the member for Ross Smith, who complains that an ombudsman is not independent and has no teeth because he or she is responsible to a Minister, does that mean that all officers who are responsible to Ministers will not do the right thing? That is contrary to our Westminster system of Government.

Outworkers will also be protected under the new legislation. All workers rather than only those who belong to a union will have that protection for the first time. They should be protected because they are individuals and workers, not because they belong to a group. Union membership, as we all know, is declining. Therefore, it stands to reason that, if enterprise agreements were possible only with union representation, and if legislation continued to support that principle, the 65 per cent of workers who do not belong to unions would not have the same opportunity and the same choice to negotiate agreements.

We believe, and it is fitting to the whole idea of good work practice, in the philosophy that everyone should be able to negotiate and should be protected. All individuals, all contributors to the production process, whether they be employees, employers, union or non-union members, are all part of the work force of South Australia and they should be protected. For those reasons, I support the Bill.

The Hon. G.A. INGERSON (Minister for Industrial Affairs): I thank all members for their contribution to the debate on this Bill. Government members have been very positive in their remarks, and I thank them all for those positive contributions. Unfortunately, the contributions of the group opposite were not quite so positive. We need to spend just a few minutes dealing with some of the remarks of the lead Opposition speaker in this debate, as well as some of the unbelievably misleading statements that have been made. I suppose that, if you look at the masters of the organisation, you can understand why some of the statements were made.

Let us start off with the award and the fact that, according members opposite, it is not the safety net. This is the first time in South Australian legislation that there has been a deliberate statement by a Government to put the awards within the Act in a formal sense. It was done for two reasons: first, we wanted to recognise that there were two streams, namely, the award and enterprise bargaining steams; and, secondly, clearly we wanted to make sure that the awards were to be the safety net. It was fascinating to hear members opposite talking about the awards and the fact that we would not and could not breach any of the standards that have been built up over the past 100 years.

It is interesting to read a couple of industrial agreements which have been registered in the past few weeks and which have been sent into my office—sent into my office, I might add, by unions to show to me the sort of flexibility that they want, and this hallowed ground of maintaining the award is the basis for that. One of the agreements is a very interesting document, commencing with hours of work. As we know, in the union movement we have this sacrosanct argument that the award bases in most instances the period between 8 a.m. and 6 p.m. as the fundamental span of hours, yet an agreement is registered in the commission whereby the span of hours shall be increased from 7 a.m. to 7.30 p.m. from Monday to Friday, and from 7 a.m. to 4 p.m. on Saturday. It goes on to say, and this is very interesting:

> No penalty rates will apply in respect of work performed during the hours referred to above.

In other words, it is a total give-away of all these sacrosanct penalty hours and add-on conditions in relation to hours of work. We have listened for at least five hours today to speeches suggesting that the awards are the absolute sacrosanct basis for all agreements and that we could not have this free enterprise Government allowing members of the community to move away from these sacrosanct conditions. This only happens to be a registered agreement drafted under

the existing Act which was established by the previous Labor Government.

Further on, the document makes a couple of very interesting statements and refers to flexible hours. We have heard about flexible hours, there being 38 hours in a week, and the need for the span to be fixed between the hours of 8 a.m. and 6 p.m. Perhaps we ought to read this out in the public arena so that a few people might understand that this is a union-agreed position. This agreement allows up to 100 hours to be worked over a two-week cycle on the basis that the time worked above 76 hours is accumulated at ordinary time—at ordinary time, no penalties—with time being taken off in lieu of payment for any hours worked over the 76 hours. Then it states:

> For any time worked in excess of 100 hours in any two-week cycle the appropriate penalty rates shall then apply.

I thought I had been told that only 76 hours was allowed in any two weeks before penalty rates applied. It is funny that it is all right when the union movement makes these agreements but it is not all right for anybody else to do so. It is a very interesting situation. I wonder what the Secretary of the UTLC might say about this. I wonder whether he is happy penalty rates are being given away and whether 100 hours in a fortnight is considered to be a reasonable standard from which to be working. The agreements that the union movement is currently entering into are quite amazing, yet their mates are standing up in this place and saying, 'We cannot possibly have these sorts of agreements being entered into.'

We have another fascinating and interesting situation where the union movement and its representatives in this place are saying, 'Well, we can't go below the award situation because that is not an acceptable standard.' Back in 1986—not this year—there was a State award case in which the Government of the day was asked to examine a particular economic position in its presentation in that case.

It made particular reference to the economic incapacity for certain businesses to part. That economic incapacity enables the Commission to reduce any award conditions that it may see fits the economic conditions of that particular business. It is fascinating when we see the signatories to this agreement, as that seems to be the crux of the matter.

We have members opposite saying that the award conditions are absolutely sacrosanct, that we cannot under any circumstances (and I have heard it on many occasions here tonight) believe that the awards should be reduced in any way. Who are the signatories? John Cosmos Lesses was the signatory in 1988 in a State wage case on that clause. I wonder who the other signatory might be: a Mr Robert Gregory, the Minister of the day! Would you believe that, in the past five years, in every State wage case the former Labor Government and the UTLC agreed that we should have a clause in the State wage case which enabled the award conditions to be reduced if economic conditions applied for that business. I wonder why anybody who enters into enterprise agreements under this new Act are not allowed to have the same situation. I wonder whether it is double standards. It could not possibly be double standards!

The member for Ross Smith is shaking his head. I suspect that he happened to be on the UTLC council when this decision was made. I even suspect that he was probably involved in accepting all the conditions of the State wage case. I know for sure that the Labor Government of the day was very happy. Every one of these agreements since 1988 has been signed with both the UTLC and the State Labor Government saying that in certain circumstances there should be the ability to reduce the award.

Also fascinating is that this does not have to be done by the Full Commission but can be done by a commissioner. In our case we have gone one step further in our enterprise agreement area and said that we should have the Full Commission—another safety net. The previous Government and the UTLC, these wondrous supporters, are out there slamming the Liberal Government for encouraging people to enter into enterprise agreements but putting in a safety net if there are any special reductions. The same two groups—the unions and the ALP—are out there with double standards because they have signed these agreements for the past six years on this issue. I find it fascinating that we have the member for Ross Smith standing up here holier than holy, yet we have the evidence for every single worker in South Australia to see.

A member opposite said that the Liberal Government would sell out everybody. What is this? If this is not a sell out of the workers in the State wage case, what is? They did not tell any worker about that. They would not do so, because they had set up a system that was a great deal for themselves and a few mates whom they wanted to help along. They did not want to make it too public. However, we will make it public because you cannot have it both ways. You either have to be straight with the people of South Australia and say that there is to be the award system and nothing else, or you will be fair dinkum and let people in enterprise agreements have the same safety net system.

We have heard a lot about the commissioners in the Industrial Commission being given fixed terms as far as the new Government is concerned. I have been fascinated when sitting down and looking at commissioners under the State jurisdiction. We have the Equal Opportunity Commissioner, set up a long time ago by the Liberal Government and supported on many occasions by the previous Labor Government and appointed for a five year term. I hope the member opposite is not in any way implying that at the end of her terms the Equal Opportunity Commissioner was standing by and letting the Government of the day put pressure on her to make special decisions in the equal opportunity area or implying that her integrity could be question after 4½ years of her five year term.

If that is the case, it is fascinating that she was appointed first by a Liberal Government, reappointed twice by a Labor Government and now about to be reappointed again by a Liberal Government. That is the question mark you are putting over those commissioners: that their personal integrity, when they swear on an oath of independence, would be questioned because it is a six year term. What about the Commissioner for Public Employment? He has a three year term. Are you suggesting to the public of South Australia that at the end of his term he might suddenly lose integrity?

What does the member for Ross Smith say about the Commissioner for the Ageing, who has a five-year term, or the Remuneration Tribunal President, who has a seven-year term? Is he suggesting that at some stage their integrity might be questioned? Is the member for Ross Smith really suggesting to this House that, when the review officers, who are commissioners of WorkCover and who serve five-year terms, have served 4½ years of their term, and have a case or review process before them from the Government against Government employees, they would, in essence, drop their integrity?

What does he say about commissioners in the Federal arena, such as the Trade Practices Commissioner? I hope the

member for Ross Smith is not suggesting that half way through his or her five-year appointment all of a sudden the Trade Practices Commissioner's public integrity drops off. What does he say about the Federal Sex Discrimination Commissioner, who is appointed for five years, and the Human Rights Commissioner? Is he suggesting to the public of Australia that all of those very senior public commissioners suddenly drop their game and their integrity falls to bits half way through their term? That is an absolute joke, and the honourable member knows it is a joke.

This is the sort of double standards we get from the Opposition. Who appointed all these people? Who brought these situations into the Parliament: Labor Governments introduced this legislation, and when it was brought in the Minister was proud enough to stand up in this House and say, 'We believe there should be a term appointment because it is in the best interests of the public of South Australia.' That was not questioned by members on this side. We supported that, and so did the Labor Government. Yet now, because we have a question placed on whole of life tenure for commissioners, and that is what the previous Act gave them—whole of life tenure—

Mr Clarke: Age 65.

The Hon. G.A. INGERSON: It is whole of life. It is not a bad sort of arrangement if you are appointed at 40 years of age and you continue to the age of 65. That is whole of life tenure. There ought to be some sort of consistency with other people who are appointed to very important positions in our community, and I believe the Equal Opportunity Commissioner is one of the most important of those positions. If we accept that, then the commissioners in the Industrial Commission should be under the same set of rules. The fact that the member for Ross Smith should question the personal integrity of the four commissioners who have been appointed to the Industrial Commission and imply that, having made an oath of independence, they would bow to pressure from this Government or any Government is insulting. It is an absolute slight on their integrity, and it shows how low the Opposition will go in running its argument.

The best people to do the job, regardless of their period of appointment, will do their job with absolute integrity. There are a couple of other issues that I want to touch on that were brought up today, one of which is the taking away of workers rights. I know that the member for Ross Smith and others would not have checked up on the number of changes that benefit workers. We put out a release today because we thought it would be interesting. In essence, more than 50 new rights are pro-worker in this Bill. It is fascinating that we hear only about the cutting of wages and conditions. We do not hear anything about the rights of individuals, such as the right of an individual to choose whether or not they are in a union.

The Hon. Frank Blevins interjecting:

The Hon. G.A. INGERSON: Why don't you drop dead. We then have the employee ombudsman, who will dramatically improve the rights of the individual. Individuals will now have the right, whether or not they are a member of a union, to enter into an enterprise agreement. The Bill will provide some rights in terms of termination of employment which have never existed before, and it legislates for minimum conditions. I note that the member for Giles has come into the House. I found his comment fascinating when he said, 'I would be delighted if the State system of industrial relations disappeared.' That is an amazing statement by a former Deputy Premier of this State, because he believes he ought to sell out to his Federal colleagues. That statement is diametrically opposed to the statement by the lead speaker, who said that we ought to maintain our State system.

Probably one of the most amazing statements of all was made by the member for Napier. The honourable member is interested in women's rights in the industrial arena, and I applaud some of the things she said, but I am staggered that she did not note that for the first time in South Australian history this legislation will guarantee in all awards and industrial agreements equal pay for equal value. For the first time in South Australia we will have legislation which gives women and men who do equal work absolute equal value of pay. This is fascinating. I make this point because that convention was introduced in 1951.

Labor Governments have been running around this State telling us how good they are at looking after workers' rights—in particular women's rights—but it took a Liberal Government in 1994 to introduce an ILO convention that guarantees for the first time in South Australian history equal pay for equal value of work. That is an issue that perhaps the member for Giles ought to listen to, because I would have thought he would have done something about that when he was a Minister.

We have heard nonsense from the other side about the reduction of wages and conditions. As I said earlier, we can cite examples of the union movement running around today registering agreements where the exact things they have been complaining about are being done by their union mates on a daily basis in a great number of enterprise agreements.

I would like to finish on one final point. There has been some public criticism of the consultation process. Comments have been made about lack of consultation by the Government with the union movement. I want to put on record a statement to me by John Lesses just over two months ago to the effect that the union movement has had more visits from the Premier and the Minister for Industrial Affairs in the short period that we have been in Government than it had from the previous Minister and Government over their whole term in office.

An honourable member interjecting:

The Hon. G.A. INGERSON: I am quite happy to state that again. The Premier and the Minister for Industrial Affairs have had discussions with the union movement on more occasions in the short time they have been in Government than the previous Minister did when he was in office. I would like formally to put on record the actual number of meetings that the Government has had with the unions concerning the workers compensation and industrial relations legislation. There have been 18 formal meetings involving 20 hours in total over 17 weeks. Interestingly, two of the meetings were cancelled by the unions. There were 13 formal meetings in respect of the industrial relations Bill over the past five weeks.

There has been personal criticism about how much I have been involved but, of the 18 meetings, nine have been attended by the Minister. I believe that that is an incredible set up in attempting to consult with the union movement. It does not necessarily have to believe in what we are trying to do and I have no qualms about that, but to claim that there has not been any consultation is arrant nonsense. I find it disappointing that members opposite do not see that, with a new Government with a mandate to introduce this industrial relations change, at least we should be able to get an honest debate and some honest answers. It gives me pleasure to support the second reading of this very important industrial relations Bill.

Bill read a second time.
In Committee.
Clause 1 passed.
Progress reported; Committee to sit again.

ADJOURNMENT

At 11.17 p.m. the House adjourned until Thursday 14 April at 10.30 a.m.