HOUSE OF ASSEMBLY

Wednesday 18 May 1994

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

ASSENT TO BILLS

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

Acts Interpretation (Monetary Amounts) Amendment,
Adelaide Festival Centre Trust (Miscellaneous) Amendment,
Criminal Law Consolidation (Sexual Intercourse) Amendment
Debits Tax,
Parliamentary Committees (Miscellaneous) Amendment,
Stamp Duties (Securities Clearing House) Amendment,
State Bank (Corporatisation).

MURRAY RIVER

A petition signed by 50 residents of South Australia requesting that the House urge the Government to ensure that water to consumers drawn from the Murray River is filtered was presented by Mr Lewis.

Petition received.

QUESTION

The SPEAKER: I direct that the following written answer to a question without notice be distributed and printed in *Hansard.*

TEACHERS

In reply to **Mr EVANS** (21 April).

The Hon. R.B. SUCH: The complexity and inter-relatedness of current teacher placement policies and procedures and the Teachers (DEET[SA]) Industrial Agreement which expires on 24 January 1995, have constrained this department from taking action to abolish the Limited Placement Scheme prior to the commencement of the 1994-95 Teacher Placement Exercise.

The Teachers (DEET[SA]) Industrial Agreement was ratified by the South Australian Industrial Commission on 19 October 1993. It constitutes Tier 2 of a three tier proposal agreed by the previous Government to settle the impasse between the Government and SAIT regarding the making of a new award for teachers. Status-quo teacher placement policies and procedures are protected for the life of the agreement unless such changes can be agreed between the parties.

To abolish the Limited Placement Scheme prior to the commencement of the 1994-95 Teacher Placement Exercise, agreement between the parties to vary the Teacher (DEET[SA]) Industrial Agreement would have to have been achieved by the end of March 1994.

Given large scale changes are required to address all inter-related factors constraining the ability of this department to flexibly and responsively manage its human resources, e.g.

- Limited placement Scheme
- 45 km rule (enshrined in Teachers (DEET[SA]) Industrial Agreement)
- Guaranteed right of return to the metropolitan area for teachers after spending four years in the country (enshrined in Teachers (DEET[SA]) Industrial Agreement)
- Level of contract employment (enshrined in Memorandum of Understanding)

The immediate abolition of the Limited Placement Scheme in isolation was not considered a viable course of action.

An agreement between the parties to vary the Teachers (DEET[SA]) Industrial Agreement in such a way as to address all constraining factors was not achieved by the end of March 1994. Therefore current placement policies and procedures remain in place for the 1994-95 Teacher Placement Exercise.

Changes to teacher placement policies and procedures aimed at increasing the productivity, flexibility and efficiency of the teacher workforce in delivering a high quality and responsive service to students and their parents throughout the State are currently being explored.

It is the intention of this Government to introduce changes to teacher placement policies and procedures in 1995 for the 1995-96 Teacher Placement Exercise.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Industrial Affairs (Hon. G.A. Ingerson)—

Occupational Health, Safety and Welfare Act—Regulations—Employer Registration Fee.

By the Minister for Housing, Urban Development and Local Government Relations (Hon. J.K.G. Oswald)—

Local Government Act 1934—Regulations—Register of Officers' Interests.
City of West Torrens—By-law No. 13—Signs.

STATE FLORA

The Hon. D.S. BAKER (Minister for Mines and Energy): I seek leave to make a statement.

Leave granted.

The Hon. D.S. BAKER: The Government has, for many years, provided for sale to the public native trees and shrubs, previously through the Department of Woods and Forests, and more recently through State Flora. Over recent years there has been increasing emphasis on providing a financially viable service. An analysis of the operations of State Flora by the incoming Government has shown that it was simply not possible to make the operation financially viable in its present form. However, this analysis showed that there were aspects of the operation which were necessary to support the increased interest in revegetation by the South Australian community. As a result changes are to be made to State Flora.

The Government will continue to administer the Belair nursery in the Adelaide Hills, providing native plants for sale to the community and to respond to requests for information on native plants. This nursery has a long association with the Belair National Park, a history of valuable service to South Australia, and is considered a valuable tourist asset. At Murray Bridge, the nursery will continue to produce native plants and will offer for sale, in lots of 10 or more of one species, native plants for use in revegetation, agro forestry and native flower production. It will also sell to nurseries including the Belair outlet.

The research and extension programs in revegetation that have lifted the technology and uptake of revegetation by the South Australian community will continue. However, from 30 June this year, the Government will cease to operate State Flora retail outlets at Berri, Cavan, Murray Bridge and Bundaleer. These outlets have, in the first instance, been offered to the State Flora staff to operate under a private arrangement. Only after they have had this opportunity for an employees' buy out will the outlets be offered for open sale. Savings of around $100 000 can be expected from these new arrangements, which will maintain the community advisory service and plant sales for both urban and rural South Australians.

QUESTION TIME

The SPEAKER: Before calling on questions, I advise that questions otherwise directed to the Premier will be taken by the Deputy Premier, questions otherwise directed to the Minister for Employment, Training and Further Education will be taken by the Deputy Premier, and questions otherwise directed to the Minister for Public Infrastructure will be taken by the Minister for Tourism.

STATE TAXATION

The Hon. M.D. RANN (Deputy Leader of the Opposition): Does the Treasurer still believe that a broad based consumption tax is in the best interests of South Australia and, in his negotiations with the Federal Government on Commonwealth-State financial relations, will he continue to push to change the tax mix towards a broader based tax system federally and in South Australia? On 3 March last year the current Treasurer stated in this House:

> It is absolutely vital that we embrace the changes encompassed under Fightback. The facts of life are that, unless we get a GST in this country, there will not be the export effort that we so much desire.

The Deputy Premier will be aware of the Federal Opposition Treasury spokesman and deputy leadership aspirant Alexander Downer's latest statements about flat tax options which have added to the confusion about which parts of John Hewson's Fightback are now making a come back following different positions by Peter Reith, Peter Costello—

The SPEAKER: Order! The honourable member is commenting.

The Hon. S.J. BAKER: I think that the honourable member must be a little tired after a late night sitting. First of all, I question the relevance of the question being raised given that it is a Federal not a State jurisdiction. Members will well recall that before the last election I supported the proposition of a consumption tax, because basically every major nation in the world has a consumption tax or a value-added tax. It is a simple proposition and it is accepted in the western world as part of each country's economic development and profile.

I had no difficulty then saying that it was important for Australia to adopt a broader-based consumption tax. It was not that it would do the States any particular good, because the money would go into the Federal coffers: my interest was to ensure that export effort in this country was given every opportunity to succeed. That particular tax did exactly that.

How we do it under a new taxing arrangement, what my colleagues in Canberra finally devise for the next Federal election and the Government thereafter, is up to them. However, I just make the point, and I make it very strongly, that the Keating taxes are retarding this country. Regarding such things as the FBT, for example, they are talking about $3.2 billion in collections. In the process, the cost of compliance by ordinary South Australians and Australians is astronomical. Nowhere in the western developed world can one find such an iniquitous tax imposed in this way.

I can say quite clearly that, if I had the choice between a broad-based consumption tax and FBT, I know which one I would choose—the broad-based consumption tax. It is up to the Federal Coalition to determine its stance on taxes prior to the next election: it is not my job. I merely allude to the fact that the rest of the western world has seen fit to use a value-added tax or a consumption tax in a very positive fashion to ensure that specific sectors of their productive community actually get a fair deal and assistance in the process, and it works particularly well. I think it is a great shame that we did not succeed at the last election. However, I am out of the debate.

AUDIT COMMISSION

Mr BROKENSHIRE (Mawson): Will the Acting Premier inform the House of the reasons for the Government's decision to commence an advertising campaign based on the findings of the Audit Commission?

The Hon. S.J. BAKER: It is absolutely vital in the months ahead, as we go into the first Liberal Government budget, that people understand clearly the task we have in front of us. The Audit Commission has informed the Government, the Opposition and all South Australians that we are spending $350 million more than we are earning; we are spending $1 million a day more than we are taking in. That position is untenable. It affects the financial viability and the international and national standing of this State. It is an issue of great importance to this State.

It is my intention as Treasurer to take the issue head on and ensure that we get this State back into financial viability. Importantly, the challenge is enormous. We wish the people of South Australia to understand clearly the size and nature of the challenge. This advertising is very reasonably priced, I might add, at a total cost of about $50 000 for both newspaper and radio advertisements. We will be using this campaign to get people—

An honourable member interjecting:

The SPEAKER: Order! The Standing Orders will be a sufficient agent for the honourable member if he continues.

The Hon. S.J. BAKER: —and groups to respond to the challenge and to put their ideas forward. However, at the end of the day, the Government must make decisions; we want the people of South Australia to understand clearly the challenge and to be a part of it.

AMBULANCE SERVICE

Mr ATKINSON (Spence): Did the Minister for Emergency Services ask the Chairman of the Ambulance board, Dr J.F. Young, to stay on until new ambulance legislation had passed through Parliament? If so, why did he then ask Dr Young to resign?

The Hon. W.A. MATTHEW: Everything that needs to be put on the record at this time about the status of the members of the ambulance board has been said. Any discussions which may or may not have occurred between the Chairman of the board and me are confidential: for that reason, it is inappropriate that I reply further to the honourable member's question.

PETROLEUM EXPLORATION

Mr BUCKBY (Light): Can the Minister for Mines and Energy tell the House what the reaction has been to the recent release of areas available for petroleum exploration within the Pitjantjatjara and Maralinga lands?

The Hon. D.S. BAKER: I thank the honourable member for his question and ongoing interest in this subject. As members might have seen in a release some six weeks or two months ago, there was considerable publicity when further areas were opened up for exploration in the Pitjantjatjara and

Maralinga lands. It was after long consultation with the Aboriginal communities in both areas that total agreement was reached on the process and on what would take place. Considerable overseas interest has been expressed in those two areas and, as members would know, they are two areas where direct negotiations can take place with the Aboriginal communities, quite obviously there are no Mabo problems and there is surety for those people who want to explore there that, after agreement has been reached with those communities, the work can go straight ahead.

Recently, someone from the Mines and Energy Department has been to other countries pushing not only the aeromagnetic surveys which have been conducted in South Australia and looking for expressions of interest in exploration of South Australia but also these two areas. Considerable interest has been expressed overseas not only in Japan but in London and the United States. Applications are now coming in, and there is a closing date of 30 September this year after which they will be evaluated, in consultation, of course, with the Aboriginal communities. It is hoped that soon after that exploration will take place.

I must say that I compliment the Mines and Energy Department and its officers on the work they have put into this whole exploration initiative and, of course, the Aboriginal communities, who have been very receptive to the ideas that we have had.

Members interjecting:

The Hon. D.S. BAKER: The former Treasurer is trying to get in on the act but he only stood on the dam at Roxby Downs and forgot to say it was leaking. However, a lot of work has been done by the departments—

An honourable member interjecting:

The Hon. D.S. BAKER: Yes and, unlike the former Government that thought Roxby was a mirage in the desert, this is fact and it will happen on 30 September 1994.

EDUCATION CUTS

Mr QUIRKE (Playford): Will the Acting Premier address the Save Our Services (SOS) rally, organised by the Institute of Teachers and other workers on 24 May in protest to cuts in education proposed by the Audit Commission, and will he explain why the Audit Commission used 1992 data to claim that the salary cost for South Australian teachers was greater than that in any other State when this is no longer the case? The Audit Commission chose to use data from 1992 to claim that the salary cost of teachers in South Australia was greater than that in any other State and failed to acknowledge that there had been widespread salary and classification changes interstate since 1992. The 1994 comparison figures show a completely different position, namely, that teacher salaries in South Australia have fallen below those in New South Wales, Tasmania, the Northern Territory and the ACT, and below the Australian average. This questions the integrity of the report and its conclusions.

The Hon. S.J. BAKER: Members opposite have had a pretty long weekend and have not actually read their reports properly. If the honourable member were being completely honest with the House, he would understand that, when the Audit Commission was empowered to take on the job of looking at the State's finances, it took as its reference point the most immediate data that was available. From my memory, we appointed the Audit Commission on 15 December 1993. It had sufficient capacity to get only 1992 figures, quite clearly. So, the 1992 figures were the latest available figures, and we still have not yet seen—and I have not seen—an interstate comparison for 1993. Perhaps the honourable member has.

In fact, the honourable member claims that he has 1994 figures. That is absolutely amazing. I suggest that even on such a simple issue as school numbers the publication of those figures often trails at least six or nine months past the collection date. So the fact that the honourable member has 1994 figures is absolutely amazing. Indeed, I would suggest that he has concocted his explanation just a little.

It is quite clear that the Audit Commission used the latest available figures that could be used universally for all States in which comparisons could be made. If it were to be demonstrated that those comparisons had changed in the interim, that should be put in the form of resolutions or representations to the Government. We have invited interested groups to respond to that report. We want those groups to be part of the changes that are taking place in this State. They are sick and tired of the meaningless efforts of the Opposition in this Parliament.

AFRICAR

The Hon. H. ALLISON (Gordon): Will the Minister for Primary Industries outline the involvement of the former South Australian Timber Corporation in the ill-fated Africar plywood car project?

The Hon. D.S. BAKER: I thank the honourable member for his continued interest in what happens in the forests of South Australia and the way in which money has been wasted over many years. I can enlighten members of this House. I have with me a file.

Members interjecting:

The Hon. D.S. BAKER: Would someone over there like to jump up and ask for it to be tabled? I would be very happy to do that again.

Members interjecting:

The Hon. D.S. BAKER: Yes, it is a very well coloured file, too. In fact, it is a file about former Premier Flintstone's attempt to drag us out of the stone age into the plywood age. The unfortunate part was that it cost us a lot of money. It came down to the fact that in the view of the then Government of the day Africar would become a household name in South Australia just as Holden's and Mitsubishi are today. Through a very deft selling program, the South Australian Timber Corporation provided quite a bit of plywood for a float in Great Britain of a car called the Africar. The prospectus is quite clear. It states:

> Africar Southern Pacific Pty Ltd:
> Full manufacturing agreement signed with a subsidiary of the South Australian Government. Territories include: Australia, New Zealand, Papua New Guinea, Fiji, Tonga and the Pacific Island Territories.

We were to send over some plywood from SATCO, and when the prototype was finished the South Australian Timber Corporation was to build the Africar and distribute it all around South-East Asia. Initially, some $US14 000 was paid out, $12 000 of which was for the licence—I admit that was a lot cheaper than the licence for scrimber, which cost us about $7 million or $8 million—and $US2 437 for a 10 per cent deposit on the supply of a prototype vehicle and one diesel engine. In all, we spent $31 000 on this venture, which folded—I will go into that in a moment—and we do not know where the people have gone.

However, for South Australia's sake we did some good things. SATCO flew the promoters to South Australia to look

at what a good State we were, and we spent $7 500 on that. So, we really did it well. However, there is more. When they came out they said that they had been to see the Department of State Development and the Department of Industry and Technology. I do not know who the Minister or his adviser were in those days, but the corporation had the right to produce throughout South-East Asia. Then we wanted to know whether the Premier had any involvement in all this, so I looked through the file. There is a very good letter here from the office of the Premier of South Australia written by—

An honourable member: Which Premier?

The Hon. D.S. BAKER: It was the former member for Ross Smith. The letter, dated 1988 and signed by Barbara Deed, who was the principal adviser to the Premier, states:

> Thank you for your outline of the situation regarding IBLH's interests in the Africar proposal. The Premier has asked that he be kept informed of any developments. . .

I hope they told him that they had flitted with all the money. There is more, because at the end of 1987 they had a Christmas party. This was after we had flown them out and spent our $30 000. The invitation to the Christmas party read:

> The Africar Christmas Party. . . Tony Howarth, Carolyn Hicks, Malcolm Ormiston, Clive Morgan, Tony Alexander and all at Africar invite you to help throw a party to throw off the blues of eight years development—

Mr De LAINE: I rise on a point of order. I wonder about the relevance of this part of the answer.

The SPEAKER: I sincerely hope that the Minister will wind up his response.

The Hon. D.S. BAKER: There is no more, because quite rightly someone had some common sense and did not go to the Christmas party. However, we are still looking for the $31 000 that was chucked away on another failed project.

WAGES

Mr CLARKE (Ross Smith): Can the Acting Premier confirm that the Government is exploring options to reduce wages in South Australia, including the abolition of the 17½ per cent annual leave loading?

The Hon. S.J. BAKER: No, I cannot.

EVENTS STEERING COMMITTEE

Mrs HALL (Coles): My question is directed to the Minister for Tourism. As the final date for submissions to the Events Steering Committee has passed, can the Minister inform the House of any details of proposed events?

The Hon. G.A. INGERSON: We have now had formal submissions from 40 different groups, and that is far in excess of what we expected as a committee. The committee is made up of nine subcommittees representing tourism, arts, sport, conventions, entertainment, food and wine, multicultural, events and marketing. It has now been meeting for in excess of six weeks. They are a very impressive group of people and a considerable number of submissions are coming in.

Some of the interesting proposals include the tall ships sailing off Port Adelaide and other water events such as dragon boat racing and a regatta, an event that would be an extension of existing Port Adelaide events today; a music concerto at Naracoorte (a very interesting proposal to take place in the district of the Minister for Primary Industries) and a wine festival, having a general appeal for all the music lovers from Adelaide; an extension of the Clare gourmet weekend (a magnificent undertaking enjoyed by many people last weekend; I think all South Australians at some stage should visit Clare on that weekend); a world left-handers' golf event, which would be an extremely interesting event to have in South Australia; linking the Bay-Birdwood run with the automotive industry, with the suggestion of a major automotive conference being held at that time; and a month-long festival suggested by the multicultural subcommittee, all the groups involved with the Italian Festival, the Greek Festival and the German Festival, Schutzenfest, having come together for the first time in South Australia to consider proposals that may be appropriate.

Generally, the view is that we can replace the Grand Prix, in an economic value sense, by improving significantly some of our existing events; by improving their marketing; and by having one or two national or international events which we could offer on a yearly basis. Womadelaide and some of the arts events are the sorts of examples that we ought to be expanding into much bigger events for our State. The committee hopes to report early in July, and it is my view that we will have some very exciting propositions for our State after this committee has reported.

OPERATION NOAH

The Hon. M.D. RANN (Deputy Leader of the Opposition): Will the Minister for Emergency Services assure the House that the police anti-drug hot line Operation Noah will be reinstated next year if the new arrangements fail to secure both public support and hard information about drug dealing? This morning it was revealed that the South Australian police will not participate with most other States in running the highly acclaimed Operation Noah drugs hot line tomorrow. Opposition MPs received calls this morning expressing concern that the end to Operation Noah will result in a reduction in information being given by the public to the police about drug dealing and a reduction in resources being given to the State's anti-drug offensive.

Members will be aware that Operation Noah has been run since 1985 and has resulted in about 1 000 calls each year to the police, leading to many convictions. The program has had the strong support of the public, the media and the police, who have repeatedly described Noah as a major success. I understand that the police will maintain their ongoing drug information telephone service, which previously had been boosted by Noah publicity, and will be involved with the Lions Club and the Drug and Alcohol Services Council in launching an awareness program aimed at drug use by teenagers, which I am sure that all members would support.

The Hon. W.A. MATTHEW: The Police Department is responsible for operational policing and those decisions are taken by the Commissioner of Police and, in his absence at present, the Acting Commissioner. The Acting Commissioner decided that Operation Noah participation this year would not serve any extra purpose beyond that presently being served by the 24 hour drug hot line that operates seven days a week. That hot line provides the police with ongoing information about drug involvement in the community, and the police regularly act on that information. However, the South Australian and Victorian Police Departments have decided that this year they will not participate in a one-off Operation Noah day.

As the Deputy Leader has stated, the Lions International sponsored drug hot line operates 24 hours a day, seven days a week, and that will continue. In addition, on 26 June there

will be a Day Against Drug Abuse, which is being organised in conjunction with the Drug and Alcohol Services Council to raise the awareness of drugs in our community. In short, I am confident that the police have made a decision that ensures that they get the information that is needed about drug involvement in the community. If their decision proves erroneous in any way, I am sure they will revise it appropriately but, at this time, there is nothing to suggest that the decision they have made is anything other than logical. I advise members who receive calls from the public about drug abuse or drug involvement in our community to encourage those callers to contact the 24 hour drug hot line.

RURAL DEBT

Mr LEWIS (Ridley): My question is directed to the Minister for Primary Industries. Was it ever intended that the recent inquiry into rural debt in South Australia would attempt to discover household disposable incomes of families after those families had met their commitments to banks and paid their other creditors; that is, to discover how much money those families had for their home making and personal needs? If not, why not?

The Hon. D.S. BAKER: I know that in the rural audit of debt that was placed in this House a couple of weeks ago the honourable member's area is identified as having some very severe problems. No, it was never intended that it go into that, and I think I should explain exactly what the farm debt audit was. It looked at the factual level of debt in terms of the borrowings of farmers in South Australia from Australian lending institutions. It categorised debt into A, B and C levels. The A level of debt included those people who would not have any problems (perceived by their lenders) under any circumstances; the B level of debt included people who were experiencing some difficulties with repayments and debt servicing; and the C level of debt included those people who had lost most of the equity in their properties and it would be difficult for them to carry on even if there was the perceived upturn that we hope is on the way.

The audit showed that 77 per cent of South Australia's 14 000 farmers have either no debt or level A debt; 18 per cent have level B debt whereby they are having some difficulty servicing their debts; and 5 per cent have level C debt and most of their equity is gone. It was not a business survey. It did not show how difficult it was under these circumstances—save for the people without any debt—to maintain that debt-free status. It did not say that most farmers in South Australia, during this recession which is probably the worst since 1932, have had to lower their living standards quite dramatically. In fact, those people with B and C level debts are, in most cases, living below the poverty line. I do not want farmers in South Australia to think that, because the level of debt has been categorised in those terms, it says anything about the way that they have had to lower their standards and go without, more so than other communities in South Australia, and how difficult it has been to not only keep a marriage going but rear and educate a family.

I was at a launch by the CWA, as were other members of this place, which highlighted the poverty areas in South Australia and described how bad it is—and it is horrific. People do not quite understand that many of these farming families are battling to keep food on the table. Even though they are feeding the world—and we are the grain bowl of the world—they are having difficulty finding enough money to feed and clothe their children.

The reaction to the farm debt survey by people and farmers in South Australia is interesting, because a lot of them are saying, 'You are not there to help us.' We are there to help them. The measures that have been put in place will help alleviate those problems, but under all circumstances we must try to keep the people on their land so that in future years they can pay off their debt. To do that they must have the confidence of their lenders to maintain them in these tough times.

The audit did not detail their disposable income, and it did not highlight the trauma that is being experienced by many people in South Australia who have no debt at all. However, the audit does say that, if South Australia were one farming entity, it would still be a viable operation but that many individuals and many farming families within South Australia are in diabolical trouble.

AMBULANCE SERVICE

Mr ATKINSON (Spence): In view of the ministerial statement of the Minister for Emergency Service of 12 May and his announcement last week that 10 members of the ambulance board, including the Chairman, Dr J.F. Young, had a week to resign, and his answer earlier today, why did the Minister write to Dr Young in March asking him to stay on as Chairman? In March the Minister wrote to Dr Young, as follows:

> Further, in relation to your offer of resignation, I feel it inappropriate that I accept your offer at this time while changes to ambulance services are being determined. I thank you for your involvement to date as Chairman of the board and appreciate the dedication which you have applied to your duties in the interests of ambulance service provision in South Australia. I thank you for providing me with the comments and information given by a number of serving ambulance officers and a trade union representative. I look forward to working with you to implement much needed change to improve the efficiency and cost effectiveness of ambulance service delivery in South Australia. All decisions which are made will be in the interests of patient care and service delivery. Yours sincerely, Wayne Matthew MP.

The payout to the former Chief Executive Officer of the St John Ambulance Service, Mr Bruce Patterson, was recorded in the 1991-92 annual report of St John Ambulance Australia and was well known to all concerned when the Minister wrote to Dr Young in March asking him to stay on as Chairman.

An honourable member interjecting:

The Hon. W.A. MATTHEW: I thank the honourable member for his question. My colleague interjects, 'How did the honourable member get hold of the letter?' That in itself indicates part of the problem. The letter from which the honourable member quoted was a letter from me to the ambulance board Chairman dated 13 April 1994. That letter was confidential correspondence. What then occurred was that that correspondence was tabled at an ambulance board meeting. The copy that the honourable member has in his hand no doubt has the note on it 'Annex B'. If it does, it confirms that that information has been leaked to the honourable member, either directly or indirectly, from the ambulance board. Quite clearly it is neither tolerable nor appropriate that we have a board which cannot maintain confidentiality. That in itself—

Members interjecting:

The SPEAKER: Order!

The Hon. W.A. MATTHEW: —indicates that there is a considerable problem within the service. The honourable member is not saying that it does not carry the note 'Annex

B'. The letter that I sent to the Chairman (and I quote from the letter; I have it in my hand because I was advised that the honourable member would be quoting from it today) in part—

Mr Atkinson interjecting:

The Hon. W.A. MATTHEW: The honourable member cannot keep quiet when he has information in his hand and has to tell the world, so it was not hard to find out that he was going to ask the question.

An honourable member interjecting:

The Hon. W.A. MATTHEW: He may have already told the media; that is possible. It states:

> Turning firstly to your correspondence of 14 January 1994, I appreciate your suggestion that consideration should be given to the Chief Executive Officer of the SA St John Ambulance Service Incorporated to be included as a voting member of the ambulance board. I agree that it is common business practice for chief executives of companies and organisations to exercise a vote at board meetings, and am pleased that your board is of the unanimous view we should establish the same practice.

That part of the letter was sent to the Chairman because the ambulance board contacted me, through its Chairman, and indicated that it was its view that the Chief Executive Officer of the Ambulance Service should be on that board with a voting right. I naturally replied that I agreed with that, but for that to be achieved I also said the following:

> It is my view that this practice can be best achieved by an amendment to the Ambulance Services Act 1992. However, if an amendment is to be made to the Act it would seem appropriate that any other amendments be made at the same time. My staff have been, for the past two months, reviewing the Act and discussing possible changes with a number of interested groups and parties. This has included an examination of the composition and structure of the board, the operation of the Ambulance Service, the utilisation of volunteers, possible involvement by the Metropolitan Fire Service, utilisation and ownership of properties, and the existing high cost of ambulance service provision in South Australia.

It is quite appropriate—

Mr Atkinson interjecting:

The SPEAKER: Order!

The Hon. W.A. MATTHEW: —that that information be examined by a new Government coming into office, when quite clearly we had before us a troubled service. If the honourable member cares to sit back, be patient and listen he might learn something for a change. The reason for writing that letter is quite clear. I had to indicate to the Chairman that investigations into various aspects of the service were taking place. He was aware of that after meeting with me on a number of occasions. I indicated further to the Chairman that, in view of these changes which were about to occur, it was more appropriate that I do not accept his offer of resignation at that time but wait until the changes had occurred. A number of things have occurred since that time. They have been revealed in this Parliament, and quite appropriately so. As of last Friday I have asked members of the board—

An honourable member interjecting:

The Hon. W.A. MATTHEW: Mr Speaker, the honourable member continues to interject.

The SPEAKER: Order! The honourable member has asked his question. He will allow the Minister to answer without disruption.

The Hon. W.A. MATTHEW: Last Friday I asked members of the board to consider their future as members on the board and any member not wishing to continue in that role to advise me accordingly by Friday of this week. That deadline has not yet been reached.

Mr Atkinson interjecting:

The SPEAKER: Order! The member for Spence.

The Hon. W.A. MATTHEW: A number of resignations are likely to be received. The honourable member may be interested at the time to know who they come from. It is not my intention to pre-empt what will or will not occur before the deadline of 5 p.m. on Friday, but one thing must be placed on the record firmly in this place, namely, that any Government coming to office with a mandate has the right to request changes to a board. The problems with the Ambulance Service that have been flagged in this House demonstrate clearly that people involved with the board need to be prepared to be part of a new direction.

It also needs to be put firmly on the record that any member of the board who decides to hand in their resignation will not, in so doing, be indicating that they are in any way involved with the events that I have outlined in this House but that they simply wish to stand aside to allow new people to come onto the board to reshape the direction of the service.

If the honourable member wants to defend the record of the Ambulance Service and the payment of $650 000 to one person upon retirement, let him stand in this House and defend it and we will see what his constituents think about how well he has been representing them. If the honourable member himself is volunteering that he had knowledge of that payment, the question ought to be posed, 'What did the honourable member, as part of the then Labor Government, do to voice his concern about the extent of that payment?'

PRISONS, PRIVATISATION

Mrs KOTZ (Newland): Will the Minister for Correctional Services advise the House what progress has been made to introduce into South Australia its first private prison?

The Hon. W.A. MATTHEW: I thank the honourable member for her question. The honourable member, of course, in this House on 5 May asked me a question about the previous Government's refusal to move forward with private sector involvement in prison management in this State, despite the fact that it would save taxpayers a considerable amount of money. I am pleased to be able to advise the House that progress has been continuing strongly in moves to involve the private sector in the management of South Australia's prisons. At this time the first draft of legislation to allow the private sector involvement in management of prisons in South Australia has now been completed. That draft is being worked through by my department before its final presentation and introduction to the Parliament as a Bill later this year.

At the same time, while that has been occurring, my department has been discussing options with the private sector as to how it may be able to assist in reducing the cost of imprisonment in South Australia. I do not believe that it is any secret that over the past few weeks three private sector companies have visited the new Mount Gambier Gaol. I do not mind putting on the record that those three private sector companies are CCA (Corrections Corporation of Australia), ACM (Australasian Correctional Management) and Group Four. The last company was so interested in being involved in potential opportunities in South Australia that it had one of its British representatives also visit the prison in Mount Gambier.

There are likely to be two early opportunities for the private sector to become involved in management of facilities here in South Australia. One of those opportunities is through the new Mount Gambier prison, which is presently a 56 bed

facility, and the Government is investigating increasing it in size to a 110, 160 or 210 bed facility. The most likely option is a 110 bed facility and private sector management is a distinct possibility.

I also indicate that the existing staff at the Mount Gambier prison will be given an opportunity to tender for the running of that gaol if a decision is made to call open tenders for private sector involvement or, prior to the passage of legislation through this House, to express an interest. The next opportunity that will be available will be through the establishment of a new prison in this State. It is no secret that we will need to build a new gaol in South Australia. The previous Government had commenced investigations into the building of such a facility and had invited interested parties to contact it. The final configuration of that gaol is yet to be determined, but again the private sector will have the opportunity to be involved. I look forward to support for the passage of the legislation to allow private management of correctional institutions and out-sourcing through this Parliament later this year.

ADELAIDE CUP HOLIDAY

Mr ATKINSON (Spence): Does the Minister for Recreation, Sport and Racing agree that South Australia has too many public holidays and can he guarantee that the Adelaide Cup holiday will not be cancelled by his Government? The Acting Premier is reported as saying this week that he believes there are too many public holidays in South Australia—

Members interjecting:

The SPEAKER: Order!

Mr ATKINSON: —and the chief executive of the South Australian Employers Chamber is reported to have said that business could not afford so many holidays and neither could the State.

The Hon. S.J. BAKER: I was pleased that the honourable member asked this question. I thought that it should have come from the Deputy Leader. We had the extraordinary circumstance on Adelaide Cup day, the premier racing day of the year, of the Deputy Leader of the Opposition saying that this would be the last day they would be racing—knock, knock, knock. The Deputy Leader is the sort of person who, just before a wedding, would say, 'They will be divorced tomorrow.' That is the sort of good news person he is. The clear answer was, 'Yes, the issue of holidays must be resolved', although, I might add, the ACTU has stepped into the breach and we now have some suggestion that 11 public holidays should be locked into the Australian calendar, and that is currently being reviewed by the IRC.

Leaving that aside, the employers have asked a serious question as to how many holidays should be available to South Australians. It is a serious question. The matter has been discussed over time. When I was asked by journalists which day we should scrap, I said that it should be Labour Day: after all the damage done to this State by members opposite in government and by the trade union movement, we should not be celebrating Labour Day. That is like cutting off your nose to spite your face. That may indeed be the case. However, the real answer is that the Government has given no consideration to this matter at all. We have a large—

Members interjecting:

The SPEAKER: Order!

An honourable member: Did you have a big win?

The Hon. S.J. BAKER: I did very well, I might add.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Acting Premier will answer the question.

The Hon. S.J. BAKER: I actually attended the races in support of the club whereas the Deputy Leader of the Opposition was not there at all.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: Yes, the member for Spence was there. What we have said about the holiday situation is that we are not even interested in considering it. The Government has a high number of priorities before it, one being to return the State's finances to financial viability. That is our first priority and every member of the Cabinet has a number of priorities. The issue of public holidays does not happen to be on our agenda for some time and, even then, it may well be that Labour Day will be the holiday that comes up for greater consideration than the Adelaide Cup holiday. The Deputy Leader has been used to slipping in the boots and making a fix, but on this occasion he has just become an also-ran.

OFFICE OF THE FAMILY

Mr BRINDAL (Unley): Will the Minister for Family and Community Services indicate when the Office of the Family will be open and what services that office will provide? The Minister will be well aware that one of the most important and exciting innovations, which he put forward on behalf of this Government, was the concept of the Office of the Family. People are showing a great deal of interest in it, but I suggest that some cynics, especially those on the other side, may well question what services will be offered by this important agency.

The Hon. D.C. WOTTON: I am pleased to be able to inform the member for Unley and the House that the Office of the Family is up and running. The doors to that office were opened yesterday and it is located at the Citicentre Building in Hindmarsh Square. I am delighted that the position of manager of that office has been taken up by Steve Ramsey, who I believe will do an excellent job.

This important initiative will ensure that families in South Australia have a voice long after the International Year of the Family has finished at the end of this year. The office will consult with the public, business, community groups and other organisations on the many issues that affect the family. It will link people who want to be actively involved in initiatives that support families and will also provide an advisory service about resources and services available in South Australia.

Responsible government means placing the interests of families at the heart of all Government decisions and the Office of the Family will play a strategic role in gathering information about issues affecting families in the 1990s and beyond. I am delighted that this initiative, which was a strong plank in the Liberal Party's policy coming into office, has now been fulfilled.

AUDIT COMMISSION REPORT

Mrs GERAGHTY (Torrens): In light of the expensive advertising campaign that the Government is paying for to seek public views on ways to save money, will the Acting Premier grant an extension of time past 24 May to school councils that wish to respond to the Audit Commission's recommendations on education? At the Windsor Gardens High School meeting last night concern was expressed by

members of the council that, given the complexity of the Audit Commission report and the terminology used, they believe there is insufficient time to make informed comment. Concern has also been expressed that the Government is not listening to the public. I have been advised that some local Liberal members of Parliament have not accepted invitations from school councils to address them on the findings of the Audit Commission report.

An honourable member interjecting:

The SPEAKER: Order! The Deputy Premier.

The Hon. S.J. BAKER: I thank the new member for Napier for her question.

An honourable member: Torrens.

The Hon. S.J. BAKER: I did that last time, didn't I? I have trouble remembering that we lost that seat. However—

Members interjecting:

The SPEAKER: Order! The member for Ross Smith.

The Hon. S.J. BAKER: My mathematics says that 37/10 and 36/11 are pretty close, quite frankly. The issue of response time is locked in. We are talking about the 24th.

Mr Venning interjecting:

The SPEAKER: Order! The member for Custance.

The Hon. S.J. BAKER: The issue of education—if that is the matter which is before the school council and to which it wishes to respond—can quite simply be responded to in that time frame by reading those selected pages of the report. They are set out in one chapter of the report and they can be responded to within that time frame.

I do not know exactly how many pages comprise the education section of the report, but the issues are really quite straightforward. They have been given exceptional publicity. The Institute of Teachers has done its own distilling of the report and put all the angles and curves on it. Information abounds as to what is contained in the education section of the report and, if each school council cannot take the time out to sit down and look at the issues involved, in light of the publicity that has been given to education, the activity of the Institute of Teachers and the amount of information available and the reports—

Mr Clarke interjecting:

The SPEAKER: Order! The member for Ross Smith is warned.

The Hon. S.J. BAKER: The report is particularly well written. The issues are very straightforward. Indeed, for any school council to say that it cannot respond within three weeks I find somewhat hard to understand. The date is the 24th.

HINDMARSH ISLAND BRIDGE

Mr CAUDELL (Mitchell): Has the Minister for the Environment and Natural Resources yet received a report from his department to determine whether the heritage issues associated with the Hindmarsh Island bridge were adequately explored and, if so, what action is he now taking regarding this issue?

The Hon. D.C. WOTTON: I called for a report from the Heritage Branch of my department yesterday as a result of an article that appeared in the *Advertiser* yesterday morning.

An honourable member interjecting:

The Hon. D.C. WOTTON: Well, it was an inaccurate report. The report that I have received today indicates very clearly that I can be satisfied that the State Heritage Branch was properly and adequately consulted and that State heritage issues were adequately addressed.

The State Heritage Branch was consulted on three separate occasions about the potential impact of the bridge on historic values in the area. It undertook a full survey of the potential impact on historic values and any buildings in that area. On each of those occasions it was concluded by the branch that the bridge would not have an adverse impact on historic values that make the area significant.

I point out that the story in the *Advertiser* yesterday indicated that there were seven places on the State Heritage Register in Brooking Street, Goolwa. This is totally incorrect: there is only one. A number of matters raised in the article were inaccurate. However, the report that I have received from the department certainly indicates that the heritage issues were addressed adequately by the department, and I hope that that puts that particular issue to bed.

STATE TAXATION

Mr QUIRKE (Playford): Will the Treasurer, prior to the June economic statement, implement his promise to the people of South Australia to publish all increases in taxes, charges or penalties in the public notices of the daily newspaper within 24 hours of their proclamation and, if not, why not? Twice during the last Parliament, on 15 November 1990 and on 17 October 1991, the Treasurer moved motions in this House calling on the Government to inform the public through notices in daily newspapers of any increases in Government charges, taxes or penalties. His motions also required that all such proclamations show the amount of the tax and the charge or penalty that prevailed prior to the proclamation and that each responsible Minister issue a public statement whenever the rate of the increase of the tax, charge or penalty exceeded inflation and explain that increase.

The Hon. S.J. BAKER: The simple answer is that we cannot afford it.

IMMUNISATION

Mr BASS (Florey): Will the Minister for Health inform the House of progress in the national immunisation strategy and, in particular, whether the Commonwealth budget honours the national immunisation strategy agreed between the States and the Commonwealth?

The Hon. M.H. ARMITAGE: This is a very important question, given that immunisation is a way of eradicating large numbers of diseases. A number of discussions have taken place between the Commonwealth and the State in relation to a national immunisation strategy. A series of plans were devised to overcome a number of inefficiencies in the provision of vaccines. In particular, there was a mechanism for policy and finance advisers at a national level to consult, and hence to plan ahead, for changes in quality and quantity of vaccine supplies. In all my experience prior to coming into politics and since, it has been in the area of planning ahead that policies around Australia have fallen down so badly.

Following this agreement between the Federal Government and the State, an amount of $50 million was allegedly to have been contributed by the Federal Government. Unfortunately, the recently announced Federal budget contained a total of $10 million—in other words, only one-fifth of the required amount. It would be fair to say that, because education has been part of the program that has been given the go-ahead by the Commonwealth and because this had been regarded as the least important part of the previous-

ly agreed strategy, the States might well feel outraged at this broken electoral promise.

FIELD CROPS MANAGEMENT UNIT

Mr CLARKE (Ross Smith): Will the Minister for Primary Industries fulfil his pre-election and post-election commitment to the District Council of Clare to proceed with the relocation of the Field Crops Management Unit at Clare and, if not, why not? Both before and after the last State election, the Minister for Primary Industries gave commitments to the District Council of Clare that Primary Industries SA's Field Crops Management Unit would be relocated at Clare in accordance with an in-principle agreement reached with the previous Government. The Minister is now reviewing the relocation in light of the Audit Commission's report. The District Council of Clare has written to the Opposition's shadow Minister (Hon. Ron Roberts) in the following terms:

> The Hon. Minister, Dale Baker, has now appeared to place in jeopardy the siting of the unit at Clare. Despite his pre-election and post-election promises, we fear that Clare will lose a valuable development due to an insensitive and gung ho Minister who has no regard for what he says and later does. . . Ivan Venning is also disturbed over the Minister's actions and we therefore seek your assistance in this matter.

The Hon. D.S. BAKER: I thank the honourable member for his question and for his interest in Ivan Venning's electorate—

The SPEAKER: Order! The member for Custance's electorate.

The Hon. D.S. BAKER: Yes, and I might go back a little on this saga, because it has been ongoing for quite a time. It started on a bipartisan overseas trades mission with the former Minister for Primary Industries (Hon. Terry Groom) and me when discussions took place on where would be the best site to have a central area for the Department of Primary Industries, because he was thinking of closing several others in that area.

The Hon. M.H. Armitage: And in Napier, too.

The Hon. D.S. BAKER: Well, they remembered him in Napier and voted against him. It was always my view—and I put it quite strongly as the Opposition spokesman—that we should have a central area so that adequate services could be provided to the primary industries sector in that area of the State, because at that time there were some quite unusual ideas about where this centre should go. In fact, when I came back from that trip I visited Clare and had a meeting, at that time as I recall, with the current member for Custance and the Mayor on that very matter. However, the previous Minister had entered into an understanding that a Taj Mahal would be built to house this new centre which I think was going to cost about $850 000 to $900 000. The council would do the building and then effect a lease-back to the Department of Primary Industries at a sum involving, from memory, some $90 000 a year.

Early in February I had a meeting with the Mayor, the local member and the clerk of the council. I had a look at the new site; I had a look at the present site of the Department of Primary Industries in Clare which is a very pleasant old homestead that is in need of some restoration; and I had a look at some other sites around Clare. I also had a look at the Blythe hospital which, unfortunately, due to the actions of the previous Government, had been closed down. We had this magnificent establishment, worth about $5 million, sitting there empty in the heart of Blythe.

Members interjecting:

The SPEAKER: Order!

The Hon. D.S. BAKER: The people of Blythe—a small rural community of South Australia—were cut to ribbons by the closing of that hospital.

Mr Clarke interjecting:

The SPEAKER: Order! The member for Ross Smith will cease interjecting.

The Hon. D.S. BAKER: I visited that hospital and met the people in that community who had been lobbying me with a proposal to relocate some Government office to that centre in Blythe to give that community a boost that it needed after being decimated by the previous Government. I said, 'Yes, I will look at that.' I have had discussions on regional development with the Hon. John Olsen to see whether we can locate anything else in that area. I am re-evaluating the Clare District Council proposal to spend the $850 000 with a $90 000 lease-back, and I am looking at what could be done to the present Department of Primary Industries establishment in Clare. I am looking at all options, and I have reiterated this to the Mayor.

In spite of the Audit Commission report, which says that some drastic decisions have to be made, we will maintain the employment of the Department of Primary Industries in the district. However, I will evaluate all other options first before I make a hasty decision about something which was promised by the previous Minister and which would cost us $90 000 a year and involve, in the present circumstances, the loss of two more extension officers to that district. When that matter is properly evaluated and I have all the figures in front of me, I will make a decision, and I will have a meeting with the council before that decision is announced.

GRIEVANCE DEBATE

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

Mr CAUDELL (Mitchell): In relation to the South Australian Housing Trust, I have spoken previously in this House of alarm bells and the fact that no-one was home in the period of the previous Labor Government. I would now like to take this matter a little further. Obviously, in the period 1982 to 1993 the lights were on and the vacancy sign was hanging up but no-one was home. Nothing had been done during that period. In private members' time the member for Playford moved a motion involving the Housing Trust and cried crocodile tears, even though in previous speeches he had indicated that he was not worried about the level of Housing Trust debt or how it was arrived at.

The ordinary man on the street (and I refer in particular to the people of Mitchell) does understand and is concerned about the level of debtors and the lack of collection from those debtors by the South Australian Housing Trust, as well as the lack of direction given by the previous Government in that regard. People are concerned about the Housing Trust giving away money in the form of bond assistance and the fact that no attempts were made to collect those moneys. They are concerned that the previous Government made no attempt to rectify problems highlighted by the Auditor-General during the period 1988 to 1993.

In the first instance, I refer to debtor levels between 1988 and 1993. Since 1988, Housing Trust rent arrears have doubled and the number of tenant debtors has more than quadrupled, in spite of the fact that during that period $10 million worth of debt has been written off. The level of debt associated with the Housing Trust was $2 500 000 million in 1988, increasing to $10 9l4 000 at the conclusion of the 1993 financial year. However, it is obvious that at no stage has anyone made a concrete effort regarding the collection of these moneys and that the former Government gave no direction to the South Australian Housing Trust to attempt to do so.

Bond assistance to those obtaining accommodation in the private rental market increased from $1 799 000 in 1986, of which $606 000 was collected, to $7 905 000 in 1993, of which only $3 234 000 was collected. So, in the period 1986 to 1993, $30 388 000 was given out as bond assistance in the private rental market but the Housing Trust has bothered to recover only $11 623 000. There is a shortfall of $19 million in the rental market which the Housing Trust has never attempted to recover. From those two areas, $29 million, which could have been spent on the maintenance and repair of Housing Trust stock, the previous Government ignored and made no attempt to recover.

A number of items in the Auditor-General's report highlighted and flagged those particular areas, but no attempt has been made to correct the situation. This was a basic, fundamental flaw in direction by the previous Labor Government in its financial management of the public's money. This is not a new tale, and we are becoming more aware of such hidden items, the cupboards being full of 'Bankgates' and now 'Trustgates'. With regard to these two basic items, which the greater public can grasp, the Government has ignored the collection of debts and has written off $10 million. The number of debtors has increased four-fold and bond assistance has disappeared down the drain to the tune of $19 million during that period.

Ms STEVENS (Elizabeth): Last night I was invited to attend the Elizabeth South Combined Schools Council meeting at which its response to the Audit Commission report was to be framed. I want to spend a few minutes running through some of the issues that were raised at that meeting. Like the school council mentioned by my colleague the member for Torrens, this group also found it difficult to consider the issues involved. They found terms such as 'global budgeting', which was mentioned several times throughout the report, difficult to understand, especially as the report contained no clear definition of that term. They also mentioned the difficulty in responding within three weeks, when they met only once a month, and in getting groups together to do the job. The task is not as straightforward as the acting Premier would have us believe from his previous answer—it is complex. Education is not about commodities. It is not an easy matter just to cut funding and decrease spending—it is a people business, and it is complex.

Three major areas of concern stood out in the minds of these people. First, recommendation 12.19 in the report is that student-teacher ratios would be increased towards the Australian average levels. This means, of course, that class sizes will certainly increase—the major issue for the people who attended this meeting. They asked how teachers would manage to meet the individual needs of students, especially students with special needs such as those involving negotiated curriculum plans. As teachers are required to run special programs for those students, they asked how that could possibly happen.

Those attending the meeting recalled the Elizabeth-Munno Para social justice project's recommendations on strategies to address the disadvantaged in Elizabeth-Munno Para, the very first recommendation on education being a decrease in class sizes. They also noted that school support officer numbers, linked as they are to teacher numbers, would decrease, and they were very concerned about what that would mean.

The second major area of concern involved leadership positions in schools, recommendation 12.25 being that leadership positions should be reviewed and reduced. This will mean fewer principals, deputy principals, coordinators and key teachers—the people in schools who do the extra tasks involving leadership, special programs, supervision, planning, development and curriculum management. Counsellors come into that category. At schools in Elizabeth, counsellors do a fantastic and very important job. Indeed, the President of the High School Principals Association noted yesterday that the State's welfare spending is down. She made the point that this is probably because school counsellors do a lot of that work.

The third major area of concern was devolution. The group wondered how principals and teachers who have less time would be able to do more in terms of managing schools in areas such as financial management, capital works management, grounds, etc. They said they were not sure they would want to serve on the council when these incredibly increased responsibilities come about.

Finally, people attending the meeting made some general comments. They were very concerned that a commission of accountants was making judgments on education without knowing the complexities of the teaching-learning business. For instance, they referred to the statement in the report that bigger class sizes could be accommodated by teachers using alternative methodologies, that that was not a problem. They said that if teachers are to use alterative methodologies they usually need larger space and more flexibility to be able to run the various groups. Of course, this would mean different sorts of buildings and it would not save money.

Then they made the point that the Government had always talked about the clever country, about needing to educate and how important this is. They said that we are well down in the OECD list of countries in terms of our expenditure on education, and it looks as though we will go down further.

Mr BROKENSHIRE (Mawson): It was my pleasure today to represent the Minister for Tourism in my electorate for the launch of the annual From the Sea and the Vines Festival, in which I invite all members of this House to participate, in particular, the Yabby Dabby Doo Day, which will be on 29 May. As I go through this grievance speech, members will understand why the south has so much to offer. They will be able to visit 12 feature wineries and then, if they have enough time, two or three of the remaining 36 wineries. This is the third annual event, and it is getting bigger and better each year. The first event combined all the top wines in the McLaren Vale district with oysters; in the second year it was barramundi; and this year I am delighted to say that we will have the Yabby Dabby Doo Day, which is all about combining wines with yabbies. It shows the diversification we are now seeing in the southern areas.

From listening to some of the people who spoke this morning, it is obvious that this is no longer just a small

vineyard or dairying area but one comprising a lot of horticulture, floriculture and other diversifications such as the yabby industry. I refer, in particular, to the Farmed Yabby Company, which is where this marketing activity is coming from, at Inman Valley on the Fleurieu Peninsula.

Our Government has made a commitment for growth in the tourism industry in South Australia of $2 billion per annum by the year 2000 and to look at increasing the 35 000 jobs currently created through tourism. The potential of the south is enormous when you consider some of the reports that have been released lately and how much benefit tourism can have to South Australia: whether it is wine, yabbies, our general landscape or whether it is coming down on 'Yabby Dabbie Do' day and spending a day touring through the Fleurieu Peninsula; or taking a short cruise on the *Mundoo* Paddle Steamer to visit the Murray River mouth and have morning tea, and then come back after the cruise through the Southern Vales wine district where you can enjoy a sumptuous yabby lunch and combine that with 12 feature wineries.

The Southern Development Board needs to be commended on its efforts in promoting this. This is a classic case of where development boards have a particular role to play. It is looking at a niche market down there and then combining the niche markets of both tourism and the wine industry to expose the area to the best possible capitalisation for tourism and job creation. I commend the Southern Development Board for its initiatives with this venture. Infrastructure has been a real problem in the south, and we have known that for a long time. It is great to see that our Government is committed to turning this around, and a working party is now looking at the Visitor Centre in McLaren Vale. We also have to look at transport, because it is not much good promoting tourism and the wine industry in the south if tourists cannot get bus connections down there. This is another area that this Government is working diligently on.

The grape harvest in the McLaren Vale district this year was a near record. It was up about 20 per cent on the past three or four harvests, and that should bring in somewhere around $24 to $25 million to the district. This will be very important when you consider that the 2020 Vision put out by the previous Government offered very little in the way of job creation and development for the southern area. I am delighted to see that we have recognised there are areas in the south where we can generate jobs and that we are going to focus heavily on tourism, horticulture and viticulture.

This ties in very much with the food and wine emphasis that we are putting on our whole tourism marketing plan in South Australia and tying that in with the authentic culture of South Australia; particularly the south with our proximity to Adelaide, our magnificent landscape and the fact that most tourists say that they want to be directly involved in the culture of the area they are visiting. This is the thrust for South Australia. The Government's policy fits in ideally with the opportunities now opening up for South Australia: being the bread basket for clean food to Asia as well as our current markets. The only thing that concerns me is that I was told that people in Victor Harbor the other day travelled across to Kangaroo Island-

The ACTING SPEAKER (Mr Bass): Order! The honourable member's time has expired.

Mr LEWIS (Ridley): I wonder whether members present share the concern I have about WorkCover's current practice, at least up until this time, wherein somebody who has worked in a physically innovating job over a period of years finds that their muscular-skeletal deterioration ultimately results in them not being able to continue working and so they are granted workers compensation and can remain on that virtually for life since it will never be possible for them to be rehabilitated. The injury that is alleged is not an injury at all, but just tissue deterioration over time. If it is legitimate for workers to be so considered for compensation and continuing payment, will it ultimately and in fairly short order result in those of us whose intellectual skills deteriorate with age claiming workers compensation when we can no longer obtain employment because we claim our brain has deteriorated in consequence of the work it has had to do during the course of its working life? There are serious issues to be addressed. At this stage I do not think that we have grasped the nettle of that. It is likely to be a real sleeper and a very high cost in future.

I turn now to another matter of grave concern to me, and that is the extent to which it seems Australians in general are asking people who are not Australians and not even residents of Australia to determine our laws. I want to read a letter which was written to me by a very responsible retired gentleman who had years of outstanding service in the State's Public Service. He says:

> I refer to the article enclosed, which expressed concern that our courts are falling into the power of the United Nations. The situation has already occurred in Tasmania, with regard to the laws on homosexuality.

I interpose at this point, Mr Acting Speaker, because, as you and other members know, I have absolutely no quarrel with anyone because of their particular sexual proclivities. The letter continues:

> As Mr Crouch points out in his article, a similar situation could arise over the rights of Aborigines or Cambodian boat people. As he also points out, there has been very little publicity given to Australia signing these agreements with the United Nations, and the consequences for our State laws. Is it appropriate for you to raise this matter, perhaps in parliamentary Question Time, and to seek that any further agreements receive maximum publicity and scrutiny before signing?

I agree with Mr O'Connor—we should. Brad Crouch's article, which appeared in the *Sunday Mail* of 21 November last year, in part says:

> Critics—

of this practice of allowing the United Nations to decide what our laws are and what our practices will be and what we can do or not do—

> run across the political spectrum from Labor's Graeme Campbell to Liberals John Howard and Rod Kemp, who fear Australia's sovereignty is being given away bit by bit to committees of foreigners. The Liberals are fond of quoting Gough Whitlam who noted, when appeal to Britain's Privy Council was abolished in 1986, that it was archaic for Australians to litigate their differences in a foreign court before foreigners.

I agree with Mr Whitlam. That is my personal view. The article continues:

> They believe if Australian laws are faulty it should be up to Australian Parliaments to change them, not for them to be morally over-ruled by committees whose membership has no responsibility to, and probably little knowledge of, the Australian people.

That is exactly what the Labor Party and the Left are doing by signing these treaties which give away our prerogative legislative rights and the prerogative interpretation rights of our courts system. These treaties were never intended to be interpreted as such by the people who wrote the Australian Constitution for this great Federation of which we are citizens. The sooner we hold the Federal Government to

account—this crazy bunch of nitwits in Canberra who are giving away our sovereignty—the better. They are hypocrites. On the one hand they say it is inappropriate to have appeals to the Privy Council, yet on the other they not only hand over appeals but they also hand over legislative prerogative to people who do not even observe in their own countries the same principles they insist we observe in Australia. It is high time that occurred, or this Federation will collapse—high time indeed that we did something about it while we still have sovereignty in some part over our own destiny.

Mr QUIRKE (Playford): I wish to make a few remarks this afternoon about some very concerned communities in my electorate. I am sure I am not the only member who has problems in their school communities with the question mark that has been placed over their continued existence. In my electorate we are no strangers to school amalgamations. When I was elected in 1989 a process had been in train for some three years to analyse community needs and bring about some amalgamations of schools to see positive education outcomes. One of those was the fact that there were two high schools in Playford at that time, neither of which had what could even remotely be called an adequate school population for the curriculum guarantee proposals that were at work in 1989, or had an array of Matriculation subjects at that point so students could select a sufficient variety of courses.

The Ingle Farm High School had something of the order of 400 students or less. There was a positive educational outcome with the creation of the Valley View Secondary School, an amalgamation of the two high schools, which saw a school population of approximately 800 and a number of educational outcomes. The former buildings from Ingle Farm High School were renovated at a cost of approximately $1.4 million, and a new primary school was opened on that site.

Three other primary schools closed, some of which contained only about 100 students. I want to make the point this afternoon that there was something of the order of four years of discussions before these decisions were made. The decisions largely were made by the community itself, and the implementation was over a 15 to 18 month period. New staff were appointed to the newly created, amalgamated schools that ensured a smooth transition when the point of closure came. I still have two schools in Playford that do not have 300 kids in them (in fact, one of them has fewer than 200 students), and they are very concerned right now because they see the Audit Commission's proposals as a back door way of closing those schools.

The North Ingle Primary School, which is the one I talk about now primarily, asks for time to build up its numbers with the new housing that is being built in Pooraka. Its numbers have built up over recent months, but the fear is that, if this Government does not put in train the sort of community discussion that took place in the Ingle Farm area from 1987 to 1992, the North Ingle Primary School probably is doomed. The other two schools that are very concerned about this are Ingle Farm East Primary School (with something of the order of 250 students) and the Para Hills Junior Primary School (which is on the same campus site as the senior primary school). The community is very concerned about the possibility of amalgamation.

I have a number of very important school communities that are at this stage spending much time worrying about things that may not take place. It would be very useful if the Government quickly put these rumours to rest and announced the process and the procedure which these potential closures will follow. I know that my colleague put a Bill before the House that required at least 18 months notice. The Government's acceptance of those principles would make for a much easier night's sleep for many educational communities in South Australia.

Mr ROSSI (Lee): My topic today is Housing Trust tenants as, during the weekend, I had a few complaints about rowdy tenants causing problems for neighbours. In one case in Risely Avenue, Royal Park there have been allegations of five to six unsupervised children living in a back shed, lighting bonfires. The police were called, the fire brigade was called, and nothing was done about it. The noise started from about Sunday night through to Monday night at 11.30. There have also been allegations that these problems have occurred from about Easter continually every week; that police have been called in by neighbours; and that the Housing Trust manager has been contacted about these rowdy neighbours. Some of these children go around adding graffiti to other people's properties, and the police have done nothing up until now. The other allegation that was brought to my attention yesterday is that some of these children (in particular a person called Belinda) were found in possession of marijuana at a primary school.

Mr Atkinson: Alleged.

Mr ROSSI: I am saying 'alleged', yes. The police and FACS were called in, but the particular child wanted not to go to her parents' place any more because there was always drug peddling at the home. FACS, of course, did nothing. When I contact these organisations, either FACS, the Housing Trust or the police, they say that there is nothing they can do about these types of problems in my electorate.

Mr Atkinson interjecting:

Mr ROSSI: I just wonder whether the only other solution is for the Housing Trust to buy houses next door to people like the member for Spence and other Labor members of Parliament, to put these undesirable tenants next to them and see how long they can cope with a situation where they cannot go to the police and get something done and that they cannot go to the manager of the Housing Trust and get these tenants evicted. They are not disturbing only one or two neighbours; there are over six neighbours in one street and also properties behind those of these residents. This is absolutely unacceptable, and I think that these departments should move much more quickly and not wait three or four years, as has happened with some of the issues that I have raised before in regard to Victor Avenue, Woodville West.

The address on this occasion is 58 Risely Avenue, Royal Park. There are others at Prion Place, Semaphore Park and one place which apparently was incorrect in my question on notice on this subject. I referred to Paqualin Street, Semaphore Park, but it should have been Pelican Place, Semaphore Park. The member for Spence thinks he is great in knowing his English vocabulary, but his maths and human relations with his constituents leave much to be desired, in my opinion. I believe that I represent the majority of the electors. I will fight for their rights, provided that they are within the legal framework. I cannot tolerate anyone deliberately going around avoiding his or her responsibility to the community. Everyone has a right—

Mr Atkinson: At least I got a personal vote.

Mr ROSSI: Most of the people who live in your electorate are probably donkeys!

Members interjecting:

Mr ROSSI: I think that everyone has a right to live in peace and without malice in their own home.

Members interjecting:

Mr ROSSI: As for your representation, being my member of Parliament, what have you done?

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

SUPERANNUATION (MISCELLANEOUS) AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendment:

Page 16—After line 20 insert new clause as follows:

'Amendment of schedule 1a—Provisions relating to other public sector superannuation schemes

20a. Schedule 1a of the principal Act is amended—

(a) by inserting before paragraph (a) of clause 1(1) the following paragraph:

(aaa) declaring a group of employees who are members of a public sector superannuation scheme to be contributors for the purposes of this Act;;

(b) by striking out paragraphs (b) and (c) of clause 1(1) and substituting the following paragraphs:

(b) modifying the provisions of this Act in their application to the group of employees referred to in paragraph (aaa);

(c) providing for transitional matters upon the making of a declaration under paragraph (aaa).'

The Hon. S.J. BAKER: I move:

That the Legislative Council's amendment be agreed to.

The amendment is acceptable to the Government and, in fact, it is a Government amendment put in another place. It is a late addition to the Bill. It covers smaller superannuation schemes that will be enveloped under the major schemes. Such areas as health units come under this umbrella. It is a very straightforward amendment that does not have any controversy associated with it.

Mr QUIRKE: The Opposition accepts the amendment. We understand that the proposal is about the amalgamation of a number of smaller superannuation schemes into one larger more encompassing scheme and, as a consequence, we support the amendment.

Motion carried.

STATUTES AMENDMENT (CLOSURE OF SUPERANNUATION SCHEMES) BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, line 16 (clause 2)—Leave out "This Act" and insert "Subject to subsection (2), this Act".

No. 2. Page 1 (clause 2)—After line 16 insert new subclause as follows:

(2) Part 4 will come into operation on 1 October 1994.

No. 3. Page 2—After line 26 insert new heading and clauses as follow:

'Part 4

FURTHER AMENDMENT OF SUPERANNUATION ACT 1988 AND POLICE SUPERANNUATION ACT 1990

Amendment of Superannuation Act 1988

8. The Superannuation Act 1988 is amended by striking out subsections (10), (11) and (12) of section 22.

Amendment of Police Superannuation Act 1990

9. The Police Superannuation Act 1990 is amended—

(a) by striking out subsections (1a) and (1b) of section 16;

(b) by striking out from subsection (2) of section 20 "but before 1 June 1994"'

(c) by striking out from subsection (3) of section 20 "referred to in subsection (2)".'

The Hon. S.J. BAKER: A number of amendments were made to this Bill as the Opposition in another place was successful in changing certain aspects. These are not acceptable to the Government, because it places the issue of superannuation back into the public arena at a time when we wish to look at all superannuation arrangements. As I stated previously, whilst our intention was originally to freeze the schemes, that was not possible given the experience in New South Wales.

The Government will look at contributory schemes as a replacement for the lump sum schemes. Whether or not they have a Government contribution above that remains to be seen, but we are working on those aspects. We are aware of the concerns that have been expressed by police officers particularly, and those matters are being looked at and will continue to be looked at until the Parliament resumes in August. Whilst we did make that statement to this House, members in the another place have seen fit to put a 'use by' date of 1 October into the Bill, which means the Bill will lapse on 1 October. It does not mean that if we have replaced the other measures there is any guarantee they will succeed, so we go forward (if we can put it that way) and commit the South Australian public to picking up the huge escalation in liabilities that will accrue if something is not done about the lump sum schemes.

I always state to the Chamber that $3.4 billion in net liability grows to $7.1 billion over the next 28 years. That is unacceptable. If we do not get a hold on these schemes and stop the escalation, the services that are provided by Government will suffer. It has to be funded. We intend to fund it over a 30 year time frame, although that is subject to further review. Statements will be made about that once we have had a good opportunity to look at it. All schemes will be looked at over the next few months, and that will include the various public sector schemes and the superannuation schemes of judges and politicians (as is appropriate) because those matters were highlighted in the Audit Commission report.

We need the time, first, to look at the schemes that are currently in place and, secondly, to look at the ramifications of any changes and discuss proposed changes with the various interest groups involved. We do not believe that allowing the Bill to lapse on 1 October is appropriate because there are no guarantees that, if we put replacements in the system, they will be acceptable to the Opposition in this Chamber or the combined efforts of the Opposition and the Democrats in another place. That is why we will put forward another set of amendments.

We recognise that on this issue we can battle all day and night and go for some days on whether or not the Government has the right or even the responsibility (which is probably a more appropriate word) to close off these schemes. In keeping with my undertaking that there will be a review of the prevailing arrangements and the impact of the closure of these schemes, I am willing to make one or two concessions.

The first amendment is acceptable to the Government. I will seek to change the second amendment put forward by another place to read '1 November 1994' and it will apply only to part 4, the Police Superannuation Act. Much of the debate in this Chamber and certainly in another place, which I sat through, revolved around the special needs of the Police

Force in South Australia, and there was a special plea that it be treated separately. I did not hear any argument about the special needs that prevail across the whole Public Service. I have already said that we will be reviewing all arrangements over the next few months to ensure that we do as much as possible to allow people to contribute to their own future.

Amendment No. 1:

The Hon. S.J. BAKER: I move:

That the Legislative Council's amendment No. 1 be agreed to.

Motion carried.

Amendment No. 2:

The Hon. S.J. BAKER: I move:

That the Legislative Council's amendment be disagreed to and that the following amendment be made in lieu thereof:

Page 1 (clause 2)—After line 16 insert new subclause as follows:

(2) Part 4 will come into operation on 1 November 1994.

Mr QUIRKE: The Opposition is not at all pleased with the amendments, either those moved by the Democrats in the another place or by the Government in this place. At the end of the day we accept a number of the propositions that have been put forward, and we have no choice but to accept them, because we believe that this Bill, as I argued in the second reading stage, is such a reprehensible Bill that any attempt at amendment by the other place probably would attract the support of the Opposition.

We want it clearly on the record that we believe that this is a mean, miserable and nasty measure. It is pleasing to see that the Government has discovered the force of the Police Association. The Police Association has made no bones in the past week or so that it does not support what the Government is up to. What we see here now is a proposal that will come some part of the way towards redressing the questions that the Police Association is raising. We should be under no illusion that there are other people who are affected by this Bill but who are silent—and there is a silence from some of their industrial representatives. Others who have made a great deal of noise have seen that noise fall on deaf ears. It is for those people we stand in this place as well.

Basically, the Democrat amendments—because that is what they are—seek to put a sunset clause into what the Opposition considers to be a dreadful Bill. We would have been much happier to see amendments which would give effect to the rightful opportunity for people in the public sector to be able to get into the contributory scheme. Before you call me to order, Mr Chairman—and you have been very lenient in allowing a wide ranging debate—I point out that the Opposition will support the amendments from the other place, albeit reluctantly.

The Hon. S.J. BAKER: I will respond briefly on two counts: first, there is nothing mean about the desire of a Government to save taxpayers $3.7 billion—nothing mean whatsoever. In fact, it is absolutely vital for our future health and well-being that some hard decisions are made. I have said in this place (and members opposite would well recall) that it is not of my choosing that this measure has to be taken. All members would be well aware of the damage caused by the previous Government and, if our financial health was in a similar situation to that of five years ago, we simply would not be considering these amendments today. The first point is, quite clearly, that it is not of our choosing but it is now of our decision. Secondly, I have received no representations from any other body or any other person than the Police Association. Therefore, consistent with that lack of response, I felt very comfortable in limiting the sunset clause to police superannuation.

Motion carried.

Amendment No. 3:

The Hon. S.J. BAKER: I move:

That the Legislative Council's amendment be disagreed to and that the following amendment be made in lieu thereof:

Page 2—After line 26 insert new heading and clauses as follows:-

PART 4

FURTHER AMENDMENT OF POLICE SUPERANNUATION ACT 1990

Amendment of Police Superannuation Act 1990

8. The Police Superannuation Act 1990 is amended—
   (a) by striking out subsections (1a) and (1b) of section 16;
   (b) by striking out from subsection (2) of section 20 'but before 1 June 1994';
   (c) by striking out from subsection (3) of section 20 'referred to in subsection (2)'.

This amendment is consequential and gives effect to the previous amendment. It describes which scheme will be affected by the lapsing date.

Motion carried.

STATUTES AMENDMENT (CONSTITUTION AND MEMBERS REGISTER OF INTERESTS) BILL

The House of Assembly agreed to a conference, to be held in the House of Assembly committee room at 4.30 p.m. today, at which it would be represented by Messrs Atkinson, S.J. Baker and Foley, Ms Greig and Mrs Kotz.

LIQUOR LICENSING (GAMING MACHINES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 May. Page 1231.)

Mr QUIRKE (Playford): In Committee the Opposition will be moving an amendment to this proposal. In effect the amendment summarises our position with respect to this piece of legislation. The Opposition does not have any problem with the measure before the House now. The measure seeks to allow licensed clubs which have gone ahead and made the decision to apply for a gaming machine licence and which, presumably, at some stage within the next three months will switch on those machines to be in exactly the same position as hotels that have made the same decision. In other words, their trading hours and arrangements will be the same as those of the hotels, which may be very close to that licensed club.

The argument about licensed clubs has been raised in this House from time to time. The argument many years ago about the extension of trading hours of clubs and hotels has always been a very vexed one. The Opposition sits on principle on this point and believes that, provided the playing field is level and all parties concerned have the same opportunities, we have no problems.

This proposal seeks to give those licensed clubs with gaming machines effectively the same trading arrangements as hotels. The amendment that we will be moving in Committee seeks to ensure that licensed clubs—and, indeed, we understand from the Hotels Association and the clubs that this is no problem to them—will be liable to make appropriate award payments to those people working in the licensed clubs. That means that a pub down the road that has to meet certain salary requirements will not have its throat cut by a

licensed club (possibly not far away and maybe even next door) that is using voluntary labour.

The argument that has been advanced in this place, and on which the Government is very strong, is that we need to ensure a reasonable level of competition, and competition between the States has been debated of late. In Question Time today the issue of the number of public holidays was raised. That flows through into wages and working conditions. Through this amendment we seek to support the Government's Bill but on a very important condition, namely, that the pubs and clubs, in terms of wages, compete fairly with each other.

The Hon. S.J. BAKER (Deputy Premier): I thank the member for Playford for his support. We will certainly address the amendment in Committee. This Bill places the pubs and clubs on an even footing with regard to trading hours. It was deemed that there should be no disadvantage between the two organisations. We will deal with the amendment at the appropriate time, but I am pleased to have the Opposition's support.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Club licence.'

Mr QUIRKE: I move:

Page 2, line 1—Leave out 'subsection:' and insert—'subsections:

(5A) Where the licensing authority endorses a licence under subsection (5)(d) to authorise the sale of liquor to any person, it must include as a condition on the licence that every person employed or engaged on the premises to which the licence relates is covered by an appropriate industrial award or agreement.'.

Members will see, upon careful reflection on this amendment, that it seeks to ensure that pubs and clubs trading on exactly the same terms need to meet the same requirements regarding wage or salaried staff under the various awards. We do this because we believe that in most instances the decision to purchase gaming machines—to set up in South Australia under the legislation that went through this House—requires a fairly major decision and involves some of the larger clubs in the State. I know that in my electorate only one club is proceeding at this stage to obtain gaming machines and a licence. I believe that a second one will do so in the near future.

Those clubs are generally fairly large and they have usually gone over what is considered to be the limit where voluntary labour is used. We believe that the decision to spend, in most instances, very large amounts of money—whether it be borrowed, withdrawn from bank savings, or wherever—means that these licensed premises should be made to compete on the same level as those public houses that have made similar decisions. In many instances they are not geographically very far from each another.

The Opposition fully supports the Government's measure in this regard and moves this amendment simply to ensure that everyone is operating on a level playing field. We think it would be unconscionable if the situation were such that a very large club could use voluntary labour and cut the throat of public houses in the near vicinity because they cannot compete on the same cost structure.

The Hon. S.J. BAKER: The Government believes that this is an attack on voluntary involvement of individuals in the furtherance of their clubs. I am a member of the Colonel Light Gardens RSL Club. It is not a very large club; it might have about 600 members of whom 50 would be reasonably regular attendees. On occasions I have dropped in and seen two members at the bar and on other occasions, such as Anzac Day, there are 200 or 300 people on those premises, but that is the exception to the rule. Like the clubs in the honourable member's electorate, there is no way in the world that this club could afford this proposition.

Basically, the reason is quite straightforward: clubs perform a service to their members; they are not subject to the normal vagaries of people's taste as to whether they go to a particular establishment to drink and fraternise; they are basically clubs that serve a local community. Under this amendment, my club, which is looking at putting in very few machines at some stage down the track, simply could not afford to run the bars and premises in the way that it does over the period it does with employed labour. That is the situation that prevails in most clubs.

The honourable member would say that some very large clubs have a very strong patronage. I think of perhaps the football clubs, including both codes—namely, soccer and Australian Rules—that do have very strong patronage. The honourable member would find that the element of paid labour in those clubs is quite high. However, for the small clubs, that is not the situation prevailing at the moment. If a club decided to put in one or two machines, simply for the entertainment of its members, the enforcement of paid labour on deck from 10 a.m. to midnight would not be affordable.

I can envisage that at least two clubs in my area, which have a limited but important patronage and which provide an element of hospitality and community spirit, would simply close down. There is no paid labour in those clubs; they are not very large and do not have a large number of people coming through their doors, but they are much loved by those who use them. Those people find that they are quite effective clubs in their own right, but they are very small financially, as well as in a physical sense.

So, on the first principle I cannot agree that clubs that have traditionally serviced their membership—and this is the vast majority of clubs—should have to adhere to these dictates. In terms of the number of clubs, if there were, for example, 600 or 800, we might find that only 50 or 40 at the most would be of a reasonable size and thus able to afford the sort of imposts involved in this proposal.

Secondly, we are all about freedom of association. We are not about forcing people to do things because of the wishes of particular elements of the trade union movement. We now have an industrial Bill that enforces freedom of association, giving people the opportunity to opt in or out. Under this proposition, of course, we are forcing people to do something that is not consistent with what I think is good practice.

The Government rejects the Opposition's proposal. The number of clubs that could afford to pay the wages bill among those 600 to 800 would be very limited. In the Sturt Football Club, for example, in most cases I have been served by a paid employee. There are 1 100 restricted clubs and 600 unrestricted clubs but only 25 clubs that have actually applied for gaming machine licences. Those figures put this debate in some perspective.

Mr QUIRKE: The Opposition's view is that this has nothing to do with unions. Of course, it is about the level playing field that applies between the larger clubs, because it is those clubs that hope to go into the gaming machine arena rather than clubs that will have a great number of problems in making a decision to do that. We are seeking a level playing field between public houses that have to pay an

appropriate award wage or salary and clubs that can use voluntary labour. It is nothing to do with which associations are involved: it is simply about the cost structure that affects the larger clubs that have made this decision concerning gaming machines.

I know that the honourable member opposite has had an interest in this legislation. He no doubt went out to a number of his clubs, as indeed did most members in this House, and gave advice when the legislation was before the House. Indeed, when it was proposed most members were quite active with their clubs and pubs and provided information to those organisations about which way things were likely to go. When the legislation was successful in the House, I am sure most members did what I did: I went out and explained the Bill and the various provisions to the people concerned.

Any club that cannot afford paid labour really should be taking a long look at whether it wants to make the enormous financial contribution necessary to get a successful gaming machine licence. It is a very expensive arrangement here in South Australia; no doubt it is cheaper than in other States, but it may not be. However, it involves a great deal of money. The people in my electorate who have decided to be involved in some instances are not seeing very much change out of $250 000.

The Hon. S.J. BAKER: I have two responses. First, as the honourable member would be well aware, hotels are not required to be fully serviced with paid employees. In the country, in particular, there is a lot of voluntary labour in hotels and clubs. Applying this to the clubs may disadvantage them even further in terms of the local hotels, which can use voluntary labour—and often do in the form of family, relatives and friends.

The second issue really is the extent to which we wish to impose these sorts of constraints on clubs at a time when we are telling people that there are other outlets for their entertainment, and they are far more friendly and perhaps far better service providers at a reasonable price than are some of the more popular hotel and entertainment establishments. So, the Government does not believe that it is an appropriate amendment to support for a number of reasons and, therefore, it rejects the proposition.

Amendment negatived; clause passed.

Remaining clauses (4 to 8) and title passed.

Bill read a third time and passed.

INDUSTRIAL AND EMPLOYEE RELATIONS BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1, lines 18 and 19 (clause 3)—Leave out paragraph *(b)* and insert new paragraph as follows:-
'*(b)* to contribute to the economic prosperity and welfare of the people of South Australia; and'.

No. 2. Page 1, line 23 (clause 3)—Leave out ", where appropriate,".

No. 3. Page 2 (clause 3)—After line 14 insert the following:-
'and
(m) to help prevent and eliminate discrimination in employment in accordance with State and Commonwealth law.'.

No. 4. Page 3, line 1 (clause 4)—Leave out definition of "contract of employment" and insert new definition as follows:-
'"contract of employment" means—
(a) a contract recognised at common law as a contract of employment under which a person is employed for remuneration in an industry; or
(b) a contract under which a person (the "employer") engages another (the "employee") to drive a vehicle that is not registered in the employee's name to provide a public passenger service (even though the contract would not be recognised at common law as a contract of employment); or
(c) a contract under which a person engages another to carry out personally the work of cleaning premises (even though the contract would not be recognised at common law as a contract of employment); or
(d) a contract under which a person (the "employer") engages another (the "employee") to carry out work as an outworker (even though the contract would not be recognised at common law as a contract of employment);'.

No. 5. Page 3 (clause 4)—After line 3 insert new definition as follows:-
'"demarcation dispute" includes—
(a) a dispute within an association or between associations about the rights, status or functions of members of the association or associations in relation to the employment of those members; or
(b) a dispute between employers and employees, or between members of different associations, about the demarcation of functions of employees or classes of employees; or
(c) a dispute about the representation under this Act of the industrial interests of employees by an association of employees;'.

No. 6. Page 3, lines 4 and 5 (clause 4)—Leave out the definition of "Deputy President" and insert new definition as follows:-
'"Deputy President" means a Deputy President of the Commission;'.

No. 7. Page 4, lines 28 to 32 and page 5, lines 1 to 13 (clause 4)—Leave out the definition of "industrial matter" and insert new definition as follows:-
'"industrial matter" means a matter affecting the rights, privileges or duties of employers or employees (including prospective employers or employees), or the work to be done in employment, including, for example—
(a) the wages, allowances or remuneration of employees or prospective employees in an industry, or the piecework, contract or other prices paid or to be paid for the employment, including any loading or amount that may be included in wages, allowances, remuneration or prices as compensation for lost time and the wages, allowances or remuneration to be paid for work done during overtime or on holidays, or for other special work, and also the question whether piece-work will be allowed in an industry;
(b) the hours of employment in an industry, including the lengths of time to be worked, and the quantum of work or service to be done, to entitle employees to any given wages, allowances, remuneration or prices, and what times are to be regarded as overtime;
(c) the age, qualification or status of employees, and the manner, terms and conditions of employment;
(d) the relationship of employer and apprentice;
(e) the employment of juniors and apprentices in an industry (including the number or proportion that may be employed);
(f) the employment of any person, or of any class of persons, in addition to those referred to above, in an industry;
(g) the refusal or neglect, without reasonable cause or excuse, of any person bound by an award, order or enterprise agreement to offer or accept employment, or to continue to be employed on the terms of the award, order or agreement;
(h) any established or allegedly established custom or usage of an industry, either generally or in a particular locality;
(i) the monetary value of allowances granted to or enjoyed by employees;
(j) the dismissal of an employee by an employer;
(k) a demarcation dispute;
(l) the performance of work nude or partially nude, or in transparent clothing;
(m) a matter classified as an industrial matter by regulation;
(n) all questions of what is right and fair in relation to an industrial matter having regard to the interests of the

persons immediately concerned and of society as a whole;'.

No. 8. Page 5, lines 26 to 30 (clause 4)—Leave out the definition of "outworker" and insert new definition as follows:-

'"outworker"—*See section 4A;*'.

No. 9. Page 6, lines 5 to 8 (clause 4)—Leave out the definitions of "President" and "Presidential Member" and insert new definitions as follow:-

'"President" means the President of the Commission;

"Presidential Member" means the President or a Deputy President of the Commission;'.

No. 10. Page 7—After line 19 insert new clause as follows:-

'Outworkers

4A. (1) A person is an outworker if—

(a) the person is engaged, for the purposes of the trade or business of another (the "employer") to—

(i) work on, process or pack articles or materials; or

(ii) carry out clerical work; or

(b) a body corporate of which the person is an officer or employee and for which the person personally performs all or a substantial part of the work undertaken by the body corporate is engaged, for the purposes of the trade or business of another (the "employer") to—

(i) work on, process or pack articles or materials; or

(ii) carry out clerical work,

and the work is carried out in or about a private residence or premises of a prescribed kind that are not business or commercial premises.

(2) A person is also an outworker if—

(a) the person is engaged, for the purposes of the trade or business of another (the "employer") to—

(i) negotiate or arrange for the performance of work by outworkers; or

(ii) distribute work to, or collect work from, outworkers; or

(b) a body corporate of which the person is an officer or employee and for which the person personally performs all or a substantial part of the work undertaken by the body corporate is engaged, for the purposes of the trade or business of another (the "employer") to—

(i) negotiate or arrange for the performance of work by outworkers;

(ii) distribute work to, or collect work from, other outworkers.

(3) This Act applies to the employment of outworkers only to the extent it is extended to such employment under the terms of an award or enterprise agreement.'.

No. 11. Page 7, lines 23 and 24 (clause 5)—Leave out paragraph *(b)*.

No. 12. Page 9, lines 4 and 5 (clause 7)—Leave out the clause and insert new clause as follows:-

'Continuation of the Court

7. The Industrial Court of South Australia continues in existence as the Industrial Relations Court of South Australia.'.

No. 13. Page 9, lines 15 to 17 (clause 10)—Leave out subclause (2) and insert new subclause as follows:-

'(2) In exercising its interpretative jurisdiction—

(a) the Court should have regard to any evidence that is reasonably available to it of what the author of the relevant part of the award or enterprise agreement, and the parties to the award or enterprise agreement, intended it to mean when it was drafted; and

(b) if a common intention is ascertainable—give effect to that intention.'.

No. 14. Page 9—After line 22 insert new clause as follows:-

'Declaratory jurisdiction

11A. The Court has jurisdiction to make declaratory judgments conferred by other provisions of this Act[1].

[1] *See, for example, section 105(3).*'.

No. 15. Page 10, lines 28 to 33 (clause 14)—Leave out the clause and insert new clause as follows:

'Composition of the Court

14. The Court's judiciary consists of—

(a) the Senior Judge[1] of the Court; and

(b) the other Judges of the Court; and

(c) the industrial magistrates.

[1] *Note, however, that a person who becomes the principal judicial officer of the Court under the transitional provisions, retains the title "President" (See schedule 1, section 9).*'

No. 16. Page 11, lines 1 to 9 (clause 15)—Leave out the clause and insert new clause as follows:-

'The Senior Judge

15. (1) The Senior Judge is the principal judicial officer of the Court.

(2) The Senior Judge is responsible for the administration of the Court.

(3) If the Senior Judge is absent from official duties, responsibility for administration of the Court devolves on a Judge of the Court appointed by the Governor to act in the Senior Judge's absence or, if no such appointment has been made, on the most senior of the Judges who is available to undertake the responsibility.'.

No. 17. Page 11, lines 10 to 27 (clause 16)—Leave out the clause and insert new clause as follows:-

'DIVISION 4—CONDITIONS OF JUDICIAL OFFICE

The Senior Judge

16. (1) The Senior Judge of the Court is a District Court Judge assigned by the Governor, by proclamation, to be the Senior Judge of the Court.

(2) Before the Governor makes an assignment under this section, the Attorney-General must consult with the Chief Judge of the District Court on the proposed action.

(3) A person ceases to hold office as the Senior Judge of the Court if the person ceases to be a judge of the District Court.'.

No. 18. Page 11, lines 28 to 30 (clause 17)—Leave out the clause and insert new clause as follows:-

'Other Judges of the Court

17. (1) A Judge of the Court is a District Court Judge assigned by the Governor, by proclamation, to be a Judge of the Court.

(2) There will be as many Judges of the Court as the Governor considers necessary.

(3) Before the Governor makes an assignment under this section, the Attorney-General must consult with the Chief Judge of the District Court on the proposed action.

(4) A person ceases to hold office as a Judge of the Court if the person ceases to be a judge of the District Court.'.

No. 19. Page 11, lines 31 to 33 (clause 18)—Leave out the clause and insert new clause as follows:-

'General provisions about assignment to the Court's judiciary

18. (1) The Court's judiciary is made up of the members of its principal judiciary (*i.e.* those members of its judiciary who are occupied predominantly in the Court) and its ancillary judiciary (*i.e.* those members of its judiciary who are not occupied predominantly in the Court).

(2) The principal judiciary consists of—

(a) the Senior Judge of the Court; and

(b) the Judges and industrial magistrates who are classified by the proclamations of assignment as members of the Court's principal judiciary.

(3) An assignment to be a member of the Court's principal or ancillary judiciary will be until—

(a) in the case of a Judge—the Judge reaches 70 years of age; or

(b) in the case of an industrial magistrate—the magistrate reaches 65 years of age.

(4) However, the Governor may, by proclamation made at the request or with the consent of the Judge or magistrate concerned—

(a) change the terms of an assignment so that a member of the Court's principal judiciary becomes a member of its ancillary judiciary, or a member of the Court's ancillary judiciary becomes a member of its principal judiciary; or

(b) revoke an assignment to the Court's principal or ancillary judiciary.

(5) An assignment as a member of the Court's ancillary judiciary will be for a term specified in the proclamation of assignment (which may be renewed or extended, by proclamation, from time to time) but no such term of assignment may extend beyond the time when the person reaches—

(a) in the case of a Judge—70 years of age; or

(b) in the case of an industrial magistrate—65 years of age.'.

No. 20. Page 11, lines 34 to 36 and page 12, lines 1 and 2 (clause 19)—Leave out the clause.

No. 21. Page 12, lines 3 to 11 (clause 20)—Leave out the clause.
No. 22. Page 12, lines 12 to 14 (clause 21)—Leave out the clause.
No. 23. Page 12, line 18 (clause 22)—Leave out "the President" and insert "the Senior Judge".
No. 24. Page 13, lines 4 and 5 (clause 24)—Leave out the clause and insert new clause as follows:-

'Continuation of the Commission

24. The *Industrial Commission of South Australia* continues in existence as the Industrial Relations Commission of South Australia.'.

No. 25. Page 13 (clause 27)—After line 22 insert new paragraph as follows:-

'*(ca)* jurisdiction to hear and determine any matter or thing arising from or relating to an industrial matter; and'.

No. 26. Page 14, lines 3 to 12 (clause 30)—Leave out the clause and insert new clause as follows-

'The President

30. (1) The President of the Commission is a person appointed by the Governor to be the President of the Commission.

(2) Before a person is appointed (or reappointed) as the President of the Commission, the Minister must consult confidentially about the proposed appointment with a panel consisting of—

(a) a nominee of the United Trades and Labor Council; and
(b) a nominee of the South Australian Employers' Chamber of Commerce and Industry; and
(c) a nominee of the House of Assembly appointed by resolution of that House; and
(d) a nominee of the Legislative Council appointed by resolution of the Council; and
(e) the Commissioner of Public Employment,

(and for the purposes of the consultation must inform the members of the panel all persons short-listed for appointment).

(3) The Senior Judge of the Court may (but need not) be appointed as the President of the Commission.

(4) The President is responsible for the administration of the Commission.

(5) If the President is absent from official duties, responsibility for administration of the Commission devolves on a Deputy President appointed by the Governor to act in the President's absence or, if no such appointment has been made, on the most senior of the Deputy Presidents who is available to undertake the responsibility.'.

No. 27. Page 14, lines 13 to 17 (clause 31)—Leave out the clause and insert new clause as follows:-

'The Deputy Presidents

31. (1) A Deputy President of the Commission is a person appointed by the Governor to be a Deputy President of the Commission.

(2) Before a person is appointed (or reappointed) as the Deputy President of the Commission, the Minister must consult confidentially about the proposed appointment with a panel consisting of—

(a) a nominee of the United Trades and Labor Council; and
(b) a nominee of the South Australian Employers' Chamber of Commerce and Industry; and
(c) a nominee of the House of Assembly appointed by resolution of that House; and
(d) a nominee of the Legislative Council appointed by resolution of the Council; and
(e) the Commissioner of Public Employment,

(and for the purposes of the consultation must inform the members of the panel all persons short-listed for appointment).

(3) A Judge of the Court may (but need not) be appointed as a Deputy President of the Commission.'.

No. 28. Page 14, lines 18 to 23 (clause 32)—Leave out the clause and insert new clause as follows:-

'Eligibility for appointment

32. A person is eligible for appointment as the President or a Deputy President of the Commission if—

(a) the person is the Senior Judge or another Judge of the Court; or
(b) the person's qualifications, experience and standing in the community are of a high order and appropriate to the office to which the appointment is to be made.'.

No. 29. Page 14, lines 24 to 30 (clause 33)—Leave out the clause and insert new clause as follows:-

'Term of appointment

33. (1) An appointment as the President or a Deputy President of the Commission will be for a term of 6 years which may be renewed for one further term of 6 years.

(2) However, a term of appointment cannot extend beyond the time when the appointee reaches 65 years of age and, if that time is less than 6 years from the date the appointment is made or renewed, the appointment will be made or renewed for a term ending when the person reaches 65 years of age.'.

No. 30. Page 15, line 8 (clause 34)—Leave out paragraph *(b)* and insert new paragraph as follows:-

'*(b)* completes a term of appointment and is not reappointed; or'.

No. 31. Page 15 (clause 35)—After line 13 insert new subclause as follows:-

'(1A) Before a person is appointed (or reappointed) as a Commissioner, the Minister must consult confidentially about the proposed appointment with a panel consisting of—

(a) a nominee of the United Trades and Labor Council; and
(b) a nominee of the South Australian Employers' Chamber of Commerce and Industry; and
(c) a nominee of the House of Assembly appointed by resolution of that House; and
(d) a nominee of the Legislative Council appointed by resolution of the Council; and
(e) the Commissioner of Public Employment,

(and for the purposes of the consultation must inform the members of the panel all persons short-listed for appointment).'.

No. 32. Page 15, line 18 (clause 35)—After "affairs" insert "nominated by the Minister after consultation with associations representing the interests of employers and associations representing the interests of employees".
No. 33. Page 15, lines 26 to 32 and page 16, lines 1 to 3 (clause 36)—Leave out the clause and insert new clause as follows:-

'Term of appointment

36. (1) An appointment as an Industrial Relations Commissioner or an Enterprise Agreement Commissioner will be for a term (which may be renewed from time to time) specified in the instrument of appointment.

(2) An appointment as a Commissioner will be for a term of 6 years which may be renewed for one further term of 6 years.

(3) However—

(a) a Commissioner may be appointed on an acting basis and, in that case, the term of appointment will be for a term of not more than six months; and
(b) a term of appointment cannot extend beyond the time when the appointee reaches 65 years of age and, if that time is less than 6 years from the date the appointment is made or renewed, the appointment will be made or renewed for a term ending when the person reaches 65 years of age.'.

No. 34. Page 19, line 29 (clause 44)—Leave out subparagraph (i) and insert new subparagraph as follows:-

'(i) if the Senior Judge of the Court or the President of the Commission (as the case requires) directs the member to withdraw from the proceedings; or'.

No. 35. Page 20, lines 2 to 6 (clause 45)—Leave out the clause and insert new clause as follows:-

'Protection for officers

45. The members of the Court's judiciary, the members of the Commission, and a Registrar or other person who exercises the jurisdiction of the Court or the Commission, has the same privileges and immunities as a Judge of the Supreme Court.'.

No. 36. Page 20, line 9 (clause 46)—Leave out "President" and insert "Senior Judge".
No. 37. Page 22 (clause 53)—After line 26 insert new subclause as follows:-

'(5) This section does not apply to the Minister or the chief executive of the department (who are members of the Committee *ex officio*).'.

No. 38. Page 23, line 23 (clause 57)—Leave out "unless its members are unanimously of the opinion" and insert "unless the committee resolves".
No. 39. Page 24, lines 9 and 10 (clause 58)—Leave out subclause (2).
No. 40. Page 24—After line 10 insert new clauses as follow:-

'Appointment and conditions of office of Employee Ombudsman

58A. (1) The Employee Ombudsman is appointed by the Governor for a term of 6 years which may be renewed for one further term of 6 years.

(2) Before a person is appointed (or reappointed) as the Employee Ombudsman, the Minister must consult confidentially about the proposed appointment with a panel consisting of—

(a) a nominee of the United Trades and Labor Council; and

(b) a nominee of the South Australian Employers' Chamber of Commerce and Industry; and

(c) a nominee of the House of Assembly appointed by resolution of that House; and

(d) a nominee of the Legislative Council appointed by resolution of the Council; and

(e) the Commissioner of Public Employment,

(and for the purposes of the consultation must inform the members of the panel all persons short-listed for appointment).

(3) The office of Employee Ombudsman becomes vacant if the Employee Ombudsman—

(a) dies; or

(b) reaches 65 years of age; or

(c) completes a term of appointment and is not reappointed; or

(d) resigns by written notice given to the Minister; or

(e) becomes mentally or physically incapable of carrying out official duties and is removed from office by the Governor on that ground; or

(f) is removed from office by the Governor on presentation of an address from both Houses of Parliament asking for the removal of the Employee Ombudsman from office.

(4) Except as provided by this section, the Employee Ombudsman cannot be removed from office.

Remuneration and conditions of office

58B. (1) The Employee Ombudsman is entitled to the remuneration determined by the Remuneration Tribunal.

(2) The other conditions of office are to be as determined by the Governor.

Independence of the office

58C. The Employee Ombudsman is not subject to control or direction by the Minister.

Employee Ombudsman's access to Legislative Review Committee

58D. The Employee Ombudsman may consult with the Legislative Review Committee of the Parliament on questions affecting the administration of the Employee Ombudsman's office.'.

No. 41. Page 24, lines 11 to 13 (clause 59)—Leave out the clause.

No. 42. Page 24, lines 15 to 27 (clause 60)—Leave out subclause (1) and insert new subclause as follows:-

'(1) The Employee Ombudsman's functions are—

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

(b) to advise employees on available avenues of enforcing their rights under awards and enterprise agreements; and

(c) to investigate claims by employees or associations representing employees of coercion in the negotiation of enterprise agreements; and

(d) to scrutinise enterprise agreements lodged for approval under this Act and to intervene in the proceedings for approval if the Employee Ombudsman considers there is sufficient reason to do so; and

(e) to represent employees in proceedings (other than proceedings for unfair dismissal) if—

(i) the employee is not otherwise represented; and

(ii) it is in the interests of justice that such representation be provided; and

(f) to advise individual home-based workers who are not covered by awards or enterprise agreements on the negotiation of individual contracts; and

(g) to investigate the conditions under which work is carried out in the community under contractual arrangements with outworkers and other examinable arrangements; and

(h) to provide an advisory service on the rights of employees in the workplace on occupational health and safety issues.'.

No. 43. Page 24, line 28 (clause 60)—Leave out ", with the Minister's approval,".

No. 44. Page 24, line 31 (clause 60)—Leave out "(and must be revoked if the Minister requires its revocation)".

No. 45. Page 25, lines 2 to 4 (clause 61)—Leave out subclause (1) and insert new subclause as follows:-

'(1) The Employee Ombudsman must, before 30 September in each year, prepare a report on the work of the Employee Ombudsman's office during the financial year that ended on the preceding 30 June and forward copies of the report to the Presiding Members of both Houses of Parliament to be laid before their respective Houses at the earliest opportunity.'.

No. 46. Page 25, lines 8 and 9 (clause 61)—Leave out subclause (3).

No. 47. Page 26, lines 16 to 32 and page 27, lines 1 to 7 (clause 66)—Leave out the clause and insert new clause as follows:-

'Form of payment to employee

66. (1) If an employee does work for which the remuneration is fixed by an award or enterprise agreement, the employer must pay the employee in full, and without deduction, the remuneration so fixed.

(2) the payment must be made—

(a) in cash; or

(b) if authorised in writing by the employee or in an award or enterprise agreement by an employee association whose membership includes the employee or employees who do the same kind of work—

(i) by cheque (which must be duly met on presentation at the bank on which it is drawn) payable to the employee; or

(ii) by postal order or money order payable to the employee; or

(iii) by payment into a specified account with a financial institution.

(3) However, the employer may deduct from the remuneration—

(a) an amount the employer is authorised, in writing, by the employee to deduct and pay on behalf of the employee; and

(b) an amount the employer is authorised to deduct and pay on behalf of the employee under an award or enterprise agreement; and

(c) an amount the employer is authorised or required to deduct by order of a court, or under a law of the State or the Commonwealth.

(4) An employee may, by giving written notice to the employer, withdraw an authorisation under this section.

(5) Despite the other provisions of this section, remuneration may be paid by the Crown to an employee by cheque or by payment into an account with a financial institution specified by the employee, but, if payment is by cheque, there must be no deduction from the amount payable because the payment is made by cheque.'.

No. 48. Page 29—After line 2 insert new clause as follows:-

'Objects of this Part

70A. The objects of this Part are—

(a) to encourage and facilitate the making of agreements governing remuneration, conditions of employment and other industrial matters at the enterprise or workplace level; and

(b) to provide a framework for fair and effective negotiation and bargaining between employers and employees with a view to the making of such agreements and to provide for the participation of associations in the process of negotiation and bargaining; and

(c) to ensure that award remuneration and conditions of employment operate as a safety net underpinning the negotiated agreements at the enterprise or workplace level; and

(d) to provide for improved flexibility in conditions of employment at the enterprise and workplace level with consequent increases in efficiency and productivity.'.

No. 49. Page 29, line 9 (clause 72)—Leave out "An" and insert "However, an".

No. 50. Page 29—After line 16 insert new clause as follows:-

'Negotiation of enterprise agreement

72A. (1) An employer must, before beginning negotiations on the terms of an enterprise agreement give the employees who may be bound by the agreement at least 14 days' notice, in accordance with procedures prescribed by regulation, that negotiations are about to begin (but notice is not required if the agreement is negotiated to settle an industrial dispute, or the Commission determines that there is good reason in the circumstances of the case to exempt the employer from this requirement).

(2) The employer must, before beginning negotiations on the terms of an enterprise agreement, inform the employees of their right to representation in the negotiation, and proceedings for approval, of the agreement and, in particular, that an employee may be represented by the Employee Ombudsman, an agent of an employee's choice, or an association of employees.

(3) If an employer is aware that an employee is a member of an association, the employer must, before beginning negotiations on the terms of an enterprise agreement, take reasonable steps to inform the association that the negotiations are about to begin.

(4) An employer who negotiates an enterprise agreement with employees who are subject to an award must ensure that the employees have reasonable access to the award.

(5) A person involved in negotiations for an enterprise agreement must comply with procedures and formalities applicable to that person that are required by regulation.'.

No. 51. Page 29, lines 17 to 32 and page 30, lines 1 to 14 (clause 73)—Leave out the clause and insert new clause as follows:-

'Form and content of enterprise agreement

73. (1) An enterprise agreement—

(a) must be in writing; and

(b) must—

(i) specify the employer to be bound by the agreement; and

(ii) define the group of employees to be bound by the agreement; and

(c) must include procedures for preventing and settling industrial disputes between the employer and employees bound by the agreement; and

(d) if a majority of at least two-thirds of the total number of employees to be covered by the agreement agree—may include a provision giving an association of employees that is able to represent the industrial interests of the employees' rights to represent the industrial interests of those employees to the exclusion of another association of employees[1]; and

[1]. *However, the provision must be consistent with section 109(1).*

(e) must provide that sick leave is available, subject to limitations and conditions prescribed in the agreement, to an employee if the leave becomes necessary because of the sickness of a child, spouse, parent or grandparent (unless the agreement specifically excludes the extension of sick leave to such circumstances); and

(f) must make provision for the renegotiation of the agreement at the end of its term; and

(g) must be signed as required by regulation by or on behalf of the employer, and on behalf of the group of employees, to be bound by the agreement.

(2) An enterprise agreement should be submitted to the Commission for approval within 21 days after the agreement is signed by or on behalf of the persons who are to be bound by it.'.

No. 52. Page 30, lines 17 to 34 (clause 75)—Leave out the clause and insert new clause as follows:-

'Approval of enterprise agreement

75. (1) Subject to subsection (5), the Commission must approve an enterprise agreement if, and must not approve an enterprise agreement unless, it is satisfied that—

(a) before the application for approval was made, reasonable steps were taken—

(i) to inform the employees who are covered by the agreement about the terms of the agreement and the intention to apply to the Commission for approval of the agreement; and

(ii) to explain to those employees, the effect the agreement will have if approved and, in particular—

· to identify those terms of an award (if any) that currently apply to the employees and will, if the agreement is approved, be excluded by the agreement; and

· to explain the procedures for preventing and settling industrial disputes as prescribed by the agreement; and

· to inform the employees of their right to representation in the negotiation, and proceedings for approval, of the agreement and, in particular, that an employee may be represented by the Employee Ombudsman, an agent of an employee's choice, or an association of employees; and

(b) the agreement has been negotiated without coercion and a majority of the employees covered by the agreement have genuinely agreed to be bound by it; and

(c) if the agreement is entered into by an association as representative of the group of employees bound by the agreement—a majority of the employees currently constituting the group have authorised the association, in writing, to act on behalf of the group and their written authorisations have been delivered to the Commission as required by regulation; and

(d) the agreement provides for consultation between the employer and the employees bound by the agreement about changes to the organisation and performance of work or the parties have agreed that it is not appropriate for the agreement to contain provision for such consultation; and

(e) the agreement—

(i) is, on balance, in the best interests of the employees covered by the agreement (taking into account the interests of all employees); and

(ii) does not provide for remuneration or other conditions of employment that are inferior to the scheduled standards; and

(iii) does not provide for remuneration or conditions of employment that are (considered as a whole) inferior to remuneration or conditions of employment (considered as a whole) prescribed by the award (if any) that applies to the employees at the time of the application for approval; and

(f) the agreement is consistent with the objects of this Part; and

(g) the agreement complies with the other requirements of this Act.

(2) The Commission must refuse to approve an enterprise agreement if a provision of the agreement discriminates against an employee because of, or for reasons including, race, colour, sex, sexual preference, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

(3) The Commission must not approve an enterprise agreement if the agreement applies to part of a single business or a distinct operational or organisational part of a business and the Commission considers that—

(a) the agreement does not cover employees who should be covered having regard to—

(i) the nature of the work performed by the employees whom the agreement does cover; and

(ii) the relationship between that part of the business and the rest of the business; and

(b) it is unfair that the agreement does not cover those employees.

(4) In deciding whether to approve an enterprise agreement, the Commission must identify the employees (if any) who are covered by the agreement but whose interests may not have been sufficiently taken into account in the course of negotiations and must do whatever is necessary to ensure that those employees understand the effect of the agreement and their interests are properly taken into account.

(5) Despite subsection (1)*(d)*(ii) and (iii), the Full Commission may, on referral of an enterprise agreement by a member of the Commission who considered the agreement in the first

instance, approve the agreement if the Full Commission is satisfied that—

(a) a majority of at least two-thirds of the total number of employees to be covered by the agreement is in favour of making the agreement; and

(b) the enterprise is suffering significant economic difficulties; and

(c) the agreement would make a material contribution to the alleviation of those difficulties; and

(d) there are reasonable prospects of the economic circumstances of the enterprise improving within the term of the agreement; and

(e) having regard to any relevant award (which should be considered as a whole), the agreement does not substantially disadvantage the employees covered by the agreement.

(6) An enterprise agreement must also be referred to the Full Commission for approval 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.'.

No. 53. Page 30—After line 34 insert new clause as follows:-

'Extent to which aspects of negotiations and terms of the agreement are to be kept confidential

75A. (1) An association that enters into an enterprise agreement as representative of a group of employees, must not disclose to the employer which employees authorised the association to act on their behalf.

(2) However—

(a) an association, if authorised in writing by an employee, may disclose to an employer that the association is authorised to act on behalf of the employee; and

(b) an association may be authorised by the Commission to disclose to an employer the identity of employees who authorised the association to act on their behalf and may be required by the Commission to disclose the identity of those employees to the Commission.

(3) An enterprise agreement, once approved, must be lodged in the Registrar's office and must, subject to an order under subsection (4), be available for public inspection.

(4) The Commission may, if satisfied that an order under this subsection is justified by the exceptional nature or circumstances of the case, declare that an enterprise agreement or a particular part of an enterprise agreement is to be kept confidential to the persons bound by it, and make an order suppressing public disclosure of the agreement or the relevant part of the agreement (but an order under this subsection cannot prevent disclosure of the agreement to the Employee Ombudsman).

(5) A person must not contravene an order of the Commission under subsection (4).

Penalty: Division 7 fine.'.

No. 54. Page 31, lines 6 and 7 (clause 76)—Leave out subclause (3) and insert new subclause as follows:-

'(3) An enterprise agreement operates to exclude the application of an award only to the extent of inconsistency with the award.'.

No. 55. Page 31, lines 8 to 13 (clause 77)—Leave out the clause and insert new clause as follows:-

'Commission's jurisdiction to intervene in industrial dispute between persons bound by enterprise agreement

77. (1) An enterprise agreement cannot limit—

(a) the Commission's powers of conciliation; or

(b) the Commission's powers to settle industrial disputes between the employer and the employees bound by the agreement.

(2) However—

(a) before the Commission intervenes in an industrial dispute between an employer and employees bound by an enterprise agreement, the Commission should ensure that the procedures laid down in the agreement for settling industrial disputes have been followed and have failed to resolve the dispute; and

(b) a determination made by the Commission in settlement of such a dispute—

(i) must not be made in relation to a condition of employment that is a subject-matter of the agreement (unless the determination is to correct an ambiguity or uncertainty in the agreement); and

(ii) must be consistent with the agreement.'.

No. 56. Page 31, lines 15 to 18 (clause 78)—Leave out subclause (1) and insert new subclause as follows:-

'(1) An enterprise agreement continues in force for a term specified in the agreement (not exceeding two years).'.

No. 57. Page 31, line 19 (clause 78)—Leave out "presumptive".

No. 58. Page 31, line 23 (clause 78)—Leave out "the presumptive" and insert "its".

No. 59. Page 31, lines 26 to 30 (clause 79)—Leave out subclauses (1) and (2) and insert new subclauses as follow:-

'(1) The Commission may vary an enterprise agreement—

(a) to give effect to an amendment agreed between the employer and a majority of the employees currently bound by the agreement; or

(b) to correct an ambiguity or uncertainty in the agreement.

(2) In deciding whether to vary an enterprise agreement, the Commission must (unless the variation is merely to correct an ambiguity or uncertainty) apply the same tests as apply to the approval of an enterprise agreement.'.

No. 60. Page 31, line 31 (clause 79)—Leave out "presumptive".

No. 61. Page 31, line 34 (clause 79)—Leave out "may" and insert "must".

No. 62. Page 31, line 34 (clause 79)—Leave out "presumptive".

No. 63. Page 32, lines 1 and 2 (clause 79)—Leave out paragraph *(b)*.

No. 64. Page 32, line 5 (clause 80)—After "action" insert "in relation to a matter dealt with in the agreement".

No. 65. Page 32—After line 15 insert new clause as follows:-

'Representation

81A. An association of employers or employees may, subject to the provisions of any relevant enterprise agreement[1], represent members of the association in negotiations and proceedings under this Part.

[1]. *See section 73(2)(ca).*'.

No. 66. Page 32, lines 16 to 21 (clause 82)—Leave out the clause and inset new clause as follows:-

'Confidentiality

82. (1) If an enterprise agreement prohibits the disclosure of information of a confidential nature, a person who discloses the information contrary to the agreement is guilty of an offence.

Penalty: Division 9 fine.

(2) However, an enterprise agreement cannot prohibit the disclosure of information of a statistical nature to the Minister.'.

No. 67. Page 33, lines 5 and 6 (clause 84)—Leave out subclause (1) and insert new subclause as follows:-

'(1) The Commission may make an award about remuneration and other industrial matters[1].

[1]. *Any of the bodies or persons mentioned in section 187 may bring an application for the making of an award.*'.

No. 68. Page 33, line 8 (clause 84)—Leave out paragraph *(a)* and insert new paragraph as follows:-

'*(a)* the Commission cannot regulate the composition of an employer's workforce except in relation to the employment of juniors and apprentices; and'.

No. 69. Page 33, lines 9 and 10 (clause 84)—Leave out paragraph *(b)* and insert new paragraph as follows:-

'*(b)* if there is an inconsistency between an award and an enterprise agreement, then, while the agreement continues in force, the agreement prevails to the extent of the inconsistency.'.

No. 70. Page 33, lines 11 to 13 (clause 84)—Leave out paragraph *(c)*.

No. 71. Page 33 (clause 84)—After line 13 insert new subclauses as follow:-

'(2A) The Commission may provide in an award for annual leave, sick leave or parental leave on terms that are more favourable to employees than the scheduled standards.

(2B) The Commission may refrain from hearing, further hearing, or determining an application for an award binding only one employer or two or more employers who together carry on a single business or for variation of such an award for so long as the Commission—

(a) considers that, in all the circumstances, the parties concerned should try to negotiate an enterprise

agreement to deal with the subject matter of the application; and

(b) is not satisfied that there is no reasonable prospect of the parties making such an agreement.'.

No. 72. Page 33, lines 24 and 25 (clause 85)—Leave out subclause (2).

No. 73. Page 33, lines 26 to 28 (clause 86)—Leave out the clause and insert new clause as follows:-

'Retrospectivity

86. (1) An award of the Commission has, if it so provides, retrospective operation.

(2) However, an award cannot operate retrospectively from a day antecedent to the day on which the application for the award was lodged with the Commission unless—

(a) the date of operation is fixed by consent of all parties to the proceedings; or

(b) there is a nexus between the award and—

(i) another award of the Commission; or

(ii) an award or agreement under the Commonwealth Act,

and, in view of the nexus, it is imperative that there should be common dates of operation; or

(c) the award gives effect, in whole or part and with or without modification, to principles, guidelines or conditions relating to remuneration enunciated or laid down in, or attached to, a relevant decision or declaration of the Commonwealth Commission and there are reasons of exceptional cogency for giving it a retrospective operation.'.

No. 74. Page 34, lines 13 to 17 (clause 91)—Leave out the clause and insert new clause as follows:-

'Effect of amendment or rescission of award

91. The variation or rescission of an award does not affect—

(a) legal proceedings previously commenced under or in relation to the award; or

(b) rights existing at the time of the variation or rescission.'.

No. 75. Page 34, lines 26 and 27 (clause 93)—Leave out subclause (1) and insert new subclause as follows:-

'(1) The Commission must review each award at least once in every three years.'.

No. 76. Page 36, line 24 (clause 95)—Leave out paragraph *(d)*.

No. 77. Page 37, lines 5 and 6 (clause 96)—Leave out ", subject to the terms of the award or enterprise agreement," and insert ", subject to subsection (6),".

No. 78. Page 39, lines 1 to 10 (clause 97)—Leave out subclauses (2) and (3) and insert new subclauses as follow:-

'(2) If an employee bound by an award or enterprise agreement asks the employer for a copy of the award or agreement, the employer must give the employee a copy of the award or agreement within 14 days after the date of the request.

Penalty: Division 9 fine.

Expiation fee: Division 10 fee.

(3)However, an employer is not obliged to comply with a request under subsection (2) if—

(a) the employer has previously given the employee a copy of the award or agreement within the preceding 12 months; or

(b) the Commission has, on the application of the employer, relieved the employer from the obligation to comply with the request.

(4)An employer must ensure that a copy of an award or enterprise agreement is exhibited at a place that is reasonably accessible to the employees bound by the award or agreement.

Penalty: Division 9 fine.

Expiation fee: Division 10 fee.

(5)However, an enterprise agreement, or a part of an enterprise agreement, that the Commission has suppressed from public disclosure under this Act[1] need not be exhibited under subsection (4).

[1]. *See section 75A*.'.

No. 79. Page 40, lines 1 to 4 (clause 98)—Leave out subclause (7) and insert new subclause as follows:-

'(7) If an inspector puts a question to a person through an interpreter, the question will, for the purposes of this Act, be taken to have been put to the person by the inspector and an answer to the question given by the person to the interpreter will be taken to have been given to the inspector (and in any legal proceedings it will be presumed that the interpreter's translation of the answer is the person's answer to the question as put by the inspector unless it is shown that the interpreter mistranslated the question or the answer).'.

No. 80. Page 41 (clause 99)—After line 5 insert the following:-

'*(Note: The Commission may extend the 14 day period under section 160 of the Act.)*'.

No. 81. Page 41, lines 6 to 10 (clause 99)—Leave out subclause (2) and insert new subclause as follows:-

'(2) An application cannot be made under this section if—

(a) proceedings to appeal against or review the employee's dismissal have been commenced under another law of the State; or

(b) the dismissed employee is an employee of a class excluded by regulation (which must, however, be consistent with the *Termination of Employment Convention*) from the ambit of this Part.'.

No. 82. Page 41, lines 24 to 33 (clause 100)—Leave out subclauses (3) and (4) and insert new subclause as follows:-

'(3) The person presiding at the conference must, at the conclusion of the conference, give an indication of the person's assessment of the merits of the application and may, if the person thinks fit, recommend the withdrawal of an application, or make recommendations on how the questions at issue might be resolved.'.

No. 83. Page 42, lines 3 and 4 (clause 101)—Leave out all words in these lines and insert "whether, on the balance of probabilities, the dismissal was harsh, unjust or unreasonable".

No. 84. Page 42, line 5 (clause 101)—Leave out ", who is redundant, on the ground of redundancy".

No. 85. Page 42, line 8 (clause 101)—After "dismissal" insert "solely on the ground that the payment is inadequate".

No. 86. Page 42, lines 26 to 28 (clause 102)—Leave out all words in these lines after "the Commission" in line 26.

No. 87. Page 42 (clause 102)—After line 38 insert new subclause as follows:-

'(3)The Commission may decline to make an order under this section, or to grant any other form of relief, if the employee is pursuing a similar remedy that may be available on the same facts under another Act of the South Australian Parliament, or if it appears that the employee may pursue such a remedy.'.

No. 88. Page 43, line 4 (clause 103)—Leave out "must" and insert "may".

No. 89. Page 43, line 8 (clause 103)—Leave out "must" and insert "may".

No. 90. Page 43, line 10 (clause 103)—After "employee" insert "if the Commission is satisfied that the employee has acted unreasonably".

No. 91. Page 43, lines 14 and 15 (clause 104)—Leave out subclause (1) and insert new subclause as follows:-

'(1) The Commission must hand down its determination on an application under this Part, and its reasons for the determination, within three months after the parties finish making their final submissions on the application.'.

No. 92. Page 43 (clause 105)—After line 26 insert new subclauses as follow:-

'(3) The Court may, on application by the Minister, declare what (if any) modifications to this Part are necessary to provide an adequate alternative remedy as required under subsection (2).

(4) The modifications specified in a declaration under this section take effect as if they had been enacted by the Parliament.'.

No. 93. Page 46—After line 14 insert new clause as follows:-

'Conscientious objection

109A. (1) If a person satisfies the Registrar by the evidence required by the Registrar that the person has a genuine conscientious objection by reason of a religious belief to becom-

ing a member of an association, the Registrar must issue a certificate of conscientious objection to the person.

(2) The Registrar must cancel a certificate of conscientious objection if asked to do so by the person for whom it was issued.'.

No. 94. Page 46, lines 16 to 18 (clause 110)—Leave out subclause (1) and insert new subclause as follows:-

'(1) An employer must not discriminate against or in favour of an employee or prospective employee on the ground that—

(a) the employee is or has been a member or officer of an association; or

(b) the employee or prospective employee is not, or has not been, a member or officer of an association; or

(c) the employee or prospective employee holds or does not hold a certificate of conscientious objection under this Act.'.

No. 95. Page 49 (clause 115)—After line 11 insert the following:-

'and

(g) in the case of an association of employees—that the association is not dependent for financial or other resources on an employer, employers, or an association of employers and is, in other respects, independent of control or significant influence by an employer, employers or an association of employers.'.

No. 96. Page 53, line 5 (clause 123)—Leave out paragraph *(c)*.

No. 97. Page 55, line 21 (clause 128)—Leave out paragraph *(c)*.

No. 98. Page 57—After line 10 insert new clause as follows:-

'Limitations of actions in tort

130A. (1) Subject to this section, no action in tort lies in respect of an act or omission done or made in contemplation or furtherance of an industrial dispute.

(2) This section does not prevent—

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

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

(c) an action for conversion or detinue; or

(d) an action for defamation.

(3) If an industrial dispute has been resolved by conciliation or arbitration and the Full Commission determines on application under this section that, in the circumstances of the case, the industrial dispute arose or was prolonged by unreasonable conduct on the part of a particular person, then the applicant may bring an action in tort against that person despite subsection (1).

(4) If the Full Commission determines, on application under this section, that—

(a) all means provided under this Act for resolving an industrial dispute by conciliation or arbitration have failed or there is no immediate prospect of resolving the dispute; and

(b) having regard to the nature of the dispute and the gravity of its consequences, it is in the public interest to allow the action,

then the applicant may bring an action in tort despite subsection (1).

(5) The Full Commission must, in hearing and determining an application under subsection (3)*(b)*, act as expeditiously as possible.'.

No. 99. Page 57, lines 11 to 23 (clause 131)—Leave out the clause.

No. 100. Page 57, line 25 (clause 132)—After "must not" insert ", except at the request of the person".

No. 101. Page 57, lines 34 and 35 (clause 133)—Leave out ", as far as they relate to members of the association,".

No. 102. Page 58, lines 9 to 12 (clause 133)—Leave out subclause (3).

No. 103. Page 61, lines 26 to 28 (clause 143)—Leave out "and" and paragraph *(b)*.

No. 104. Page 63, lines 12 to 14 (clause 146)—Leave out subclause (3) and insert new subclause as follows:-

'(3) However, only the Minister or the Employee Ombudsman (apart from the persons who are bound or to be bound by the enterprise agreement or their representatives) may be heard in proceedings related to an enterprise agreement matter.'.

No. 105. Page 63 (clause 148)—After line 28 insert new subclause as follows:-

'(3) Any relief granted by the Court or the Commission must be consistent with the provisions of this Act.'.

No. 106. Page 64, line 20 (clause 151)—Leave out paragraph *(a)* and insert new paragraph as follows:-

'*(a)* the Senior Judge or another Judge; or'.

No. 107. Page 66, line 22 (clause 158)—Leave out "by" and insert "be".

No. 108. Page 69, lines 17 to 20 (clause 171)—Leave out subclauses (1) to (3) and insert new subclauses as follow:-

'(1) The Senior Judge of the Court may make rules of the Court.

(2) The President of the Commission may make rules of the Commission.

(3) The Senior Judge of the Court, and the President of the Commission, may jointly make rules applicable both to the Court and the Commission and, as far as practicable, should do so.'.

No. 109. Page 70, lines 1 to 5 (clause 171)—Leave out subclause (5) and insert new subclause as follows:-

'(5) Subject to this Act and the relevant rules—

(a) the practice and procedure of the Court will be as directed by the Senior Judge; and

(b) the practice and procedure of the Commission will be as directed by the President of the Commission.'.

No. 110. Page 71, lines 8 and 9 (clause 173)—Leave out subclause (1) and insert new subclause as follows:-

'(1) A monetary claim may be made on behalf of a claimant by an association.'.

No. 111. Page 72, lines 15 and 16 (clause 179)—Leave out subclause (1) and insert new subclause as follows:-

'(1) The Court must hand down its judgment and its reasons for the judgment, on a monetary claim within three months after the parties finish making their final submissions on the claim.'.

No. 112.Page 72, line 17 (clause 179)—Leave out "President" and insert "Senior Judge".

No. 113. Page 73, lines 7 and 8 (clause 184)—Leave out subclause (1) and insert new subclause as follows:-

'(1) An appeal lies to the Supreme Court from a judgment, order or decision of the Full Court if—

(a) the appeal is based on an alleged excess or deficiency of jurisdiction; or

(b) the Supreme Court grants leave to bring the appeal.'.

No. 114. Page 74, lines 18 to 21 (clause 187)—Leave out paragraphs *(d)* and *(e)* and insert new paragraphs as follow:-

'*(d)* a registered association of employers; or

(e) a registered association of employees; or'.

No. 115. Page 74, lines 27 to 30 (clause 188)—Leave out subclause (2) and insert new subclause as follows:-

'(2) The substance of an application and the day and time it is to be heard must be—

(a) advertised in the manner prescribed in the rules; or

(b) communicated to all persons who are likely to be affected by a determination in the proceedings or their representatives.'.

No. 116. Page 75 (clause 193)—After line 36 insert new subclause as follows:-

'(3) The amount certified under subsection (2) will be paid out of money appropriated by Parliament for the purpose.'.

No. 117. Page 76 (clause 194)—After line 14 insert new subclause as follows:-

'(6) The amount certified under subsection (5) will be paid out of money appropriated by Parliament for the purpose.'.

No. 118. Page 78, lines 13 and 14 (clause 200)—Leave out paragraph *(a)*.

No. 119. Page 78 (clause 200)—After line 18 insert new paragraph as follows:-

'and

(d) an appeal may only be brought against the approval, variation or rescission of an enterprise agreement by a person bound by the agreement or a representative of such a person.'.

No. 120. Page 84, lines 3 to 7 (clause 211)—Leave out the clause.

No. 121. Page 85, lines 18 and 19 (clause 213)—Leave out "and the terms of enterprise agreements".

No. 122. Page 85, lines 32 to 34 (clause 214)—Leave out subclause (2) and insert new subclause as follows:-

'(2) Copies of all determinations of the Commission must be kept available for public inspection at the office of the Registrar unless—

(a) the determination is of an interlocutory nature; or

(b) the determination relates to an enterprise agreement or part of an enterprise agreement that has been suppressed from public disclosure under this Act[1].

[1]. *See section 75A.*'.

No. 123. Page 86, lines 6 to 20 (clause 216)—Leave out the clause and insert new clause as follows:-

'Secondary boycotts

216. The provisions of Part 6, Division 7 of the Commonwealth Act (Secondary Boycotts) apply as laws of the State with the following modifications:

(a) references to the Commonwealth Court and the Commonwealth Commission are to be read as references to the Court and the Commission; and

(b) any further modifications and exclusions necessary for the operation of the provisions as laws of the State.'.

No. 124. Page 86, lines 21 to 27 (clause 217)—Leave out the clause.

No. 125. Page 87 (clause 220)—After line 30 insert new subclause as follows:-

'(1A) The provision of advice in a reasonable manner to an employee about issues surrounding an enterprise agreement (or potential enterprise agreement) cannot be regarded as improper pressure under subsection (1).'.

No. 126. Page 89, line 8 (clause 226)—After "or other monetary sum" insert "under this Act".

No. 127. Page 89 (clause 227)—After line 24 insert new subclause as follows:-

'(1A) If a defence is made out by an employer under subsection (1), the person responsible for the act or omission alleged to constitute the offence may be prosecuted and convicted of the offence as if that person were the employer.'.

No. 128. Page 90, line 12 (clause 230)—Leave out "before" and insert "summarily by".

No. 129. Page 91 (Schedule 1)—After line 6 insert new clause as follows:-

'Amendment of Courts Administration Act 1993

2A. The *Courts Administration Act 1993* is amended by inserting after paragraph *(ba)* of the definition of "participating courts" in section 4 the following paragraph:

(bb) the Industrial Relations Court of South Australia;'.

No. 130. Page 91, line 35, clause 6 (Schedule 1)—Leave out "12 months" and insert "2 years".

No. 131. Page 92, line 4, clause 6 (Schedule 1)—Leave out "10 months" and insert "20 months".

No. 132. Page 92, line 16, clause 7 (Schedule 1)—Leave out "23 March 1994" and insert "14 May 1994".

No. 133. Page 92, lines 19 and 20, clause 8 (Schedule 1)—Leave out subclause (1) and insert new subclause as follows:-

'(1) A certificate under section 144 of the former Act (a "section 144 certificate") continues in force (unless cancelled by the Registrar at the request of the person for whom the certificate was issued) as a certificate of conscientious objection under this Act and a reference in an award or agreement to a section 144 certificate will be construed as a reference to a certificate of conscientious objection under this Act.'.

No. 134. Page 92, lines 25 to 36, clause 9 (Schedule 1)—Leave out clause 9 and insert new clauses as follow:-

'The President of the former Court

9. (1) The person holding office as President of the former Court immediately before the commencement of this Act—

(a) becomes on the commencement of this Act the Senior Judge of the Court (and is entitled while continuing in the office to the title of President of the Court); and

(b) continues, while holding that office, to have the same rank, status and precedence as a Judge of the Supreme Court and to be entitled to be styled "The Honourable Justice. . . . . ".

(2) The person to whom subsection (1) applies is, while continuing to hold office as the Senior Judge of the Court under this section, a member of the principal judiciary of the Court.

(3) The provisions of the former Act about salary, tenure and conditions of office relating to the office of President of the former Court apply (with the necessary modifications) to the office of Senior Judge of the Court for as long as the person to whom subsection (1) applies continues to hold that office.

(4) Other provisions of this Act that are inconsistent with this section must be read subject to this section.

Deputy Presidents of the Court

9A. (1) Each person who held office as a Deputy President of the former Court immediately before the commencement of this Act becomes, on that commencement, a judge of the Court.

(2) A person to whom subsection (1) applies is, while continuing to hold office as a Judge of the Court under this section, a member of the principal judiciary of the Court.

(3) The provisions of the former Act about salary, tenure and conditions of office relating to the office of Deputy President of the former Court apply (with necessary modifications) to the office of a judge to whom subsection (1) applies for as long as the judge continues to hold office in accordance with those provisions as a judge of the Court.

(4) Other provisions of this Act that are inconsistent with this section must be read subject to this section.

Industrial magistrates

9B. (1) Each person who held office under the former Act as an industrial magistrate immediately before the commencement of this Act becomes, on the commencement of this Act, a magistrate under the *Magistrates Act 1983.*

(2) A magistrate to whom subsection (1) applies will, for so long as he or she continues to hold office under the *Magistrates Act 1983* continue to be an industrial magistrate and a member of the principal judiciary of the Court unless he or she resigns the office of industrial magistrate.

(3) A person may resign the office of industrial magistrate under this section without resigning as a magistrate under the *Magistrates Act 1983.*

(4) The accrued and accruing rights in respect of employment of a magistrate to whom this section applies are unaffected by this section.

(5) Other provisions of this Act that are inconsistent with this section must be read subject to this section.

Other officers of former Court and Commission

9C. (1) A person who held office as a commissioner under the former Act immediately before the commencement of this Act becomes, on the commencement of this Act, unless the Governor otherwise determines, a commissioner under this Act as if appointed on the commencement of this Act as a commissioner under this Act.

(2) The commissioner will be taken to have been appointed for a term of six years (which may be renewed once for a further term of six years) but if the commissioner is over 60 at the time of the appointment or renewal, the term will end when the commissioner reaches 65 years of age.

(3) The Registrar and other staff of the former Court and the former Commission (other than those specifically mentioned above) 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) The salary and accrued and accruing rights to annual leave, sick leave, family leave and long service leave of persons who are transferred by this section to offices and positions under this Act are not to be prejudiced by the transfer.

(5) However, a salary difference that exists between a transferee and another person in the same office or position, and in favour of the transferee, is not preserved beyond the point when the salary of the other person reaches or exceeds the level of the transferee's salary at the time of transfer.'.

No. 135. Page 93, line 7, clause 12 (Schedule 1)—Leave out ", subject to this Act,".

No. 136. Page 93, clause 12 (Schedule 1)—After line 7 insert new subclause as follows:-

'(2) During the prescribed period[1], no objection of a prescribed nature[2] to the registration of an association under this Act may be taken.

[1]. The prescribed period is the period beginning on the commencement of this Act and ending on 1 January 1997.

[2]. An objection is of a prescribed nature if it is of a kind that was formerly prevented by section 55 of the *Industrial Conciliation and Arbitration (Commonwealth Provisions) Amendment Act 1991.*'.

No. 137. Pages 94 to 101 (Schedule 2)—Leave out the schedule.

No. 138. Page 102, lines 3 to 6, clause 1 (Schedule 3)—Leave out the clause and insert new clause as follows:-

'Minimum rate of remuneration

1. (1) The minimum rate of remuneration for an employee for whom there is an award and an award classification is the hourly rate prescribed by the award applicable to ordinary

hours of employment (not including payments in the nature of allowances, penalties, loadings or overtime).

(2) If there is no applicable award and award classification, the minimum rate of remuneration is a rate fixed by the Full Commission under this section.

(3) The Full Commission may, on its own initiative, or on application by the Minister, the United Trades and Labor Council, or the South Australian Employers' Chamber of Commerce and Industry—

(a) fix a minimum rate of remuneration for a class of employees for whom there is no applicable minimum rate under subsection (1); or

(b) vary a minimum rate previously fixed.'.

No. 139. Page 103, line 6, clause 1 (Schedule 4)—Leave out "or absence" from the definition of "continuous service".

No. 140. Page 103, lines 11 and 12, clause 2 (Schedule 4)—Leave out "or" and paragraph (b).

No. 141. Page 105, line 6, clause 1 (Schedule 5)—Leave out "or absence" from the definition of "continuous service".

No. 142. Page 105, lines 11 and 12, clause 2 (Schedule 5)—Leave out "or" and paragraph *(b)*.

Consideration in Committee.

The Hon. G.A. INGERSON: I move:

That the Legislative Council's amendments be agreed to.

The process of analysis of this Bill in the Legislative Council was fairly exhaustive, more than some 250 amendments being moved by the Government, the Labor Party and the Australian Democrats in that place. Of these amendments, 142 have now been made by the Legislative Council and appear in this schedule. Approximately half these amendments have been moved by the Government in the Council, and the other half by the Australian Democrats. The overwhelming majority of the amendments moved by the Labor Party in the Legislative Council have been defeated.

Whilst the number of amendments made by the Legislative Council are significant, many of these amendments relate to consequential matters where one clause of the Bill has been amended in a particular way requiring consequential amendments to other clauses. However, the essential elements of the new industrial relations framework proposed by the State Liberal Government have been accepted by the Legislative Council, and almost in its entirety the State Liberal Government's industrial relations policy, released in July 1993, has been given effect through the Bill introduced in this House and amended by the Legislative Council.

Mr ATKINSON: I rise on a point of order, Mr Speaker. I have been reminding the Minister, by way of interjection, that it is preferable to refer to the other place according to our traditions.

The CHAIRMAN: Order! I must admit I did not hear what the Minister said. I will listen carefully to the Minister, and I ask that he follow accepted parliamentary procedures.

The Hon. G.A. INGERSON: The key essential elements of the Bill, as it now appears with the amendments of the other place, are:

· A new and historic framework for workplace cooperation and consultation through enterprise bargaining.

· The maintenance of the award system but within a framework which requires awards to be responsive to changed demands of industry and employees.

· Recognition of the principles of freedom of association and the abolition of compulsory unionism and preference to unionists.

· Recognition of the appropriate role of trade unions and enterprise associations as being representative of their members. (There is no diminishing role of trade unions where trade unions have members. The challenge is presented to the trade union movement to get members and, where it does so, the trade union will have full rights of representation of its members in the enterprise agreement process and retain its existing rights in relation to representation through the award process.)

· A restructured Industrial Relations Commission, including an enterprise agreements division, administered by the enterprise agreements commissioner.

· Limited integration of the Industrial Relations Court into the general court structure.

· The facility for enterprise-based unions to be established and to operate in the industrial relations system.

· The historic creation of Office of Employee Ombudsman to provide assistance, advice and representation to employees through the enterprise bargaining process and to outworkers and to home-based employees.

· The introduction of secondary boycott laws into South Australian legislation for the first time.

· The establishment of new and historic rights for employees, including a comprehensive set of minimum standards and conditions of employment for all employees, whether award or award free.

· The establishment of an unfair dismissal jurisdiction providing fairer and faster industrial justice.

The key theme of the Bill, as it appears before the House of Assembly, is that it establishes a balanced industrial relations framework with new historic opportunities for employers and employees. The underlying theme of the new structure is one of flexibility with fairness. The reform is one which could have been achieved only by a Liberal Government, given the historic evidence that Labor Governments have at each stage of the industrial relations reform submitted to trade union pressure to create an overriding control by the trade union movement over the industrial relations system. The Government believes that the new industrial relations framework of cooperation and consultation at the enterprise level will build upon the South Australian record of being a State where sensible industrial relations are conducted and where a low level of industrial disputes is maintained.

It must be recognised that the consideration of this Bill by the other place was extensive and in both the second reading and Committee debates members of the other place devoted enormous time and resources to a thorough consideration of this most important and historic piece of legislation. The Government thanks the members of the other place for their attention to this matter and also the staff who committed time to assisting the parliamentary process. The Government should also recognise the constructive role in difficult circumstances taken by the Australian Democrats in the other place in relation to this Bill. Although a number of matters of detail in the Government's Bill have been amended by the Australian Democrats, they recognised the proper course to enable the Liberal Government to implement the overwhelming mandate that it has to reform the industrial relations system. On that basis, the amendments moved in the other place do not undermine in any fashion whatsoever the State Liberal Government's reform agenda.

Mr CLARKE: I indicate that the Opposition will support some of the amendments made by the Upper House with respect to this Bill; however, I intend to ask the Minister a number of questions concerning a number of the amendments that are being put to this Committee, because what the Government and the Australian Democrats have achieved is the creation of a lawyer's picnic. The Minister criticised the Opposition, and me in particular, when this Bill was originally debated, and he said that the Bill was beyond reproach. Of

the 250 amendments to which the Minister has referred, slightly in excess of 100 came from the Opposition, about 35 from the Government and about 30 from the Australian Democrats. As the Minister has said, 142 amendments are being made to his Bill which consists of 232 clauses. That, in itself, demonstrates all too clearly the validity of the Opposition's criticism when this Bill was first introduced, that it was being done with too much haste and no thought whatsoever and that the parties would have to live with the consequences.

These 142 amendments, whilst they address some issues of concern, do not address some of the most critical issues that we as a Parliament have ever faced. These amendments, supported by the Government and the Democrats, destroy the independence of the Industrial Court and the Industrial Commission of South Australia. That is what they achieve. I congratulate the Minister on his negotiations with the Australian Democrats. When he was first appointed as Minister for Industrial Affairs on 15 December or thereabouts last year I thought it was an appointment about on par with the Emperor Caligula's appointment of his horse as Consul of Rome, but I thought the horse was slightly in front. However, having seen the Minister's negotiating style with the Australian Democrats—and, in particular, its leader, the Hon. Mr Elliott—I must say that I doff my hat to him, because the Democrats have folded totally on an issue which they said was fundamental to them, that is, the independence of the court and commission.

Somewhere between 10 a.m. on Saturday morning and 3 a.m. on Sunday morning the Minister got the Democrats to do a complete backflip. Not that I agree with the Minister—I think that it is reprehensible what he did—but in pure, cold political terms he deserves an accolade from his members. He has done more to destroy the credibility of the Democrats in the eyes of the trade union movement and some of those who were somewhat sympathetic to the labour movement during the lead-up to the last election but who were jacked off with the Labor Party and voted for the Democrats or gave them funds and assistance.

The Minister has exposed them, and I thank him for that, because in the long run it will be to the benefit of the labour movement that the Australian Democrats are seen no differently regarding issues of industrial relations to the Liberal Party, that is, that they are totally anti-union and anti-worker. So for that, I thank the Minister. With regard to the comparison I made between the Minister and Emperor Caligula's horse, who was made Consul of Rome, the horse is not out in front—they are now well and truly on a par. I will spend some time on the issue of the independence of the court and commission. Mr Chairman, I am in your hands as to how we should deal with the amendments. I would like to go through each of the amendments separately.

The CHAIRMAN: At this stage the Minister has moved that the amendments be agreed to. The member for Ross Smith has the right to rise on three occasions for up to 15 minutes on each occasion to determine the Minister's attitude.

Mr CLARKE: In that case, Mr Chairman, I would like to deal with each amendment separately.

The CHAIRMAN: I will put each of the questions separately, as the honourable member has requested. The question before the Chair is:

That the Legislative Council's amendment No. 1 be agreed to.

Mr CLARKE: The Minister has deleted paragraph (b) in the objects of the clause and inserted a new paragraph (b) as follows:

to contribute to the economic prosperity and welfare of the people of South Australia.

Will the Minister explain what that means in practical terms as to how the commission should interpret those words? What is the Government's intention?

The CHAIRMAN: The Minister is under no obligation to respond. The honourable member has the right to rise on three occasions on each of the amendments.

Mr CLARKE: The Minister's silence is a sufficient answer. He does not have the foggiest clue what it means. He does not have the slightest clue what this Bill means, and we are about to enact it into law to govern 300 000 workers and their families. The Minister cannot even answer that question. I think his silence says it all.

Question agreed to.

Amendments Nos 2 to 4:

The CHAIRMAN: The question is:

That the Legislative Council's amendments Nos 2 to 4 be agreed to.

Question agreed to.

Amendment No. 5:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 5 be agreed to.

Mr CLARKE: I would like to ask the Minister a question about demarcation disputes. Employers have been screaming out since Adam was a boy for the commission to have power with respect to demarcation in disputes between competing organisations and unions. How does the Minister explain amendment No. 5, which deals with a dispute within an association between associations—registered associations are deleted; the reference is to all associations? How do you demark competing associations of employees when they are not registered and not caught by any regulations under the legislation? Clause 109, which deals with freedom of association, provides that you cannot prevent a person belonging to an association of their choice. Further, under enterprise bargaining—and I might as well do it all at the one time—there is a reference that two-thirds of employees can, if they so vote, exclude all other associations or be represented by an association of employees.

How does that reconcile with the Government's clause 109 which provides that no-one can be discriminated against or prevented from joining an association of their choice? How is it reconciled with that part of the Bill on demarcation dealing with enterprise bargaining where the commission has no power to demark in the area of enterprise agreements? I again refer to clause 109 of the Government's Bill. In other words, the commission has no power to do anything whatsoever with respect to demarcation disputes. Rather than assisting industry to rationalise representations of workers at the work site, which has long been demanded by employers as a matter of Government policy by successive Governments—Liberal or Labor—this Bill makes that an absolute impossibility. Mr Chairman, the Minister is not answering the question.

The CHAIRMAN: As I have said, the Minister is under no obligation to respond.

Mr CLARKE: The Minister should at least indicate whether he understands the question or indeed whether he has an answer, given that this is such an important issue. Will he sit before us mute as we go through what both the Minister and I have agreed is the most important piece of legislation

that this Government will enact in its four year life? The Minister sits before us with 142 amendments that he concocted in private with the Hon. Mr Elliott in the late hours of the night. This legislation will be rammed down people's throat, and the Minister is not even prepared to explain it.

What an absolute sham of a democracy when this goes on. The Minister's own Bill attracted 250 amendments, and 142 have come to fruition out of 232 clauses. The Minister holds this place and the community in such contempt that he is not even prepared to explain what the amendments mean. No wonder this will be a lawyers picnic. No wonder we will not have a State industrial system. Employers and unions will have no choice but to go to the Federal commission because this Bill is unintelligible and totally incomprehensible.

Question agreed to.

Amendments Nos 6 to 8:

The CHAIRMAN: The question is:

That the Legislative Council's amendments Nos 6 to 8 be agreed to.

Question agreed to.

Amendment No. 9:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 9 be agreed to.

Mr CLARKE: The Minister should answer this question. He will not—he is determined to hold a course of action and ignore any form of democracy. This provides for the establishment of a separate Industrial Commission. It provides for the appointment of a new President of the Industrial Commission and other presidential members. It does not mean that the existing President of the commission will keep his job, and it does not mean that existing Deputy Presidents of the commission will keep their jobs. Rather, it allows for this Government to appoint people of its own choice as President and as Deputy Presidents and, as we will see later in this Bill, all existing commissioners can be given the sack. There is no carryover provision or saving provision for those persons.

I think any aspirant to the position of President, Deputy President or commissioner—and, as will be seen later, the appointments are for only six years—had better read the debates on this Bill before they accept any offer of employment from the Minister. I give notice that the Government has already politically tainted the commission with its actions by creating this new commission where it can stack the commission with people of its own choice. Those appointees should be aware that their behaviour will be very much watched by the broader community and the Opposition in particular. If there is so much as a hint that they do not discharge their oath correctly and that they are seen to be biased towards the interest of employers and the Government, their term of office—which the Government's legislation sets at six years; while the Opposition wanted life tenure—will expire in the next Parliament when we win Government. I will have something to say about that when their renewal comes up.

Mr Caudell: You may not be in the Parliament.

Mr CLARKE: I will have no difficulties with respect to that. You will be back to your car wrecking business. I suggest the Minister makes sure any applicants for these jobs understand that, because of the Government's own actions in putting them on limited tenure and because the Government has politicised the office, they will be treated accordingly. It may be unfair to the individuals concerned, but if they expect to carry out the bidding of employers or the Government—and the Government itself is the single largest employer in this State and has the most number of employees covered by State awards or industrial agreements—then I and other members of the Opposition will scrutinise very closely each and every decision from the President down.

If there is so much as a hint of bias or political motivation in their decisions, they will not be renewed under their six year term when we resume Government. We will restore the integrity of the commission by bringing back life tenure as is currently enjoyed by the Industrial Court and the Industrial Commission. Will the Minister bring the debates on this Bill and in particular the comments I have just made to the attention of any applicants for these positions prior to their appointment?

The CHAIRMAN: Before the Minister responds, I draw the member for Ross Smith's attention to the fact that the Chair is of the opinion that he was making overt threats to present or possible future members of the judiciary, and the Chair considers that that is inappropriate in Parliament.

The Hon. G.A. INGERSON: That is the reason why I rise. I think it is an insult to this Parliament that members of Parliament threaten the Government, Government Ministers or anybody, for that matter, in this Parliament. Everyone accepts that when members opposite get a bit emotional they lose track of their senses, but in this case it has gone over the top. I think it is about time, if the honourable member opposite wants to have a sensible debate in the future with the Government in this House, he got his head back in order.

As far as this amendment is concerned, there has not been nor is there any suggestion in the amendments that any member of the commission will not be reappointed. The whole purpose of our amendments that have been put and agreed in the other place is to give the Government the opportunity to make change if it so desired. I should have thought that any incoming Government would have a fundamental right to make that sort of proposition to the Parliament of South Australia. If the Parliament does not accept it, the Government's will is not agreed to; but if the Parliament does accept it, it gives the Government of the day a fundamental right to make those changes if it desires.

The member for Ross Smith knows only too well that no member of this Government, particularly the Minister, has made any public statement that would put in jeopardy the position of any of the members of the existing commission. If the Government chooses to make changes, it will do so in its own time and in the way now set out by what will be the new Act, that is, to go through a panel and then to appoint members for a six year term as prescribed by Parliament—not by the Government of the day but by the Parliament.

I think that one message that needs to go out, not only to those outside but to all members of this place, is that the Parliament of South Australia writes the law and the Parliament of South Australia is supreme above all individuals, whether they be the judiciary, commissioners or whomever, because it is the Parliament that in the end makes the decision as to how our society works in a legal sense. If the Parliament gets it wrong, society will very quickly tell Parliament through its members and it will be changed. That seems to me to be a pretty fundamental issue about this whole area of independence. It is an issue that has been drummed up by the honourable member opposite because it is convenient.

It is an issue that has been taken up by the Chief Justice, because it is his view that that is the case. But, as the Chief Justice and everyone else in this society know, if the Parliament decides to make a change, then that is how it is, because that is why we have Parliament. And Parliament sits above

everyone. Anybody who does not understand that does not understand at all the functions of this place and of the other place in Parliament. So, I come back to the point: I think it is arrogance at its worst that the honourable member opposite should attempt to threaten this Government or any future Government with what he might do or attempt to do. I hope that in future debate, whilst I understand that he has a different view, the threatening of Government is not part of that process.

Mr CLARKE: That is a bit rich coming from a Government that has just torn away the independence of the court and the commission, despite two letters from the Chief Justice of the Supreme Court of South Australia written on behalf of all justices of the Supreme Court, saying that the Government's Bill was contrary to the notions of judicial independence. And has the Minister or the Government not even appreciated the point of the separation of powers between the executive arm of Government, the Parliament and the judiciary?

This is also a bit rich coming from a Minister who has gone around and seen every judge in the Industrial Court and commission and every commissioner, and sat down in their chambers and said, 'Are you happy? Would you like a package?' The mere offering of a financial inducement to a judge or a commissioner is in itself an interference with the independence of the court and the commission.

Mr BRINDAL: On a point of order, Mr Chairman, the Minister was momentarily distracted or he would probably take this point of order himself, but I have rarely in my time in this Chamber heard such a blatant suggestion of improper motives on behalf of a Minister of the Crown as I have just heard, and I suggest that the honourable member is out of order.

The CHAIRMAN: The member for Unley does have a point of order in that the honourable member is attributing improper motives both to the Minister and to the Government. I also ask that the honourable member stick to the subject matter of clause 9. He is straying a little, I think.

Mr CLARKE: All right, Mr Chairman; I have other points to raise regarding the commission. I will deal with those as we come to them.

The Hon. G.A. INGERSON: I think it important at this stage, since there was a very strong suggestion of improper motive, that the community of South Australia for the first time actually find out what really did happen. We have the grandstanding of the honourable member opposite who talks about judicial independence and about the issue of my making an offer. Let us put some facts on the record. The two offers that I had came directly from the judges concerned. The judges actually came and made an offer to me and to my staff about going. So, the honourable member can go back to his grandstanding mates out there who talk about independence and find out what the truth was. The truth is that two judges jumped, and wanted to jump.

So, the honourable member wants to get his facts very, very clear about how the process took place. One of the judges jumped, and wanted to jump, prior to any discussion between me and the President of the commission. One of them, the very day after he received the Bill, rang my office and said, 'I am sending my lawyer to discuss a package that I think you ought to have a look at.' There was no discussion at all between me and the judge. That is number one.

Mr Clarke interjecting:

The CHAIRMAN: Order! The honourable member will have a chance to speak again.

The Hon. G.A. INGERSON: In the House I said I have seen him. I have deliberately kept out of this debate, but prior to that because there had been no suggestion of improper motive. I did not want to put on the public record that some of the judges have two sets of standards when they talk about independence and wanting to take packages. Sometimes there are two standards, and I was not going to put that on the record, because I respected them, but I will not tolerate nonsense and allegations of improper conduct by me from an insinuation that the honourable member is running out in this community that I have interfered in any form whatsoever with the independence of the judges.

The second point I would like to make is that I was approached, on the second day after the Bill was put to the President of the commission, and he asked to come and see me to talk about the future of the judges and the commissioners. I was approached; he came and saw me directly; he made an appointment to come and see me and talk about it. In that discussion the question of their future was put to me and I said that I was prepared to talk to every judge and commissioner and ask them whether they wished to continue in their positions if the Bill was passed in that current form. That was as a result of the President's coming to see me.

I have seen all the judges and commissioners, but I have not seen one magistrate. The question I put to them was, 'If this Bill goes through, do you wish to remain in your situation? All I want to know is whether that is the case.' There was no formal discussion with them about money at all. That is the absolute fact of the matter: there was no discussion at all about money. But, as I said earlier, two judges came back to me and made a formal offer of their own. So this nonsense about me, as the Minister, and the Government in particular, being involved in inducements is exactly that—it is nonsense.

I think it is fair and reasonable of any Government, when we have a Bill before the House that provides that they may have a term of six years, to ask commissioners, 'If this goes through, do you want to continue?' I think that is a pretty reasonable exercise. I am not going to tell you the answers from the individual commissioners, because I respect their positions. I am not going to stand any longer for this two-faced grand statement by the member for Ross Smith and others about the independence of the judiciary being threatened by my making individual offers, because it is nonsense—absolute nonsense.

I again say to the member for Ross Smith that, if he wants to have a sensible, reasonable debate about some of these issues, he will get it, but before he jumps out and puts his foot in it, as he puts his foot in his mouth most times, he should think about what he is going to say and perhaps come and ask the Minister. Instead of us having to go through this process, he might have been told.

Mr CLARKE: It was an interesting comment by the Minister. I am not dealing with personalities. The issue is not whether two judges wanted to jump the ship early or whatever. The issue is the Government's effectively saying, 'We are bringing in this Bill. If you would like to go, because you may not like it, resign your commission and you will be paid 'X'.' That is what effectively has happened. Whether or not a judge says, 'I am happy with that and, in fact, if you add on a few more dollars I will sign my letter of resignation a little quicker', is neither here nor there. There should be no inducement to a judicial officer or commissioner to surrender their office prior to their going of their own volition or by

resolution carried by both Houses of Parliament. There are significant differences in our respective points of view.

The Government could quite easily have solved this problem, even if it was going to have six year terms for commissioners, by saying, 'All existing commissioners will translate to their equivalent positions under the new Act and thereafter the six years carries on.' But the transitional provisions do not provide for that. It provides, with respect to the commissioners, that you can sack them now. Even though they have been appointed under the current legislation until the age of 65 years, the Government has brought in legislation to truncate their term of office as at the date of the proclamation of this Bill and has not even offered them a renewal to the extent of that six years. I understand what the Government is doing. In terms of enterprise bargaining, particularly as it is the single largest employer under State awards in this State, it wants people to do its bidding and it knows that it is important to have compliant members of the commission who will interpret the Act the way that the Government wants them to. It does not believe that the existing members of the commission would do so, and therefore it wants to get rid of them.

The Government could very easily assuage my fears by the Minister's answering this question: 'Will each and every member of the Industrial Commission of South Australia be offered a continuing role in the new commission once the Act is proclaimed, without loss of status or salary?' If they choose not to, that is their business. A simple answer is required.

Mr BRINDAL: I had no desire to join this debate, and I will not detain the House for long save to speak about this clause. I entered the Chamber, having heard the member for Ross Smith debating this clause with the Minister. I know that you, Mr Chairman, and a number of other people who have served this Parliament long appreciate that no matter what the Party politics are in this Chamber we are part of an important institution—and that institution is the Parliament. I would like to put on the record my support for the Minister and his comments and refer you, Sir, and hopefully the Speaker particularly to the comments of the member for Ross Smith. I believe that not only did he attempt to intimidate members of this place in the performance of their duties—and there is nothing wrong or particularly new about that in terms of the hurly-burly of the debate—but the important thing in terms of this clause is that he deliberately sought to use this Parliament to intimidate members of the judiciary from performing their official duties should they be appointed.

I believe that that is far beyond the good usages of this institution and also the accepted practices of people in this place. I will not labour the point long because the Minister made the same point. Any decision made in this Chamber is made by this Parliament and is worn by this Parliament. I think any member who comes in here and attempts to use this forum to intimidate somebody who has not been appointed to a job in the performance of that job does not understand the institution, and that the institution for its own sake and to protect itself should counsel that member on the proper performance of his parliamentary duties. If the member for Ross Smith continues down this avenue, he will do more to damage this Parliament—not his Party, not the Liberal Party but this Parliament—for years ahead than any single act that any member of this Government will do, or indeed that any member of previous Labor Governments did. I for one want to record my distinct abhorrence at the comments that were made by the member for Ross Smith on this clause.

The CHAIRMAN: The member for Ross Smith has spoken three times to this amendment.

Mr CLARKE: I appreciate that, Sir. I simply want to know whether the Minister is going to answer. Are you going to answer the question or are you too gutless? Will you answer the question about—

Members interjecting:

The CHAIRMAN: The honourable member is warned that any further demonstration of that sort will result in his being named. I will be quite unequivocal about that point. I will not have members standing and harassing one another across the floor in that fashion as long as I am in the Chair. The honourable member has no point of order to make regarding his rights. He has spoken three times on the clause and on two occasions he has addressed matters in clauses 15 and 27.

Question agreed to.

Amendment No. 10:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 10 be agreed to.

Question agreed to.

Amendment No. 11:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 11 be agreed to.

Mr CLARKE: I congratulate the Minister on agreeing with one of our amendments and that of the Democrats because now, for the first time, unions will be able to seek an award coverage for domestic servants working in or around homes. I imagine that that will annoy some of your supporters in the eastern suburbs. They will have to pay award wages to their servants. I congratulate the Government on accepting that amendment, although I am suspicious about the continuation of paragraph (c) which refers to 'employment excluded by regulation from the ambit of this Act'. Is it the Government's intention to do by the back door what it could not do by the front door and simply use paragraph (c), the regulation provision, basically to reintroduce what was paragraph (b) of clause 5?.

The CHAIRMAN: The question is—

Mr CLARKE: Is the Minister answering that question?

Mr BRINDAL: On a point of order, Sir, I understood that the normal practice in this place was that a question can be put. The Minister can either choose, by rising to his feet—

The CHAIRMAN: The Chair has repeatedly made the point that there is no onus upon the Minister to respond. However, the member for Ross Smith has now risen twice to this point. The member for Ross Smith.

Mr CLARKE: I make clear for the record that the Minister does not answer. If he does not answer, he cannot complain if people such as I infer that there are bad motives in so far as the Government is concerned. I can read it like a book that paragraph (b) will be introduced through paragraph (c) of clause 5. The Hon. Mr Elliott and the Democrats think they have had a wonderful victory, but they will find in a whole range of these amendments that there is little substance to a lot of what it was thought would be gained.

Question agreed to.

Amendments Nos 12 to 14:

The CHAIRMAN: The question is:

That the Legislative Council's amendments Nos 12 to 14 be agreed to.

Question agreed to.

Amendment No. 15:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 15 be agreed to.

Mr CLARKE: My question is probably more related to amendment No. 17. We have an Industrial Court of South Australia, which continues in existence as per amendment No. 12. From the way I read it, it will be part of the District Court of South Australia. The Industrial Court judges will be transferred over to the District Court. Are they guaranteed of maintaining their principal function as far as the Industrial Court work is concerned (as I suspect they will be from reading the amendments)? Over time, does that mean that with the removal of their Industrial Commission functions the Industrial Court judges operating at present will be assigned more and more work of the general division of the District Court and basically become subsumed within the District Court?

The CHAIRMAN: The question is—

Mr CLARKE: If the Minister will not answer, that is fine, but I will make the point again—and make it each time—that here we are dealing with a very important issue, which the Chief Justice and all judges of the Supreme Court regard as so important that they were prepared to write to the Attorney-General on at least two occasions of which I am aware. The Minister is not prepared to give the Parliament answers to any of these questions on how this court will function. We are representatives of the people and this is a very vital jurisdiction. It is an absolute outrage. The Minister and the Hon. Mr Elliott may think that they know what the Bill means, but I assure the Minister that a number of lawyers are studying this draft Bill at the moment and see great flaws right throughout it. It is a lawyer's picnic.

I have no doubt that the Government will be forced to revisit the Bill in the August session of Parliament. I can only trust that by then the two pixies in the Upper House will have gained enough commonsense to listen to the Opposition rather than to the Minister with respect to workable amendments required in the legislation. If the Minister is not prepared to answer, I will ask a question on every amendment. If he wants to say nothing, so be it, but I will note it on the record. So, do not blame us if you come unstuck or we go out to the public and explain the sort of deviousness that the Government is up to in trying to stack the court and commission with its own toads.

The Hon. G.A. INGERSON: I again take up the issue of suggesting that the Government will stack the court with its own toads. Perhaps I ought to table the figures showing how many judges and commissioners over the past 20 years have been Liberal appointments. I think only one judge has been appointed by a Liberal Government, with no commissioners being appointed by a Liberal Government over the past 20 years. This stacking is a very interesting concept. Every appointment, other than one or two, has been by the Labor Party. You talk about stacking—do you want to go down that line? We will talk about stacking.

Let us get one final point about this issue on the record. The Chief Justice has not commented on these amendments. I will say it again so that there is no doubt in your mind nor in the mind of the public: the Chief Justice commented on the previous amendments before the Legislative Council and has not made further comment. So, do not go out there and imply that, because he has not done so. If the honourable member is so keen to understand these clauses, I can only suggest that he must have been totally asleep in the last two days in which he sat in the gallery in the other place, because these clauses were debated at length by the three Parties in that Chamber, and I would have thought that, even with his level of understanding, the honourable member could comprehend what happened in the other place without asking the obvious questions that were answered in that place.

Mr CLARKE: I am glad that the Minister raised the issue of the number of appointments made by the Liberal Party to the commission. As far as the State commission here is concerned let us go back and look at the appointments by past Labor Governments. Amongst those appointments, we will see judges such as the Hon. Mr Cawthorne, for example, who was a lawyer working for a firm that almost exclusively worked for employer interests and who was appointed by a former Deputy Premier, the Hon. Mr Wright back in 1976. Two of the members of the current commission, Mr Michael Perry and Mr Michael McCutcheon, worked for employer organisations.

The Hon. G.A. Ingerson: They are required to do that. Don't mislead the Parliament.

Mr CLARKE: Yes, unlike your legislation with respect to enterprise bargaining commissioners, where there is no requirement for equal balance. And if we look—

The Hon. G.A. Ingerson interjecting:

The CHAIRMAN: Order!

Mr CLARKE: If we look at the Federal Commission and appointments made in South Australia by Federal Labor Governments—let us not look beyond South Australia—we see that a deputy president of the Federal IRC who has been attached to the enterprise bargaining division is the Hon. Ms Anne Harrison, who was a partner with Baker O'Loughlin, a law firm which is well-known to the Attorney-General as he was a partner in the same law firm. We also see the appointment of Mr Keith Hancock as a deputy president of the Federal Commission; he is a Professor of Economics and has no association with employers or employees; John Lewin, who is a former industrial officer with the AWU; and Mr John Cross who is an ex-employee relations manager for Mitsubishi Motors. So, quite frankly, Minister, I am more than happy to stack up appointments made by Labor Governments both federally and State, to both the court and the commission, to show that there has been no bias and I have no difficulty—

Members interjecting:

The CHAIRMAN: Order! The honourable member will resume his seat. The discussion seems to bear little relevance to the actual composition of the court and, inherent in the argument being mounted by the member for Ross Smith, is that somehow or other the traditional place of employment of these people who have been appointed to the judiciary in some way or other influences the nature of their decisions. I suggest that once again the arguments being mounted by the member, by the Committee, are verging on impropriety. It is not the sort of thing the Chair will condone. The point under question, amendment No. 15, refers simply to the composition of the court, and to be naming members and making unfortunate inferences about the nature of their judgments is not part and parcel of this Committee's deliberations. The member for Ross Smith was on his feet for the third time on this clause.

Question agreed to.

Amendment No. 16:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 16 be agreed to.

Question agreed to.

Amendment No. 17:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 17 be agreed to.

Mr CLARKE: There is a senior judge who is a District Court judge; the Governor, which is really the Government, makes the assignment under this section, but the Attorney-General has to consult with the Chief Judge of the District Court. Is it envisaged that the Chief Judge will be the determining force as to who gets the assignment or is it going to be the Attorney-General? Basically, how is it going to operate? Obviously, the Chief Judge is in charge of the Industrial Court type matters and it is an important position. How is it going to be adjudicated between the Attorney-General and the Chief Judge of the District Court as to who gets what? Do I take it that the Minister does not intend to answer that question, either? By his actions there is again no answer and again he shows his contempt for the whole process.

Question agreed to.

Amendment No. 18:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 18 be agreed to.

Question agreed to.

Amendment No. 19:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 19 be agreed to.

Mr CLARKE: I ask the question again of the Minister. This relates to the general provisions with respect to the assignment of the court judiciary. It talks about a principal judiciary. I take it that that comprises those who are principally involved with industrial relations or Industrial Court matters. Then there are ancillary tasks and presumably they are other tasks that the District Court may assign them to do. How does one work out what is principal in terms of the quantity of work flow that makes their principal work that of the Industrial Court type work, or is there a gradient scale? This may be only 20 per cent of a person's work but it is of such importance that it is really their principal function. Will the existing Industrial Court judges, once assigned to this new body, be translated across to their previous role, which was that of the Industrial Court? Let the record show again that the Minister has been asked a question and again he shows his contempt by refusing to answer it or acknowledge it in any way whatsoever. He has only himself to blame at the end of the day for whatever inferences people draw.

Question agreed to.

Amendments Nos 20 to 25:

The CHAIRMAN: The question is:

That the Legislative Council's amendments Nos 20 to 25 be agreed to.

Question agreed to.

Amendment No. 26:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 26 be agreed to.

Mr CLARKE: I have to again commend the Minister for his negotiating skills with the pixies in the Upper House, because if ever there was a joke, this is it. The Minister knows it; we all know it, except for the two pixies in another place.

Mr ASHENDEN: Mr Chairman, I rise on a point of order. I believe that it is not correct for members of this House to reflect adversely on members of another House.

The CHAIRMAN: The member has a point of order. It is improper to refer to members of another House other than as honourable members and, of course, it is improper in Committee to refer to debate in another House.

Mr CLARKE: Thank you, Mr Chairman. This amendment provides—and it is a common thread right the way through so I will not repeat it *ad nauseam*, unless the Minister annoys me—that before the president, deputy presidents and the members of the Industrial Commission are appointed or reappointed, the Minister has to consult confidentially about his or her short list and discuss it with the nominees of the Trades and Labor Council, Employers Chamber, a nominee of the House of Assembly, a nominee of the Legislative Council and the Commissioner for Public Employment. As I see it, the Minister still retains the absolute and unfettered discretion to appoint, and indeed if the Minister did not insist on that I would condemn him for it because I believe that the Government has the right to appoint these persons. That has never been my argument.

My argument has always been that they should have their independence guaranteed by life tenure, which they currently enjoy. I am aware that under both Liberal and Labor Governments—Federal and State—a consultation network operates to ensure that you do not get a brumby.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: As he says, the Minister has merely formalised what was already an informal process. The Minister chose to ignore or accept whatever advice came his way. Again, I congratulate him: I thought that not even a two-year-old toddler could have fallen for this one and touted it to the press as being a great victory. How you conned him is beyond me. However, I take my hat off to the Minister for being able to achieve that.

How will this process work in terms of very senior appointments? I ask that question particularly in view of the fact that the Government itself is very much concerned with the calibre of the people coming in, because they can make significant wage orders against the Government.

I find it distasteful that the two major protagonists in industrial relations—the Employers' Chamber and the UTLC—are formalised in the sense that they go about trying to pick their person for the job. I find that somewhat repugnant in this Bill. I am aware that informal discussions take place. My argument has never been that the Government should be in a position to make the appointment. The appointees' security of tenure is guaranteed and they can, therefore, be seen to be independent of Government; that has been the real issue concerning me. However, to have the United Trades and Labor Council and the Employers' Chamber, for instance, vying for the ear of the Minister, trying to get their umpire up before the match, is unseemly.

It is not conducive to good industrial relations in the long run, because it will be seen by either party that all of our recommendations were not accepted by the Minister and the ones that we knew the employers were touting got the nod from the Minister; therefore, there is automatic bias on the part of the people selected to fill these positions.

I do not think it is healthy for the institution, as such, to have the two parties—and the Government is obviously very much involved in it because of the importance of this to its own budgetary position—out 'duchessing' one another in the selection process for people to hold such an important position in such an important institution.

I would like to be assured by the Minister that we will not end up in such a situation. Frankly, I would have far preferred him not to have subclause (2) at all. I do not agree with the six-year tenure and all that, but I find subclause (2) offensive

for all the reasons that I have outlined. The Minister has got it up, and he has support for most of the thrust of his Bill because he has the support of the Australian Democrats. If they feel happy with it, so be it, but it is offensive.

Question agreed to.

Amendment No. 27:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 27 be agreed to.

Mr CLARKE: I will not repeat my arguments about subclause (2): I merely reiterate for the record my same opposition. I had intended to ask a question in respect of amendment No. 26, but I will ask it in relation to the deputy presidents. Will the existing President of the court and commission of South Australia also be appointed by the Government—as is the senior judge of the Industrial Court, which is already provided for in the transitional provisions—to be the President of the new Industrial Relations Commission in terms of his original appointment, and likewise with the deputy presidents?

I am aware that they do not have to have legal qualifications, but in order to ensure the independence and integrity of the commission, at least with respect to the people currently holding those positions, they should be able to carry over into their new positions until the age of 70; otherwise, again, it reduces the standing of the commission and, in particular, impugns its integrity and independence.

The CHAIRMAN: The question is—

Mr CLARKE: It should be noted in *Hansard* again that, on a very fundamental point, the Minister refuses to answer the question.

Question agreed to.

Amendment No. 28.

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 28 be agreed to.

Question agreed to.

Amendment No. 29.

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 29 be agreed to.

Mr CLARKE: I realise that the member for Wright is bored by all this, but I understand he will be among those elected by the House of Assembly. I am glad it is a nonsensical committee because, if the member for Wright is on it, his membership will not have any bearing whatsoever on its importance.

The Hon. G.A. INGERSON: I rise on a point of order, Mr Chairman. One of the fundamental aspects of this Parliament is that if decisions are made in confidence, until they are made public they are maintained that way. I would have thought that it would be reasonable to expect the member for Ross Smith to maintain that confidence. However, since he has broken it, I would like the Committee to note that.

Mr CLARKE: The Minister is correct.

The CHAIRMAN: The member for Ross Smith will resume his seat. The Chair has been asked to adjudicate on a point of order. It is part of the fabric of Parliament that confidential matters and corridor negotiations remain in confidence. However, it is not part of the Standing Orders of the House; it is simply part of the tradition. While the Minister asks for the ruling of the Chair, the Chair cannot insist on something that is more tradition than part of the Standing Orders. The member for Ross Smith.

Mr CLARKE: I regret what I have just said, because in the cut and thrust I overlooked that particular point. It certainly was not deliberate and, as the Minister knows, there have been other occasions when things have been told to me in confidence, which I have respected. The member for Wright provokes me too much occasionally. Hence, unintentionally, words got out that I should not have used. I take the Minister's point and your words of counsel, Mr Chairman.

Amendment No. 29 deals with the term of appointment. I will not deal any further with the independence of the commission in terms of appointments being for six years. If it were only a six-year appointment, frankly I could live with that. If it were only one six-year term, whoever accepted the position would be seen to be independent because there would be no hope of their ingratiating themselves with the Government of the day to ensure that they had their term renewed. This provides that there is at least one further term of six years to which they could aspire. Of course, that again raises the whole issue of the members and the President of the commission being concerned about the decisions they may take influencing the Government of the day as to whether or not they should be reappointed for one last term.

The other point I make is also very practical. The President, the deputy presidents and commissioners are very important. It seems to me that there is a problem in terms of any sort of guarantee, if a person is to be offered only a six-year term of office. How can you convince someone—whether they be perhaps a prominent union official or an employer representative—who may be in their mid 40s, coming to the peak of their career, to accept appointment? You would be saying to them, 'We can offer you only a six-year guaranteed term of office at a salary that has been set by the Remuneration Tribunal.' The superannuation arrangements for these people do not take into account what could be a comparatively short term of office.

The superannuation arrangements governing members of the commission are attractive only if they are there for more than 10 or 12 years. So, I do not know how the Minister proposes to entice the best people for the job—from whichever side they come—by saying, 'Well, look, interrupt your career at age 45, lose your accumulated long service leave, annual leave and other benefits which you may have with your current employer to come for possibly a maximum term of six years at a salary which is set by the Remuneration Tribunal, and a superannuation scheme which is designed for a longer stint in office than perhaps just six years.' If consequential amendments are not made with respect to remuneration and other perks of office for these people, the Minister will find that he will not be able to attract people of sufficiently high standing to give up their careers in mid-term to accept such an appointment. Has the Government contemplated this problem and, if so, what does it propose to do about it?

The Hon. G.A. INGERSON: The member for Ross Smith mentioned superannuation the other day, and it is an issue that we will consider when we develop this whole area of term appointments for the people concerned.

Question agreed to.

Amendments Nos 30 to 39:

The CHAIRMAN: The question is:

That the Legislative Council's amendments Nos 30 to 39 be agreed to.

Question agreed to.

Amendment No. 40:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 40 be agreed to.

Mr CLARKE: The point I make with respect to the employee ombudsman also applies to their remuneration and conditions of office. Their term is for six years. Again, for the arguments I have used previously, I do not believe that employee ombudsmen can be truly independent if they can be appointed for only a six year term and are subject to the good graces of the Government of the day as to whether they are reappointed for a further six years. Again, I make the point that I believe it is somewhat offensive to codify in the amendment the discussions about nominees for this important position between some of the principal players in industrial relations, who all have a vested interest in getting their own umpire selected.

You would not go around and select the umpires in the AFL in this way such that the clubs could start picking the umpires. Yet here we have a situation whereby that sort of behaviour is countenanced with respect to the industrial commissioners, presidents of the Industrial Commission and the employee ombudsman. I just do not understand clause 58(d) which provides:

The employee ombudsman may consult with the Legislative Review Committee of the Parliament on questions affecting the administration of the employee ombudsman's office.

The Legislative Review Committee can either accept or knock back regulations that Parliament makes: it cannot amend any of the regulations. I have absolutely no idea how the Legislative Review Committee fits in with the employee ombudsman's functions and duties, and I would be interested in hearing the Minister's comments with respect to each of those questions. Again, Mr Chairman, I would like you to note that the Minister refuses to answer these very important questions.

Question agreed to.

Amendment No. 41:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 41 be agreed to.

Question agreed to.

Amendment No. 42:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 42 be agreed to.

Mr CLARKE: With respect to amendment No. 42, I would make the point that, whilst the amendments are not exactly those which the Opposition put forward, they do represent an advance on the Government's original intention where the employee ombudsman can represent employees in proceedings. I note that they are restricted; they cannot appear in matters for unfair dismissals, and I am not unnecessarily unhappy with that proposition. Nonetheless, it is an advance on the Government's original position. I think it ought to be noted that, in many of these amendments, notwithstanding the Minister's statement at the commencement of debate today that all the amendments were the result of his Government's and the Australian Democrats' hard work, the reality is that their genesis—and unfortunately they do not go far enough—is what the Opposition called for from day one when the Bill was first publicly released to the media and prior to its being put into the Parliament.

I know the Minister is not about to give us a free kick with respect to these matters. Nonetheless, his tune is a hell of a lot different today on a number of these issues compared to his contempt for the Opposition when these matters were debated in the first instance. Therefore, the Opposition should receive the public kudos for whatever improvements have occurred to this Bill because, without the strenuous efforts of the Opposition in pointing out the failings of the Government's original Bill, these amendments, despite their inadequacies, would never have seen the light of day.

Question agreed to.

Amendments Nos 43 to 47:

The CHAIRMAN: The question is:

That the Legislative Council's amendments Nos 43 to 47 be agreed to.

Question agreed to.

Amendment No. 48:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 48 be agreed to.

Mr CLARKE: The Opposition certainly supports amendment No. 47. It is a form of payment to employees. It is exactly the amendment that the Opposition sought in the first instance—

Mr BASS: I rise on a point of order, Mr Chairman. Amendment No. 47 has already been passed.

The CHAIRMAN: Order! The Committee is currently considering amendment No. 48. I thought the honourable member was simply adverting to amendment No. 47 while he was preparing to speak to amendment No. 48. I was just waiting for his next comments.

Mr CLARKE: I appreciate the complexities and the time involved in this matter; however, I ask you, Mr Chairman, to look up occasionally so that I can catch your eye on some of these questions. I have stood and, because of your efficiency, Mr Chairman, the matter has been called and decided, notwithstanding the fact that I have been on my feet.

Question agreed to.

Amendment No. 49:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 49 be agreed to.

Question agreed to.

Amendment No. 50:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 50 be agreed to.

Mr CLARKE: Enterprise agreements and all the clauses associated with that matter are a marked improvement on the original Bill. Members opposite will recall my criticism, which they discounted. Fortunately, the Government was concerned enough about the public outcry on the issue of enterprise agreements being able to be made as long as they do not substantially disadvantage an employee that it has been forced to come back to the field somewhat with respect to enterprise bargaining. I cannot understand this Government or the Australian Democrats in another place making it almost impossible for associations of employees, whether or not they are registered, to be a direct party to an enterprise agreement.

It is true that, if there is a vote by a majority of employees on a work site, they can be a party, but it is impossible for some unions because they are registered to represent occupational groupings of employees rather than industry or enterprise based groups and they will always represent a minority of workers on a work site. Therefore, it will always be impossible for them, unless they contravene their own registered rules and seek to enrol persons outside their coverage, to cover a majority of employees on a work site and therefore become a party principal to an enterprise agreement.

The Opposition's original amendment was to allow parties to an enterprise agreement to be groups of employees or associations whether or not they were registered. The Minister will rue this day because a number of his employer mates would far prefer for the sake of convenience, particularly on a green field site, to be able to enter into and consummate an enterprise agreement with an association without having to deal with potentially hundreds of individual employees.

Basically what the Minister has done in many respects is create a rod for his own back. The parties will not use the State commission. The Minister is rapidly working himself out of a job, because the whole thrust behind this legislation is to create, if at all possible, a profusion of non-registered enterprise associations accountable to no-one and to bypass the normal industrial relations track. Significant employers and trade unions will leave the State system and go to the Federal system which contains some rationality. Whilst I appreciate the ideological point insofar as the Liberal Party is concerned in trying to restrict access by parties, for the life of me how the Australian Democrats, this Party of tree-huggers and people of principle, we are told—

Mr Quirke: Who want to keep the bastards honest.

Mr CLARKE: As the member for Playford interjects, the ones who pretend to try to keep the bastards honest, as they so proudly boast at every opportunity. They cannot claim that they misunderstand or do not understand the position of the Opposition or the trade union movement with respect to that point—it was explained to them *ad nauseam*. However, they constantly refused the request by the Opposition and the trade union movement to allow not exclusive representation of associations of employees as the only channel for enterprise agreements but at least to allow that as one of the channels open to both employers and employees.

Mr Quirke: They are a shiver looking for a spine.

Mr CLARKE: As the member for Playford points out, the Democrats in this whole gamut of industrial relations are a shiver looking for a spine. They are truly jelly backs. They showed what intestinal fortitude they had during the debate when the Minister beat them up between 10 a.m. on Saturday and 3 a.m. on Sunday.

The Hon. G.A. Ingerson: You're guaranteeing us a few votes.

Mr QUIRKE: When it comes down to trade union matters I do not think the Minister will have any difficulty whatsoever in getting the Democrat vote. I well remember the Hon. Sandra Kanck coming to my office with Senator Spindler, a Democrat representative in the Senate, prior to the election. They traipsed around to all the unions saying, 'We are good fellows. Your Party is going to lose Government and you need a Party that can knock the rough edges off the incoming Liberal Government and provide honesty and continuity for the trade union movement.' Of course, they have sold themselves very short—very short indeed. For that I will thank them in the long term. Unfortunately some of our trade union colleagues believed and assisted them and put them at No. 2 on their how-to-vote ticket.

This most recent exercise as far as industrial relations are concerned totally exposes their hypocrisy and in the long term will assist the Labor Party considerably to regroup its heartland to ensure that it gets into Government in its own right at the next election. I draw the Minister's attention to new clause 72A(2) on page 14 of the amendments. It provides:

> The employer must, before beginning negotiations on the terms of an enterprise agreement, inform the employees of their right to representation in the negotiation. . . and. . . that an employee may be represented by the employee ombudsman, an agent of an employee's choice, or an association of employees.

That is a joke. I understand why the Minister accepts it, but for the Democrats to accept it is an absolute joke. One can imagine some chicken plucking plant in the middle of the West Coast of South Australia where the local red-necked boss calls in his employees and says, 'I want an enterprise agreement, and to protect you from me screwing you on your wages and conditions you can go and see an employee ombudsman, but the office is in Adelaide. The Government is starved of resources, so they can't come out to visit you on the West Coast, and by the way even though I hate unions and would sack you if you were a member of a union, you can go and see a union to represent your interests if you like.'

That is an absolute nonsense. What would be far better is the amendment which the Hon. Mr Elliott submitted in the Legislative Council on Friday night and which provided that associations that had award coverage of companies that hitherto would have been covered by an award except for the enterprise agreement would have the automatic right of intervening in matters before the enterprise bargaining commissioner and representing the interests of those employees by being able to demonstrate to the enterprise bargaining commissioner any of the pitfalls the enterprise agreement would have. Subclause (4) provides:

> An employer who negotiates an enterprise agreement with employees who are subject to an award must ensure that the employees have reasonable access to the award.

Here is another great advantage the Hon. Mr Elliott actually thinks he has made for people. We go back to that chicken plucking factory on the West Coast of South Australia where the employees concerned are from non-English speaking backgrounds. They are told by the boss, 'I want to have an enterprise agreement but, if you really want, you can have an employee ombudsman or a union represent your interests—even though I hate unions and I will sack anyone who joins one—and here is a copy of an award so you know what your current rights are. By the way, the award covers some 25 pages and 110 clauses and if you really want to know or understand that award go an see a lawyer.' It is a joke to say that that is adequate consultation with employees in respect of this matter, because those persons would not be in a position properly to understand the award and their award entitlements.

As I said earlier, the Minister has been successful in his negotiations with the Democrats and has pulled the wool over their eyes so that they look at this as if it is a great victory when it has nothing to do with it. At the same time, it does everything possible to impede the organisation of labour and to enable employees, whether or not they are unionists, properly and fully to comprehend their rights and obligations.

Question agreed to.

Amendment No. 51:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 51 be agreed to.

Mr CLARKE: This is another interesting measure. The Minister is as culpable as the Hon. Mr Elliott with respect to having an incomprehensible measure in this area. I draw the Minister's attention to clause 73(1)(d), which provides:

> 73. (1) An enterprise agreement—
> (d) if a majority of at least two-thirds of the total number of employees to be covered by the agreement agree—may

include a provision giving an association of employees that is able to represent the industrial interests of the employees' rights to represent the industrial interests of those employees to the exclusion of another association of employees[1]; and

[1]However, the provision must be consistent with section 109(1).

I know where that originates from. It originates from the employers, because the employers in their submission to the Minister on the Bill in their executive summary said on page one:

The freedom of association concepts are fundamentally supported. However, the Bill needs to be amended to ensure that employers are not required to recognise multiple trade unions in the workplace.

Here is this absurdity picked up by the Minister and ably supported by the Hon. Mr Elliott, who frankly on these matters does not know what time of day it is. With respect to freedom of association, the employers—

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I will be sending him a complementary copy, I can assure you. The facts of life are that the employers in many respects have said to me and to the Minister, 'We want the ability to pick a union. All this freedom of association business is nice for you to go and win elections on and make you feel good, but we are practical men and women. What we want to do is pick the union of our choice, the most tame cat union we can get, anyone who will give us the roughest deal. We want to organise them into that association so they can organise—

Mr Atkinson interjecting:

Mr CLARKE: Yes, I do have a particular organisation very much in mind, as the member for Spence would only be too well aware. I can see it absolutely clearly.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: The Minister was probably lobbied by a particular organisation, which name—

The Hon. G.A. Ingerson: Not the PSA?

Mr CLARKE: No, not the PSA.

The Hon. G.A. Ingerson: The STA?

Mr CLARKE: I would not say that. It is a good union; it voted for my pre-selection. I am certainly not critical of its wanting to put me into Parliament. What it basically boils down to is that the employers and the Government want to be able to pick a union of their choice to the exclusion of all others and to sell out deals on wages and working conditions. The trouble for the Minister and the employers is that they are caught up by clause 109(2), which provides:

No person who is eligible for membership of an association may be prevented (except by the association itself acting in accordance with its rules) from becoming or remaining a member of an association.

Progress reported; Committee to sit again.

WORKERS REHABILITATION AND COMPENSATION (ADMINISTRATION) AMENDMENT BILL

The Legislative Council intimated that it did not insist on its amendments Nos 14 to 16 and 20; that it did not insist on its amendments Nos 4, 9 and 13 and had agreed to the alternative amendments made by the House of Assembly in lieu thereof; that it did not insist on its amendment No. 12 but agreed to the alternative amendment made by the House of Assembly, with an amendment; that it had agreed to the amendments made by the House of Assembly to amendment No. 7 of the Legislative Council and the House of Assembly's consequential amendments upon amendment No. 8 of the Legislative Council without any amendment; and that it insisted on its amendments Nos 10, 11, 17, 18, 19 and 21 and had disagreed with the amendments made by the House of Assembly to the words reinstated by the said disagreement in relation to amendments Nos 10, 11, 17 and 18 but had made amendments relevant to its amendments Nos 10 and 19 so insisted upon.

WORKCOVER CORPORATION BILL

The Legislative Council intimated that it did not insist on its amendments Nos 2 and 15 to which the House of Assembly had disagreed and had agreed to the amendments made by the House of Assembly to the words reinstated by the said disagreement; that it had agreed to the amendments made by the House of Assembly to amendments Nos 9 and 17 of the Legislative Council without any amendment; that it did not insist on its amendment No. 23, had disagreed to the amendment made by the House of Assembly but had made an alternative amendment to the Legislative Council's amendment.

[Sitting suspended from 6.3 to 7.30 p.m.]

Consideration in Committee.

The Hon. G.A. INGERSON: I move:

That the House of Assembly do not insist on its amendment to amendment No. 23 and agree to the alternative amendment made by the Legislative Council.

Mr CLARKE: The amendment is better than the proposal originally put forward by the House of Assembly but the WorkCover Corporation Bill as a whole is terrible legislation and only a precursor of what we can expect in August. I will extend to the Minister every courtesy and element of cooperation that he has extended to me with respect to the IR and WorkCover legislation to date. That is all I will say with respect to this amendment.

Motion carried.

INDUSTRIAL AND EMPLOYEE RELATIONS BILL

In Committee (resumed on motion).

Mr CLARKE: The point I was trying to make prior to the dinner adjournment was that, if you look at clause 73 (d) of the amendment, the provision that the Minister has worked out with the Australian Democrats is that, if employees by at least a two-thirds majority vote to exclude other associations of employees from representing the interests of any employee at the work site, that must happen. However, that does not sit at all with respect to the employers' own agenda for enterprise bargaining or with the Government's own stated policy as set out in clause 109 of this Bill, 'Freedom of association' which provided:

No person who is eligible for membership of an association may be prevented. . . from becoming or remaining a member of an association.

So, paragraph (d) is absolute nonsense. It would seem to be totally at odds with the other parts of the Government's Bill and it tries as manfully as it can to appease the Chamber of Commerce and Industry on this matter. As I think I read out before the dinner break, the submission made to the Govern-

ment by the employers in their executive summary sheet in the second to last dot point was that:

> The freedom of association concepts are fundamentally supported. However, the Bill needs to be amended to ensure that employers are not required to recognise multiple trade unions in the workplace.

Of course, the employers' objective, in many instances, is only one union on the work site. They want to be able to pick only one union—the one that will offer them the cheapest rates in terms of wages and working conditions. I do not know how their objective will be attained, because, as I say about clause 109 of the Government's principal Bill, with respect to freedom of association, as it is called, paragraph (d) smacks against that four square. I would be very interested to hear from the Minister just how he intends to try to get over that conundrum, because paragraph (d) is meaningless, given other parts of this Bill. Again, for the purposes of the *Hansard* record, I draw to the attention of the Committee that the Minister refuses to answer these questions.

Question agreed to.

Amendment No. 52:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 52 be agreed to.

Mr CLARKE: I note that, whilst the Democrat amendment ameliorates to some extent the Government's original Bill, it still contains quite offensive principles, that is, that notwithstanding the Government's legislating for absolutely minimum standards, to say that no employee can receive less than certain wages, four weeks annual leave, sick leave conditions or parental leave, all that can go out the door by a decision of the Full Commission under subclause (5), where employees vote by two-thirds majority to do themselves in the eye, and where the enterprise is supposedly suffering significant economic difficulties.

I suspect that it will not be used at all, in reality, depending on who interprets this legislation and the calibre of the members of the Full Commission, after the Government has got through with appointing its own political appointees to those positions.

Members interjecting:

Mr CLARKE: In answer to interjections from the Minister for Primary Industries, I have no problem whatsoever in saying that my guiding principle in all these matters is similar to that adopted by the founding father of the arbitration system, Justice Higgins, who, in 1907 in the Harvester case—when he had adjudicated what he believed was the lowest rate of pay that a man could receive and keep his wife and three children in frugal comfort—said that, if an employer could not maintain that standard in rates of pay, that employer did not deserve to exist. Quite frankly, I subscribe to that, otherwise we would be inviting third world standards into our community. We have to be very firm about it.

Whilst this clause might give some comfort to the Minister, mainly to go out among some of his more redneck constituents and say, 'We've obtained these sorts of benefits', in the long run, unless he appoints absolute troglodytes to the commission, I would suspect that very few, if any, members of the commission (whoever is appointed to those positions) would accept the position where somebody can go below not just award standards but the so-called absolute minimum safety net that the Government, by public policy, has decreed is the absolute minimum that can be provided for. Nonetheless, the principle—

The Hon. D.S. Baker interjecting:

Mr CLARKE: I do not notice the Minister starving, and he is from the farming community. This amendment is an improvement on the original Bill. I take some comfort from the fact that the Government has improved its original position, but only because it was forced to do so. A number of ideas contained within it—not all, and I have just pointed out one of the more offensive features in it—are amendments which I moved to the Bill when we were previously in Committee. Despite the fact that the Minister was quite scathing in relation to those amendments, I notice that the genesis with respect to many of these enterprise bargaining amendments is well and truly that which was moved by me on behalf of the Opposition when this matter was last debated in Committee.

The Hon. G.A. INGERSON: I cannot let that pass. That has to be the greatest lot of nonsense I have ever heard. The member for Ross Smith stood in this place two or three weeks ago and absolutely caned any movement towards enterprise agreements. His amendments would have taken us back to the 1960s, when the only way you could get any agreement was if you were stood or jumped on. That is the sort of nonsense the member for Ross Smith put forward in some of his amendments.

The Liberal position has hardly changed on this issue. There may be a few words of difference that we agreed to in the other place, but in principle we are saying that if a business is in economic difficulties it ought to be possible for two-thirds of its staff to negotiate for the survival of their jobs. That is pretty fundamental sort of stuff. In the real world, if you do not have a job and the business is about to close, you sit down and negotiate ways and means for it to stay open. Surely that ought to be able to be done on the proviso that those conditions are taken before the commission. For the member opposite to say that this almost reflects the amendments he moved a couple of weeks ago is an absolute joke.

Mr CLARKE: The Minister is wrong. It is true that the clause does not reflect all that I wanted. I point out a couple of quite significant changes, because he obviously has not informed his Caucus of these matters. In the original Bill the Government talked about enterprise agreements being able to be entered into as long as those agreements did not substantially disadvantage employees. That is an enormous difference from what the Government agreed to. I am not decrying the fact that it realised the error of its ways and is prepared to accept some amendments. Paragraph (e), which is one of the conditions the agreement must comply with, provides:

> (iii) does not provide for remuneration or conditions of employment that are considered as a whole inferior to remuneration or conditions of employment considered as a whole prescribed by the award, if any, that applies to the employees at the time of the application for approval.

That provision comes, word for word, straight from section 108 of the Industrial Relations Act, and it certainly does buttress the award as a minimum provision against which all enterprise agreements are to be judged.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: That is not what the Government was saying when the Bill was last before the Committee. There are a number of interesting case histories with respect to the meaning of those words. We shall see how they go when they run the gamut in the Industrial Commission. It is a significant improvement on what the Government originally provided for. The clause is not as good as my amendment; nonetheless,

it is a significant defeat for the Government in that its original desire to allow enterprise agreements to be established well below award standards has been stopped in its tracks.

Question agreed to.

Amendment No. 53:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 53 be agreed to.

Mr CLARKE: This is a curious clause. It had nothing to do with me; it was negotiated between the Minister and the Leader of the Australian Democrats. It provides that an association can enter into an enterprise agreement as a representative of a group of employees, but cannot disclose to the employer those employees who authorise the association to act on their behalf, although it may do so if the employer allows it to happen or if the commission orders it to do so. It just does not seem to make sense. I would have thought that it was a matter of confidentiality, of protecting employees from a vindictive employer where an employee has sought the assistance of a union in negotiating an enterprise agreement.

To allow the commission to order that a union disclose the identity of employees so they become known to the employer is a peculiar way—again one would expect it of the Democrats—of trying to straddle a barbed wire fence. It is saying, 'No you can't do it', and then making provision for the commission, on application of an employer, to require an association to disclose the identity of the employees. I know it refers to the identity of the employees and the commission itself. However, there is nothing in that paragraph which would limit it just to the commission. The commission may, of its own volition, decide to give that information to the employers, otherwise there would seem little reason for the commission to be apprised of that information and not relay it to the other parties involved.

Question agreed to.

Amendment No. 54:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 54 be agreed to.

Mr CLARKE: We agree with this amendment. I moved this amendment on behalf of the Opposition when we were previously in Committee. It is a very important provision because, as I said at the time, the Government's original intention was that unless you included something from an award in an enterprise agreement it was deemed forgone, never to be resurrected. It was always our view that many enterprise agreements, particularly with small establishments, might only want to vary an hours or wages clause in their agreement, but that all other conditions of the award would be perfectly satisfactory. This ensures against the situation that would arise when, whether through oversight or mistake, deliberately or otherwise, important conditions of an award may have been overlooked when an enterprise bargain is being struck. For those reasons we are quite happy to support the amendment.

Question agreed to.

Amendment No. 55:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 55 be agreed to.

Question agreed to.

Amendment No. 56:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 56 be agreed to.

Mr CLARKE: My question to the Minister here is that we are opposing subsection (1), providing that an enterprise agreement continues in force (in the current Bill) until the enterprise agreement is superseded by another enterprise agreement under this part or the enterprise agreement is rescinded under this part. The Government's amendment, in effect, says that one the enterprise agreement runs for its term (let us say its maximum term is two years), that is it—the agreement falls over, unless it is renegotiated within that time span and the award prevails. In one sense that is fine: the minimum award standards will protect those people to a certain extent, but often enterprise agreements are happily entered into by both sides and can carry on as industrial agreements do at the moment under existing legislation. Like current awards, they carry on until such time as they are rescinded or varied.

The Government's amendment, which I know was put forward by the Democrats, effectively means that, unless you can negotiate an enterprise agreement within that two year time frame (or whatever is the limit set down under the agreement), it will fall over, notwithstanding the fact that both sides might want it to continue in force. An employer, for example, might have a shiftwork provision in the enterprise agreement and, if they cannot get agreement and the time span runs out, they fall under the common rule award which might not have a shiftwork provision. Therefore, they are caught with having to pay overtime and the like, notwithstanding the fact that they worked for the previous two years under a shiftwork provision.

I understand that the reason behind this amendment moved by the Hon. Mr Elliott was to avoid the sort of legislation that I was proposing in my amendments, which I would have thought would be far more sensible for the Government to adopt and would allow enterprise agreements to continue in force until varied or rescinded (which is the same position as we have now), protecting all parties. To then address the same concerns as the Hon. Mr Elliott and we expressed that the processes of rescinding or varying enterprise agreements was far too restrictive, you have the provisions as I put forward in my amendments which allowed an unfair agreement to be reviewed during its life by the commission if it thought that agreement unfairly treated employees. During their life, such agreements could be varied or rescinded in such circumstances or where the parties were agreeable to varying or rescinding them.

It is not a practical proposition with respect to subsection (1). I am quite happy for it to go forward in one sense. It is the Government's responsibility. If the Government wants to change that—and I recommend this to the Hon. Mr Elliott—the only way he should contemplate changing that would be to reintroduce the clauses that I put forward previously (clauses 77 to 79 of the Bill). In that way, all of our interests are protected and you do not have the absurd situation of agreements falling over at the end of their life because people had not been able to get their act together to renew them.

The Hon. G.A. INGERSON: As usual, the member for Ross Smith is wrong. To save the time of the Committee, I suggest he read subsection (3) and it will solve his problem.

Question agreed to.

Amendments Nos 57 and 58:

The CHAIRMAN: The question is:

That the Legislative Council's amendments Nos 57 and 58 be agreed to.

Question agreed to.

Amendment No. 59:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 59 be agreed to.

Mr CLARKE: That was an interesting point made by the Minister because I do not think that is necessarily the case. In any event, if that is the case, with respect to clause 79, which is the power to vary or rescind an enterprise agreement, the Hon. Mr Elliott is in some difficulty because the problem that we have is that, an agreement once entered into (even if it acts unfairly against the employees because they have been poorly advised, were not aware of their rights or whatever it might be) leaves no way out.

They have to wait to the end of their term and, indeed, if there is no majority agreement by employees, we can have the situation I described in my example in Committee of a plant with 100 workers, 51 of whom are day workers and 49 are shift workers. As long as the 51 day workers are happy to enter into an agreement which may disadvantage the 49 shift workers, those shift workers are in some difficulty and the present clause 79, even with the amendment, only allows for variations where they are agreed upon between the employer and the majority of employees, to correct an ambiguity or uncertainty (that would not necessarily answer the case for these 49 shift workers).

How do you rescind an enterprise agreement, except under the Government's original clause 79(4), which provides that you must have the employer or the majority of employees currently bound by the enterprise agreement wanting it rescinded or that, in the circumstances of the case, it would be fair and reasonable to rescind? However, that is only at the end of the life of that agreement. If during its two year life the agreement is found by the employees to be acting unfairly against them, they have no recourse during that life to do anything about it. That certainly was not, as I understood from listening to the debates in the other place, the intention of the Hon. Mr Elliott. If clause 78(3) does override subclause (1) of amendment No. 56, the Hon. Mr Elliott has been well and truly duped, which would not surprise me.

Question agreed to.

Amendments Nos 60 and 61:

The CHAIRMAN: The question is:

That the Legislative Council's amendments Nos 60 and 61 be agreed to.

Question agreed to.

Amendment No. 62:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 62 be agreed to.

Mr CLARKE: As a matter of fact, it now dawns even further on me because, in my last contribution, I referred to subclause (4)(b), relating to the power of the commission to vary or rescind an enterprise agreement. The Government's amendments, supported by the Hon. Mr Elliott, lock people totally into these agreements, even if they act unfairly, because the commission has power to rescind an enterprise agreement only if the employer or the majority of the employees bound by the enterprise agreement want it rescinded. Paragraph (b), which at least gives some discretion to the commission, states that it would, in the circumstances of the case, be fair and reasonable to rescind the agreement. That now comes out of the Bill.

The Hon. Mr Elliott has put people in handcuffs. I do not know whether he understands that. The Minister obviously does and he has improved the position as far as the Government and employers are concerned. I can tell by his smile that that is exactly the case. The Hon. Mr Elliott, for all his good wishes, has been too busy hugging trees and not spending sufficient time on reading the legislation and understanding the sleight of hand pulled by the Minister.

I do not blame the Minister with respect to what he can get away with as part of the political cut and thrust not only of debate but also of negotiation. However, I take particular exception to so-called well-meaning amateurs in another place placing handcuffs and chains and balls on workers when they have ensured that they are locked into their two-year agreement. During the life of that agreement, no matter how unfair it may be to the interests of those employees, there is no way it can be rescinded. Indeed, even at the end of its life, according to the Minister, under subsection (3) it continues in force until it is superseded or rescinded. There is no way out of it. As long as you have a majority of employees—the 51 day workers who gang together against the 49 shift workers—there is no way out; you are caught with it forever and a day.

I congratulate the Minister for the way in which he pulled the wool over the eyes of the Australian Democrats. It is very poor in terms of the interests of workers, and particularly the non-unionists who will not be aware of some of the consequences of what they will be entering into under this legislation. It is absolutely unforgivable for the Leader of the Australian Democrats to enter into these sorts of negotiations with the Government and to carry amendments when he has not the foggiest notion of what he is doing or the consequences that will result.

Question agreed to.

Amendment No. 63:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 63 be agreed to.

The Committee divided on the question:

AYES (24)

Armitage, M. H.	Baker, D. S.
Baker, S. J.	Bass, R. P.
Becker, H.	Brokenshire, R. L.
Buckby, M. R.	Caudell, C. J.
Greig, J. M.	Gunn, G. M.
Hall, J. L.	Ingerson, G. A. (teller)
Kerin, R. G.	Kotz, D. C.
Lewis, I. P.	Matthew, W. A.
Meier, E. J.	Oswald, J. K. G.
Rosenberg, L. F.	Rossi, J. P.
Scalzi, G.	Venning, I. H.
Wade, D. E.	Wotton, D. C.

NOES (6)

Clarke, R. D. (teller)	De Laine, M. R.
Geraghty, R. K.	Quirke, J. A.
Rann, M. D.	Stevens, L.

PAIRS

Brown, D. C.	Arnold, L. M. F.
Cummins, J. G.	Atkinson, M. J.
Leggett, S. R.	Blevins, F. T.
Olsen, J. W.	Foley, K. O.
Such, R. B.	Hurley, A. K.

Majority of 18 for the Ayes.

Question thus agreed to.

Amendment No. 64:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 64 be agreed to.

Question agreed to.

Amendment No. 65:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 65 be agreed to.

Mr CLARKE: Again, the amendment in one sense is better than that provided in the original Bill, in that it does recognise associations of employers and employees. It provides:

An association of employers or employees may, subject to the provisions of any relevant enterprise agreement, represent members of the association in negotiations and proceedings under this part.

There is reference to section 73(2)(ca), which was amended a few moments ago. This amendment at least gives associations of employees, and they may be unregistered associations, the right to represent members. That is very kind and paternalistic of the Government and the Hon. Mr Elliott, except that the Hon. Mr Elliott also had a clause 81B, which gives associations of employees the automatic right to intervene in any proceedings before an enterprise commissioner so that they can inform the commission whether or not the enterprise agreement matches up to the various tests laid down under the new legislation.

This does not happen under clause 81A. All it says is that associations have the right to represent their members. One would almost think that that would not need to be spelt out, except the Minister's original Bill prevented that. At the same time, the Government's legislation, totally supported by the Democrats, prevents associations from being a party to an agreement unless two-thirds of the employees agree. That is just not possible in many circumstances for occupationally-based unions as against so-called enterprise unions.

Originally the Hon. Mr Elliott's amendments, with which we were prepared to agree, also provided that associations that are parties to an award that would otherwise apply, but for an enterprise agreement, would be notified of the content of the proposed industrial agreement and the time at which the hearing would be brought on before the enterprise agreement commissioner. All that is deleted from this set of amendments.

Again, I take my hat off to the Minister, because he has run rings around the Hon. Mr Elliott, who has shown himself to be totally incapable of understanding industrial relations. In fact, he folded at the first whiff of grapeshot in terms of ensuring certain protective mechanisms for associations of employees, whether or not they are registered. I do not know whether it is totally the brilliance of the Minister. I know he is closeted with a number of advisers. So, perhaps I should spread the glory to a few more people other than just the Minister, because it seems far too smart by half for the Minister himself to have thought of all this. What certainly comes out, again, is the absolutely appalling behaviour of the Democrats, who tried to pretend that they were the friend of the unions, and that they wanted to look after the interests not only of the unions but more particularly their members. Every one of their amendments, which they voted for last Friday night and which were supported by us (they were not as good as our amendments, but they were not bad, either), gave unions the right to be party to agreements and to know that enterprise agreements were coming on for hearing.

They also gave unions the right to know the contents of those agreements, and they gave unions the right to turn up to the commission and state their case. All that has been knocked out of the enterprise bargaining provisions. We supported the Hon. Mr Elliott's amendments, which were put in with our support on Friday night when we sat through to 1 o'clock in the morning. He totally folded between 10 a.m. on Saturday and 3 a.m. on Sunday. If he is as compliant as that with respect to this sort of Government legislation, I do not think this Government has very much to fear from the Democrats for the remainder of its term of office, because they have shown themselves to be totally compliant to the Government's will.

The Hon. G.A. INGERSON: This is the single most important issue that was negotiated in the other place. It is fundamentally the difference between being able to enter into enterprise agreements in South Australia and in any other State in that it will enable everybody to enter into agreements. However, what it does not do is prevent the involvement of the unions in any form at all if they have members. If they do not have members, the agreement can still be entered into by the work force, by sitting down with the employer. This is one of the most important decisions to have been made in recent days.

Mr CLARKE: On those points, I must agree 100 per cent with the Minister. He got his way with the Hon. Mr Elliott 100 per cent. He played him for the sucker that he is, and he did it beautifully.

Question agreed to.

Amendment No. 66:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 66 be agreed to.

Mr CLARKE: This deals with the issue of confidentiality. I cannot really see any difference because the wording of the amendment appears to be the same as that of the existing Bill. What is the point of having an enterprise agreement? Every employee is supposed to get a copy of the enterprise agreement. Basically, this says that employers could deem that the wage rates are of a confidential nature, and the employee could have the enterprise agreement under his or her arm, ready to trot off to see the employee ombudsman, their union or lawyer about whether or not the enterprise agreement has been correctly followed or interpreted by the employer, yet there is this blanket disclosure of information of a confidential nature. It is taking it to the height of absurdity, and it shows to what length the Government will go to try to avoid the closest possible public scrutiny of the sort of daggy enterprise agreements which will emerge as a result of this legislation.

The Hon. G.A. INGERSON: Again, the member for Ross Smith misunderstands the whole concept. All agreements will be deemed to be public; in other words, they will be available for everyone to see. If the commission decides that they ought to be confidential for some reason, we are saying that, if you then breach that confidentiality, there ought to be a penalty. I would have thought that the three flow on pretty simply. I cannot help it if the member for Ross Smith cannot follow one clause to another. It is pretty simple.

Question agreed to.

Amendment No. 67:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 67 be agreed to.

Question agreed to.

Amendment No. 68:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 68 be agreed to.

Mr CLARKE: This is another joke. This is another amendment which somehow was concocted late at night. I was in the gallery in another place and I heard a great deal of

thoughtful comment and considered views from the Hon. Mr Elliott on this matter at about four or five a.m. The original Bill provides in subclause (2):

The commission cannot regulate the composition of an employer's work force.

The amendment adds the words 'except in relation to the employment of juniors and apprentices'. From its preparedness to include demarcation disputes in the powers of the commission as an industrial matter I take it that the Government's stated policy is totally neutered as a result of these amendments. A demarcation order from a commissioner or the full bench of the commission regulates the composition of an employer's work force; it says a class of employees cannot belong to a group, a particular union or association.

The other point is that there are many awards—quite rightly—which have limits to the number of casuals that can be employed. Some also have limits on the number of part-timers or, if not the number of part-timers, the span of hours that a part-timer can work. They have been put in either by consent or by arbitration. Yet, what will happen with respect to this legislation is that all those safeguards will fall to the ground as a result of the Government's Bill. Again, the Government knew what it was doing in this area, and again the Australian Democrats displayed their naivety in industrial relations and sought to have two bob each way, and they should be condemned for allowing themselves to be so led by the nose by the Minister.

Question agreed to.

Amendment Nos 69 to 72:

The CHAIRMAN: The question is:

That the Legislative Council's amendments Nos 69 to 72 be agreed to.

Question agreed to.

Amendment No. 73:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 73 be agreed to.

Mr CLARKE: This is basically one of the Opposition's amendments on retrospectivity. As members would be aware, the Government sought to outlaw awards of retrospectivity except where there was unanimity of all parties appearing before the commission. Clause 86 as it now reads is virtually the same as that which applies under the current Act. There are words in paragraph (c) which do not appear in the current Act, and I ask the Minister to explain their meaning:

. . . and there are reasons of exceptional cogency for giving it a retrospective operation.

This refers to decisions or declarations of the Commonwealth commission. Why were the words 'exceptional cogency' inserted and what do they actually mean?

The Hon. G.A. INGERSON: The reason for inserting those words is that there must be an exceptional industrial relations reason as to why there should be retrospectivity.

Mr CLARKE: The Minister is effectively narrowing the field for retrospectivity. Again, I thank the Democrats for their spinelessness.

Question agreed to.

Amendment No. 74:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 74 be agreed to.

Question agreed to.

Amendment No. 75:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 75 be agreed to.

Mr CLARKE: Instead of having an annual review of awards, the Government has agreed that the review will take place at least once every three years. The difficulty that the Opposition has with that amendment is the same as when the Bill was originally debated, and that is that, on any review of an award, no matter how out of date or up to date that award might be, it is clearly the Government's intention, through requiring the commission to read each of the awards consistently with the objects of this Act and so on, to specifically enjoin the commission to try to screw it down to fit the narrow confines of this legislation. I know that I will not change the Minister's mind on this point and that it is stated Government policy, but I do not want it to not be said that we were hoodwinked like the Democrats as to the meaning of these amendments. We are only too well aware of what they mean. Obviously, when we get the chance on the Treasury benches, we will rescind much of this legislation and expect the same cooperation from the Democrats as they have shown to the present Government.

Question agreed to.

Amendments Nos 76 to 80:

The CHAIRMAN: The question is:

That the Legislative Council's amendments Nos 76 to 80 be agreed to.

Question agreed to.

Amendment No. 81:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 81 be agreed to.

Mr CLARKE: This amendment deals with the unfair dismissal provision. Most of the amendments made by the Government to its original Bill constitute an improvement. I am pleased to see that the Upper House was able to rein in some of the Government's enthusiasm with respect to this area. It is not as good as we would have liked; nonetheless, it is legislation, as far as unfair dismissals are concerned, that employees can probably live with if not as happily as they have under the current legislation. Paragraph (b) provides:

The dismissed employee is an employee of a class excluded by regulation (which must, however, be consistent with the termination of employment convention) from the ambit of this part.

How can the Government, by regulation, exclude a class of workers from unfair dismissal? It is a very broad power. We are not dealing just with high fliers. Basically, under this legislation the Government could enact by regulation that all casual employees or all employees of the State Government or all employees who earn below $10 000 or $15 000 a year are not permitted to make an unfair dismissal claim. That would be perfectly lawful in accordance with this Bill and this amendment unless the regulation is overturned by resolution of both Houses of Parliament. Given the track record of the Democrats, it is pretty unlikely that we could get them to the barrier to do anything as brave as that. I would be interested in hearing the Minister's explanation as to how the exclusion of a class of employees by regulation is consistent with the termination of employment convention.

The Hon. G.A. INGERSON: In this instance, we thought that we would be consistent with the Federal Act. So we have done that. The Federal regulations provide that the following employees can be excluded: if the employee is engaged under a contract of employment for a specified period of time; if the employee is engaged under contract of employment for a specified task; if the employee is serving a period of probation or a qualified period of employment; and casual employees engaged for a short period of time within the meaning of

subsection (3). We have only copied your Federal colleagues. We thought we were being pretty consistent. We thought that the only way you would maintain an unfair dismissal process with some changes of this State's law would be with some consistency with the Federal Act. We thought that your Federal colleagues and dear Laurie would know what they were doing, so we thought we would pick it up and copy it.

Mr CLARKE: I thought the Minister would raise the Federal provisions, and I thank him for doing so, because I now want to ask him this question: will he give an undertaking that the classes of employees to be excluded by regulation from being able to file a claim pursuant to this clause will be no greater in terms of coverage than that which is provided for by the Federal regulation, to which the Minister has just referred?

The Hon. G.A. INGERSON: We will consider all opportunities that emerge under this clause. Like Laurie Brereton when he considered his 220 amendments to his Bill, we will use the same sort of logic in considering any changes under this provision.

Question agreed to.

Amendment Nos 82 to 83:

The CHAIRMAN: The question is:

That the Legislative Council's amendments Nos 82 to 83 be agreed to.

Question agreed to.

Progress reported; Committee to sit again.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (ADMINISTRATION) AMENDMENT BILL

The Legislative Council intimated that it had agreed to the amendments made by the House of Assembly to amendments Nos 11, 12, 17, 19 and 20 without amendment; that it did not insist on its amendments Nos 5, 8, 13 to 15, 18, 21, 22, 26 and 27 but had agreed to the alternative amendments made by the House of Assembly to amendments Nos 5, 8, 13 to 15, 21 and 22; that it had insisted on its amendments Nos 2 and 3 and had disagreed with the amendments made by the House of Assembly to the words reinstated by the said disagreement and insisted on its amendment No. 4 and disagreed to the amendment by the House of Assembly to the Legislative Council's amendment; that it did not insist on its amendments Nos 9 and 16 but agreed to the alternative amendments made by the House of Assembly with amendments; that it did not insist on its amendment No. 25 but disagreed to the alternative amendment made by the House of Assembly and made an alternative amendment to the Legislative Council's amendment; and that it had agreed to the House of Assembly's amendment to the Legislative Council's amendment No. 23 but had made a consequential amendment and did not agree with the consequential amendment made by the House of Assembly.

STATUTES AMENDMENT (CLOSURE OF SUPERANNUATION SCHEMES) BILL

The Legislative Council intimated that it had disagreed to the alternative amendments made by the House of Assembly to the Legislative Council's amendments Nos 2 and 3 and insisted on its amendments Nos 2 and 3 to which the House of Assembly had disagreed.

Consideration in Committee.

The Hon. S.J. BAKER: I move:

That the House of Assembly insist on its disagreement to the Legislative Council's amendments Nos 2 and 3 and insist on its alternative amendments.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs S.J. Baker, Quirke, Scalzi, Ms Stevens and Mr Venning.

INDUSTRIAL AND EMPLOYEE RELATIONS BILL

In Committee (resumed on motion).

Amendment No. 84:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 84 be agreed to.

Mr CLARKE: In the interests of time, my comments will also be directed towards amendments Nos 84, 85 and 86. I am pleased to see that the Government has improved significantly the unfair dismissal provisions. It has not improved them as much as we would have liked but nonetheless it has improved them significantly so that those employees who are made redundant, whilst they will still not be able to claim extra compensation if they have been paid out according to their award or enterprise agreement, will not be able to make a claim solely on the grounds that the amount of money is inadequate but they will be able to challenge their dismissal for any other grounds, which may include the fact that they have been unfairly selected by an employer. That is a significant move forward. I am pleased that our opposition and explanation in that regard has found fertile ground sufficient to move the Government at least part of the way in that area.

There is no doubt that there will be a case of a person who has been made redundant and who claims they were sacked for some other reason, challenging their dismissal on grounds for anything other than lack of adequate compensation. I am sure that people can be inventive enough to ensure that their claims can be properly dealt with by the commission and not be inhibited, as under the Government's original intention.

Question agreed to.

Amendments Nos 85 to 90:

The CHAIRMAN: The question is:

That the Legislative Council's amendments Nos 85 to 90 be agreed to.

Question agreed to.

Amendment No. 91:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 91 be agreed to.

Mr CLARKE: I am not against the general principle that the commission should hand down its decisions expeditiously, particularly in unfair dismissal cases, so that both the employer and former employee know fairly quickly where they stand. It really is a question in many instances of resources being made available to the commission to enable it to hand down its decisions within that three month time frame. I would like an assurance from the Minister that adequate resources will be given to members of the commission so that they will be able to achieve the goal that is set out in this legislation and not simply use it as an exercise to bash commissioners who are not able to get through their cases with sufficient clarity of thinking simply because we do not provide them enough resources.

The Minister declines to answer that question and I think it is a very valid one. I know he will continue to refuse to answer these questions. I do not want it to be said that we went into this blindly. Much of it revolves around the resources that can be made available by Government to institutions such as the Industrial Commission. We would be very interested to know what the Minister intends to do if a commissioner cannot achieve the goal of three months: sack him or her, as is his wont, anyway, under this legislation?

The Hon. G.A. INGERSON: I say the same again: read subclause (2).

Question agreed to.

Amendment No. 92:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 92 be agreed to.

Mr CLARKE: This is a peculiar bit of legislation. I cannot pretend to understand it, although I think I know what it is trying to get at, namely, prevent any employee who believes that (for whatever reason) the State legislation is an inadequate remedy for unfair dismissal from pursuing an action in the Federal arena. Could the Minister spell out exactly the meaning of this new clause 105 as amended?

The Hon. G.A. INGERSON: The purpose of the new amendment is to attempt to ensure that the State jurisdiction remains. I thought it was pretty clear.

Question agreed to.

Amendment No. 93:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 93 be agreed to.

Question agreed to.

Amendment No. 94:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 94 be agreed to.

Mr CLARKE: I have a query of the Minister. This provides that an employer must not discriminate against or in favour of an employee or prospective employee on the ground that that person is an officer or member of an association. How does that square up with the Minister's enterprise bargaining provision that says that two-thirds of the workers can gang together and exclude a worker because he or she happens to be a member of another association, and how will the Minister ensure that that person's rights are protected? That employee and his or her union may have been discriminated against by the two-thirds of workers who voted against their being a party to the agreement or being involved in negotiations for that agreement. I want to know what the Government will do about protecting those people from the tyranny of the majority.

The Hon. G.A. INGERSON: Paragraph (c) is consequential on clause 109A, because once you put in the conscientious objection clause you then have to put that in as a flow on in terms of the discrimination clause. Paragraphs (a) and (b) of subclause (1) are there purely and simply as part of the freedom of association direction of the Government, basically saying that there must not be any discrimination one way or the other. As I said, paragraph (c) is purely a flow on.

Mr CLARKE: I agree with the Minister about paragraph (c), but the Minister has not answered how he reconciles this legislation on discrimination with respect to clause 109, the freedom of association clause, and his own enterprise bargaining clause that says that two-thirds of the workers can gang together to exclude an employee who is a member of another association, or that person's association, from participating in the enterprise bargaining process. Do I take it from the lack of answer either that the Minister has no answer or that we can infer the worst: that he will do nothing about it?

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I ask *Hansard* to record that the Minister's answer was 'You can infer whatever you like.'

Question agreed to.

Amendment No. 95:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 95 be agreed to.

Mr CLARKE: We support this amendment which, in fact, is an amendment about which we talked to the Democrats. Clause 115, which deals with the registration of associations, is very flawed, as we see it, because basically it confers no advantages on unions to be registered. That is the biggest difficulty and, although I realise that this Liberal Government is in a full moon phase of its Government and does not really understand what it is doing, it will rue the day as time passes. One of the things conservative Governments have always wanted to do is have unions registered and be able to threaten them with deregistration, because by having those unions registered under State or Federal legislation they could say, 'We're conferring on you a big advantage: exclusive coverage of a certain class of employees and the types of occupation and work they have, to the exclusion of other organisations.'

That is obviously a very big inducement for any registered association, whether it be of employees or employers. The threat of deregistration was always a very potent one to 'rogue' unions. The Builders Labourers Federation, for example, fought bitterly against its deregistration at Federal level, and the reason was very clear: it did not want to see its membership carved up among other competing registered associations. What the Government has done with respect to the registration of associations means that there is no advantage for any union now to be registered at a State level. It is, in fact, pointless; it is counterproductive.

If you are registered, your rules must conform to certain requirements with respect to financial returns and election of officers; you are subject to the rules being vetted and overturned by the Industrial Registrar; you must conduct yourself in a certain manner, and all the rest of the restrictions. Unions were prepared to cop it because registration actually conferred a benefit; that is, you had exclusive coverage over a piece of territory, so you put up with these Government restrictions that you had to have full participation in ballots, secret postal votes and all the rest of it, and rules were drafted around the requirements of the legislation.

But now the Government in its legislation has said, 'It doesn't matter whether or not you're registered. You can be an association: it doesn't have to be incorporated under the Associations Incorporation Act. You can have any set of rules you like. You do not have to conform to anything.' If you are not incorporated under the Associations Incorporation Act, your rules may simply say that the president or secretary of that association is elected for life: and you can get away with it. You might have rules that say that you do not have to produce audited financial returns: and you can get away with it, because there is now absolutely no incentive for any union to be registered in the State system, as it does not confer any advantages whatsoever. So, the very threat that Governments, particularly conservative Governments both federally and at State level, were always able to hang over a union was, 'If you play up too much, we'll have you deregistered and your

membership will be carved up among your competing unions.'

That did a tremendous job in keeping unions in order. And now this Government has gone about and said, 'We'll make it a free for all. You have no registered associations, no standing; but, if you do happen to register, you will have all these other threats placed on you but no advantages will be attached to you.' So, it is a complete joke, and the unions will need to decide on one of two courses of action: either not to remain registered in the State system and go hell for leather where the Government virtually has no control over its actions, no real sanctions over how it conducts its internal affairs, elections or anything of that nature, just become a non-incorporated association; or it will go strictly down the Federal route where it still gets advantages out of registration and gets out of the State system altogether and has its members covered by Federal awards.

As the member for Florey would be well aware, the Police Association, as part of its registering a national union for police officers, will no doubt be going down that path in terms of getting Federal award coverage to escape the clutches of this State system.

One of the points in clause 115 is that the old 'conveniently belong' rule no longer exists. You have this absurd situation where, over the past 50 years, we have been brought up, like on mother's milk, thinking that there are too many unions in an industry or enterprise. The example I use is the TAB, which has 500 employees. You could now have, under clause 115(1)(e), under the Government's Bill, which remains unamended, a situation where, as long as there is a minimum of 100 employees, they can seek registration. You could have five separate associations of 100 persons each seeking registration in so far as the TAB is concerned, and they would all have to be registered. Clause 115(1)(e) provides that, if your association is formed to consist entirely of the employees of an enterprise, the registrar has no discretion and he or she must certify. What a crazy situation the Government is inviting to have visited upon industry in this State. It is really Hicksville type legislation.

Unfortunately for the Government, it won office too late for this to have much effect. Whilst you could still have a number of associations seeking registration, that really does not matter any more because the Government has said that you do not have to be registered to get benefits under this Act, so why seek registration (and I have already covered that point).

The other issue is that unions, over the past decade and in particular over the past four years, have gone about amalgamating themselves, grouping themselves into industries and shaping themselves into line, knowing what conservative State Governments were going to try to do with them. They are, amongst themselves, rationalising coverage in particular companies and industries generally and setting themselves up, if necessary, to have a good old blue with any conservative State Government that might want to take them on.

So your legislation, Mr Minister, is about 20 years too late. There might be a few scabby shows of ill-repute fostered and brokered by bosses to serve their interests but, by and large, they are gone goslings and, in fact, they will find themselves demarked out under the Federal provisions of section 118A. I find that unfortunate because, as the Minister knows, I have always been a very strong advocate of the State industrial relations system, but the Minister and his Government are giving unions no option but to vacate the State scene at a rapid rate.

The Hon. G.A. INGERSON: I cannot let the last comment go because here again is this typical arrogance of the member for Ross Smith in saying that his Federal mates in the Federal arena, particularly those Federal unions, will use the Federal Government and its legislation to wipe out any enterprise unions. What absolute arrogance! Anyone would believe that we had to go back to the 1960s, to the troglodyte days where the unions are right, where the unions are the only ones who know anything about industrial relations. I think that that is fundamentally 1970s nonsense. We have moved into the 1990s where there is a recognition that both employers and employees have to work together.

What this Bill is trying to do, and will succeed in doing in my view, in the real world out there, is enable employers and employees to sit down in any environment—environments in which unions are and are not involved—and set about to work out an enterprise agreement. That is the first time this has occurred in Australia. For us to have to sit here tonight and hear the nonsense that if the honourable member does not get his way he will bring in his Federal heavies and run over the top of any new changes because enterprise unions are not what the Federal ACT bosses want is unbelievable arrogance of the 1970s. That is the Hawke stuff, for God's sake. This was Hawke prior to his becoming the conciliatory Prime Minister. Even Hawke changed when he became the Prime Minister and when he recognised that standover tactics were no longer to be used.

But the member for Ross Smith is still bringing into this House the heavy-handed nonsense of the 1970s, when everybody else in the community—those covered by State and Federal awards—actually want to get on with providing jobs for our kids. All the member for Ross Smith is concerned about is making sure that his heavy-handed union mates from the Federal arena come in and run over any change. I find that absolutely amazing. But it does explain why his mates in the unions voted so heavily to get him into this place.

Mr CLARKE: Quite a number of them voted against me, because they loved me so much they wanted to keep me in the union movement. But, fortunately, they weren't successful. The Minister is entirely wrong about the heavy hand. The fact of the matter is that he has neutered himself, the Government and the State system. If you want to invite castration as you have done you cannot complain about being snipped.

The Hon. G.A. Ingerson interjecting:

An honourable member: You will be named in a minute.

Mr CLARKE: Yes, Mr Chairman, name him. I am getting tired of being named, warned and everything else, and the yahoos on the other side never get any reproach.

The CHAIRMAN: The member for Ross Smith has done more interjecting on the Minister over the past few minutes than he has done for quite some time. I think interjections across the floor should cease from both Parties.

Mr CLARKE: Is it true that the Minister's department has established a special unit consisting of some four legally trained employees to do nothing else but combat cases that might be brought by unions trying to bring State public sector employees under Federal awards? Is it true also that that is a growth, by a factor of four, in legal services in that area?

The Hon. G.A. INGERSON: The answer is 'No'.

Question agreed to.

Amendment No. 96:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 96 be agreed to.

Mr CLARKE: That is fine, Sir.

Question agreed to.

Amendment No. 97:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 97 be agreed to.

Question agreed to.

Amendment No. 98:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 98 be agreed to.

Mr CLARKE: I congratulate the Government on seeing the wisdom of the Opposition's position on this matter. I well remember the scorn which he poured on me with regard to this subject of limitations of actions in tort when we debated this matter in Committee. I give credit where credit is due to the Hon. Mr Elliott for insisting on this amendment. There is precious little for which I can thank him with regard to most of the Government's amendments, but with respect to this one credit is given where credit is due. It does not go quite as far as I would have liked, but I am prepared to recognise some constructive steps that have been taken by the Hon. Mr Elliott.

The Hon. G.A. INGERSON: Yes, it is a clause that was put forward by the Opposition and, yes, we do agree with it. But, as the member opposite would know, we have also made sure in agreeing with it that it has been watered down. It has been watered down to the extent that the commission can now issue a certificate before a business in fact breaks down and fails. So, it is a very important change in terms of the dispute side of the exercise. The commission can now do that, and it can step in much quicker than would have happened if clause 4(b) had not been inserted by the Government.

Mr CLARKE: I thank the Minister for his answer because that was basically the point I was putting to the Hon. Mr Elliott when he contacted me on this matter and said that he did not believe me. I am glad the Minister has confirmed out of his own mouth how he was fooled.

Question agreed to.

Amendment No. 99:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 99 be agreed to.

Question agreed to.

Amendment No. 100:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 100 be agreed to.

Mr CLARKE: Maybe this is a super abundance of caution but, with respect to common rule awards, those awards can and do apply to members and non members of unions. I take it that it is not the Government's intention that any common rule application with respect to awards be limited purely to members of associations or persons who ask to be covered by those common rule awards, otherwise it would make nonsense of the common rule application.

The CHAIRMAN: The question is—

Mr CLARKE: Mr Chairman, I would like an answer from the Minister on that, as it has enormous practical implications.

The CHAIRMAN: The question is—

Mr CLARKE: The fact that the Minister declines to comment on that leads me to suspect that there is something far more sinister or that he does not know—I give him the benefit of the doubt and suspect the former. It again goes to the point as to why we pressed certain amendments on the Hon. Mr Elliott.

Question agreed to.

Amendment No. 101:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 101 be agreed to.

Mr CLARKE: This is a slight improvement in terms of the inspection of time and wages records. However, the Hon. Mr Elliott did not see fit to insist on the amendments we were pressing on him to try to enable union members, whether or not they were members of an association, to inspect work carried out by employers. There is a practical reason for us wanting to know that. There are many awards that contain sophisticated classification structures. Unless you inspect the work that people do, it is extremely difficult, just by looking at a time and wages sheet, to know whether or not that person is doing the work that falls within a certain level of skill or classification. That can be ascertained only through an inspection. It is limited to members of the association.

Often members, particularly those working for small businesses, do not want their employer to know that they are members of an association and would therefore prefer the union to do the inspection on all employees in the same department so that no suspicion is aroused that there are one or two so-called 'troublemakers' (as the employer might term them). The other point is that the Government will take out of awards, as a result of the carriage of this legislation, the right of unions to enter an employer's premises after making suitable arrangements with them for the purpose of talking to employees about joining the union and the like. It is all very well for the Minister to say that it is up to the union and the employees to decide as to when and where they should meet to discuss union membership. The Minister says that this is the 1990s, but he is implying that he wants to go back to the 1890s when unions had no right to enter an employer's premises for the purposes of talking to staff about the advantages of joining a union.

The Minister pretends to say that this legislation puts everyone on a level bargaining field and that unions are welcome onto work sites if the employees want them there. However, he immediately proceeds to erect as many barriers as possible in terms of preventing people hearing about unions and inhibiting unions from being able to go to places during working hours and making proper arrangements with employers, as they do. Most of the State awards which have those sort of facilities limit the number of times a union can go on site during working hours to a maximum of once per year. I would not have thought that at all unreasonable today, given that we are in the 1990s—not the 1890s.

I understand the Government's political will with respect to this matter. Whilst I disagree with it, I can understand it and do not feel particularly bitter about the line the Government has taken on it. I would expect nothing less from a conservative Government. Again it underscores the point about the uselessness of the Australian Democrats if you rely on them to have any sense of industrial justice.

Question agreed to.

Amendments Nos 102 and 103:

The CHAIRMAN: The question is:

That the Legislative Council's amendments Nos 102 and 103 be agreed to.

Question agreed to.

Amendment No. 104:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 104 be agreed to.

Mr CLARKE: A quick reading of the amendment indicates that it seems to read exactly the same as subclause (3) of the original Bill. I do not know whether the Minister can enlighten me as to the difference between the Bill and the amendment, as they seem to be exactly the same. For that reason we have the same objection, that is, it does not allow a registered association that is otherwise a party to an award that would apply to those employees, except for the fact that an enterprise agreement is in place, to intervene as a matter of course in the proceedings.

The Hon. G.A. INGERSON: It was deleted during the first Committee stage, and it was put back in during the second stage after negotiation.

Mr CLARKE: The Minister announces another triumph against the Australian Democrats. From his viewpoint, good luck to him.

Question agreed to.

Amendments Nos 105 to 122:

The CHAIRMAN: The question is:

That the Legislative Council's amendments Nos 105 to 122 be agreed to.

Question agreed to.

Amendment No. 123:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 123 be agreed to.

Mr CLARKE: Surprise, surprise, this happens to be my amendment. I agreed with the first vote of the Legislative Council, which was to have no reference to secondary boycotts at all. I know now that in a peculiar sort of way—

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: It certainly was. The Minister is referring to a point where we were prepared to move the amendment and the Attorney-General was prepared to second it. We suddenly smelt a rat and supported the Hon. Mr Elliott to knock out our own amendment as well as the Government's provision. I note that the Minister has again triumphed in spectacular form in his negotiations with the Hon. Mr Elliott. Ironically my original amendment to the very letter and fullstop will go in, although not for the reasons I would have advanced.

Question agreed to.

Amendments Nos 124 to 131:

The CHAIRMAN: The question is:

That the Legislative Council's amendments Nos 124 to 131 be agreed to.

Question agreed to.

Amendment No. 132:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 132 be agreed to.

Mr CLARKE: This is in the transitional provisions of the Bill. The Government originally said that the cutoff date was 23 March 1994 with respect to applications made by any party to an award. The Hon. Mr Elliott, again straddling the proverbial barbed wire fence, said, 'Look, hang on a moment, this legislation probably won't be passed until the weekend'. Somehow or other, on the floor of the Legislative Council, 14 May 1994 became the applicable date. It is a nonsensical date, as was 23 March 1994, because we do not know when the Bill will be proclaimed. There is a great deal of administrative work still to be done with respect to this legislation before it is up and running. It may be at least another two or three months before it can be effectively proclaimed and under way.

We have the stupid situation where parties who are lodging claims in the commission on this very day, both employers and employees, have to say, 'Mr Commissioner, we now have to handle our application in accordance with a Bill that may have been passed by Parliament but which has yet to receive royal assent and has yet to be proclaimed from a particular date.' What happens if this date of proclamation stretches out not by a few weeks but by a few months? It would be a total injustice for applicants, whether they be employers or unions, to try to conduct their affairs when their application was lodged under the current Act, which stays in force until such time as the new Act is proclaimed, and that could be some months off.

It would have been far better, in my view, for the amendment to apply from the date of proclamation. That way, everyone would know fairly clearly, particularly once the Government announced the date of proclamation, under what set of rules they were conducting themselves. It seems an absurdity that 14 May was plucked out of the air by the Hon. Mr Elliott. It is slightly less lunatic than 23 March 1994, but not a hell of a lot more so. Not a great deal hangs on this as a policy issue across the board for the Government. However, it means something, and it is quite important to parties with applications currently before the commission to say that they should be in never-never land for a period of some months in relation to which set of rules they must operate under.

I do not think it is fair to the parties, given that there has been no royal assent and we do not know the date of proclamation. They do not even have a consolidated copy of the legislation—it will take a little while for that to be printed and distributed to all the parties who use it. It is a total rewrite of the legislation. Somehow or other, they will have to get their legal advisers to explain how their application may be affected by this new legislation. That is an intolerable burden on those parties. In the great scheme of things, in terms of overall Government policy, it means four-fifths of five-eighths of very little for the Government to amend the date to the date of proclamation. It would make an unworkable Bill a little more workable for the parties that work in the field.

The Hon. G.A. INGERSON: It was put in for a very specific reason: we have a group of labour lawyers who like to put in ambit claims and who would love to frustrate the general intention of this legislation. The specific clause applies to applications: it does not apply, as the member for Ross Smith was attempting to tell the Committee, to existing cases. It is absolutely specific: it applies to applications. The Government does not believe that ambit claims—exaggerated logs of claims—should be put in between now and when the new Act comes into being, because that is exactly what history has shown happens, whether it be a Liberal Government or a Labor Government making changes. There is a group that is very interested in frustrating the will of Parliament, and we are not prepared to accept that.

Mr CLARKE: The Minister likes to cast aspersions on labour lawyers. I assure him that—

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: You also mentioned labour lawyers. A considerable number of lawyers who act for employers are equally as rabid. In fact, I will withdraw the words 'equally' and 'rabid'—they are more fervent than any union lawyer in terms of trying to ride their way through legislation. The fact of the matter is that the Minister is right in so far as he says that it deals with applications, not part-heard cases. No doubt applications were lodged in the commission yesterday and

today. In fact, some of those applications could well be disposed of in a matter of weeks under the existing legislation. Yet, these people are caught up under legislation that has not yet been proclaimed, and a consolidated copy of the Bill is not available for reference.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I appreciate that. The Minister says, 'That is our problem.' The fact of the matter is that those who wear the consequences of his ineptness and Government ineptitude generally are not Government bodies but parties who appear before the commission and who get stuffed around because of needless, vindictive legislation such as this, which provides arbitrary dates for no good reason.

The Hon. G.A. INGERSON: I give the Committee an assurance that this legislation will be enacted as quickly as possible. The member for Ross Smith has no need to worry about the Government's dithering around. We believe it is essential legislation and that it should be enacted within an absolute minimum number of days. If it can be done in 30 days, it will be. I can guarantee that there will be no dithering around at all.

Question agreed to.

Amendment No. 133:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 133 be agreed to.

Question agreed to.

Amendment No. 134:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 134 be agreed to.

Mr CLARKE: I have already made this point, but I cannot emphasise it too strongly. The Government is stripping the existing President of the Industrial Court and the Industrial Commission of his functions. It is trying to placate him and the Supreme Court justices by saying that they will still be with the Industrial Court, that they will still be able to use the appropriate titles, they will have the rank of Supreme Court judge, and all the rest of it.

Frankly, I do not give a tuppence ha'penny about the individuals involved in this exercise: I am more interested in and concerned about the principle behind the Government's legislation, aided and abetted by the Democrats, to shaft the Industrial Court and Commission of South Australia, to traduce it and to turn it into a political play thing for this Government. The Minister, in answer to an earlier question a few moments ago, has assured the House that he will get on with this legislation and that it will be proclaimed basically in a matter days. He has already given away the game: he has already effectively worked out who will be his commissioners, the President and the Deputy President. The so-called bipartisan panel to assist him in his deliberations is nothing more than a farce. He already has his short lists, and the short lists are down to one person in each case—and I have a pretty good idea as to who they are. Therefore, we are not prepared to wear this, and we will also seek a division on it, because it goes to the very essence of the independence of our commission and courts.

The Committee divided on the question:

AYES (24)

Armitage, M. H.	Baker, D. S.
Baker, S. J.	Bass, R. P.
Becker, H.	Brokenshire, R. L.
Buckby, M. R.	Caudell, C. J.
Greig, J. M.	Gunn, G. M.
Hall, J. L.	Ingerson, G. A. (teller)

AYES (cont.)

Kerin, R. G.	Kotz, D. C.
Lewis, I. P.	Matthew, W. A.
Meier, E. J. t.)	Oswald, J. K. G.
Rosenberg, L. F.	Rossi, J. P.
Scalzi, G.	Venning, I. H.
Wade, D. E.	Wotton, D. C.

NOES (8)

Blevins, F. T.	Clarke, R. D. (teller)
De Laine, M. R.	Geraghty, R. K.
Hurley, A. K.	Quirke, J. A.
Rann, M. D.	Stevens, L.

PAIRS

Brown, D. C.	Arnold, L. M. F.
Cummins, J. G.	Atkinson, M. J.
Leggett, S. R.	Foley, K. O.

Majority of 16 for the Ayes.

Question thus agreed to.

Amendment Nos 135 to 137:

The CHAIRMAN: The question is:

That the Legislative Council's amendments Nos 135 to 137 be agreed to.

Question agreed to.

Amendment No. 138:

The CHAIRMAN: The question is:

That the Legislative Council's amendment No. 138 be agreed to.

Mr CLARKE: Again, this amendment is not as we would have preferred. I do not think we actually got to my amendment in this House: the Government guillotined it, quite unfairly and ruthlessly. However, it was debated in another place. Again, credit should be given to the Opposition with regard to some of the improvements that we were able to effect on this legislation. For the first time, albeit under more restrictive provisions than we would have preferred, it will be possible for the 20 per cent of workers in South Australia who work in award free areas to be able to have minimum rates of pay set for them across the board by application of the Minister, the Trades and Labor Council and the Employers Federation (and I would not hold my breath waiting for it to apply to set a new minimum rate unless it could set it back a decade or two). That is a significant advance, and I know that it had to be wrung out of the Government. Quite frankly, it shows just how desperately the Minister wanted to get a new commission and court established. He so desperately wanted to stack that court and commission that he was prepared to give way on this point to placate and salve the conscience of the Australian Democrats for their other sell-out actions.

Question agreed to.

Amendments Nos 139 to 142:

The CHAIRMAN: The question is.

That the Legislative Council's amendments Nos 139 to 142 be agreed to.

Question agreed to.

AGRICULTURAL AND VETERINARY CHEMICALS (SOUTH AUSTRALIA) BILL

Returned from the Legislative Council without amendment.

MEAT HYGIENE BILL

Returned from the Legislative Council with an amendment.

STATUTES AMENDMENT (WATERWORKS AND SEWERAGE) BILL

A message was received from the Legislative Council agreeing to the place appointed by the House of Assembly for holding the conference but appointing 9.30 p.m. on Wednesday 18 May as the time for holding the conference.

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

That the time appointed by the Legislative Council be agreed to.

Motion carried.

STATUTES AMENDMENT (CLOSURE OF SUPERANNUATION SCHEMES) BILL

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council conference room at 10 p.m. on Wednesday 18 May.

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.

STATUTES AMENDMENT (CONSTITUTION AND MEMBERS REGISTER OF INTERESTS) BILL

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

That Ms Hurley and Mr Quirke be substituted as managers for Messrs Atkinson and Foley on the conference on this Bill.

INDUSTRIAL AND EMPLOYEE RELATIONS BILL

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

That on the commencement of schedules 29, 30, 34 and 58 of the Industrial and Employee Relations Act 1994, the nominee of this House to the panel to consult with the Minister about appointments to the Industrial Commission of South Australia and the Employee Ombudsman be Mr Ashenden.

Mr CLARKE (Ross Smith): The Minister advised us today that, if possible, he wanted a resolution from both Houses of Parliament to appoint nominees of the Legislative Council and the House of Assembly to these panels. The Opposition has put forward the name of its representative from the Legislative Council and no doubt it will be dealt with shortly. I put on record that the caucus of the Labor Party has not formally decided its attitude with respect to participation on this panel. That matter will be dealt with within the forums of the Party and any views or variances to what we have adopted today will be conveyed to the Government at the appropriate time.

I wanted to make it quite clear that our caucus and Party has not had an opportunity to consider whether it wants to go through this charade of pretending to participate in the selection of commissioners and Presidents of the commission when the decision all along will be that of the Minister. We do not disagree that the Minister should have that decision but to participate in a charade and give it any air of respectability are issues which will be thought about long and deeply by the Party and we will communicate our position to the Government once we have formulated our views.

The Hon. G.A. INGERSON (Minister for Industrial Affairs): I thank the member for Ross Smith for those comments. I hope the ALP caucus considers that it is part of an Act of Parliament and that the Parliament, not the Government, has decided that members from both Houses should be on that panel. I hope the caucus will see the value of being part of this particular panel. I do not accept that it is a charade.

The Hon. Frank Blevins interjecting:

The Hon. G.A. INGERSON: Matthew O'Callaghan had nothing to do with it. It is an opportunity to participate in the appointment of new commissioners and the possible reappointment of the existing commissioners. I think it would be a pity if the Opposition chose not to participate.

Motion carried.

WORKERS REHABILITATION AND COMPENSATION (ADMINISTRATION) AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments relevant to the amendments insisted upon:

Legislative Council's Amendment No. 10 insisted on—

Page 6, lines 27 to 33 (clause 6)—Leave out proposed subsections (5) and (6) and insert proposed subsections as follow:-

'(5) A disability that arises out of, or in the course of, a journey arises from employment only if—

(a) the journey is undertaken in the course of carrying out duties of employment; or

Examples—

- A school employee is required to drive a bus taking school children on an excursion and has an accident resulting in disability in the course of the journey.
- A worker is employed to pick up and deliver goods for a business and has an accident resulting in disability in the course of a journey to pick up or deliver goods for the business or a return journey to the worker's place of employment after doing so.

(b) the journey is between—

(i) the worker's place of residence and place of employment; or

(ii) the worker's place of residence or place of employment and—

- an educational institution the worker attends under the terms of an apprenticeship or other legal obligation, or at the employer's request or with the employer's approval; or
- a place the worker attends to receive medical treatment, to obtain a medical report or certificate, to participate in a program of rehabilitation, or to apply for or receive compensation for a compensable disability,

and there is a real and substantial connection between the employment and the accident out of which the disability arises.

Examples—

- A worker is employed to work at separate places of employment so that travelling is inherent in the nature of the employment and has an accident while on a journey between the worker's place of residence and a place of employment.
- A worker must, because of the requirements of the employer, travel an unusual distance or on an unfamiliar route to or from work and has an accident while on a journey between the worker's place of residence and a place of employment.

· A worker works long periods of overtime, or is subjected to other extraordinary demands at work, resulting in physical or mental exhaustion, and has, in consequence, an accident on the way home from work.
· A worker becomes disorientated by changes in the pattern of shift work the worker is required to perform and has, in consequence, an accident on the way to or from work.

(6) The journey between places mentioned in subsection (5)(b) must be a journey by a reasonably direct route but may include an interruption or deviation if it is not, in the circumstances of the case, substantial, and does not materially increase the risk of injury to the worker.'

Legislative Council's Amendment relevant to Amendment No. 10 insisted on—

New section (5)(a)—Leave out examples.

New subsection (5)(b)—Leave out paragraph *(b)* (including the examples) and substitute—

(b) the journey is between—

(i) the worker's place of residence and place of employment; or

(ii) the worker's place of residence or place of employment and—

· an educational institution the worker attends under the terms of an apprenticeship or other legal obligation, or at the employer's request or with the employer's approval; or
· a place the worker attends to receive a medical service, to obtain a medical report or certificate (or to be examined for that purpose), to participate in a rehabilitation program, or to apply for or receive compensation for a compensable disability,

and there is a real and substantial connection between the employment and the accident out of which the disability arises.

After subsection (5)—Insert—

(5a) However, the fact that a worker has an accident in the course of a journey to or from work does not in itself establish a sufficient connection between the accident and the employment for the purposes of subsection (5)*(b)*.

Legislative Council's Amendment No. 19 insisted on—

Page 10—After line 2 insert new clause as follows:-

'Amendment of s.53—Determination of claim

11A. Section 53 of the principal Act is amended by inserting after subsection (7) the following subsection:

(7A) For the purposes of subsection (7), an appropriate case is one where—

(a) the redetermination is necessary to give effect to an agreement reached between the parties to an application for review or to reflect progress (short of an agreement) made by the parties to such an application in an attempt to resolve questions by agreement; or

(b) the claimant deliberately withheld information that should have been supplied to the Corporation and the original determination was, in consequence, based on inadequate information.'

Legislative Council's Amendment relevant to Amendment No. 19 insisted on—

New subsection (7A)—Insert the following paragraphs after paragraph (b):

(c) the redetermination is appropriate by reason of new information that was not available and could not reasonably have been discovered by due enquiry at the time that the original determination was made; or

(d) the original determination was made as the result of an administrative error and the redetermination is made within two weeks of the making of the original determination; or

(e) the redetermination is made in prescribed circumstances.

After new subsection (7A)—Insert—

(7B) A regulation made for the purposes of subsection (7A)(e) cannot come into operation until the time for disallowance has passed.

Schedule of the amendment to the House of Assembly's amendment relevant to the words reinstated by the disagreement to Amendment No. 12 of the Legislative Council

House of Assembly's amendment—

Page 7, lines 27 to 33 (clause 6)—Leave out subsection (2) and insert new subsection as follows:-

'(2) However-

(a) a worker will not be presumed to be acting in the course of employment if the worker is guilty of misconduct or acts in contravention of instructions from the employer, or voluntarily subjects himself/herself to an abnormal risk of injury, during the course of an attendance under section 30(3); and

(b) a disability is not compensable if it is established on the balance of probabilities that the disability is wholly or predominantly attributable to—

(i) serious and wilful misconduct on the part of the worker; or

(ii) the influence of alcohol or a drug voluntarily consumed by the worker (other than a drug lawfully obtained and consumed in a reasonable quantity by the worker).'

Legislative Council's amendment thereto—

New subsection (2)(a)—Leave out ", or voluntarily subjects himself/herself to an abnormal risk of injury,".

Schedule of the Amendments of the Legislative Council disagreed to by the House of Assembly and of the Amendments made by the House of Assembly relevant to the words reinstated by the said disagreement.

Legislative Council's Amendment No. 10—

Page 6, lines 27 to 33 (clause 6)—Leave out proposed subsections (5) and (6) and insert proposed subsections as follow:-

'(5) A disability that arises out of, or in the course of, a journey arises from employment only if—

(a) the journey is undertaken in the course of carrying out duties of employment; or

Examples—

· A school employee is required to drive a bus taking school children on an excursion and has an accident resulting in disability in the course of the journey.
· A worker is employed to pick up and deliver goods for a business and has an accident resulting in disability in the course of a journey to pick up or deliver goods for the business or a return journey to the worker's place of employment after doing so.

(b) the journey is between—

(i) the worker's place of residence and place of employment; or

(ii) the worker's place of residence or place of employment and—

· an educational institution the worker attends under the terms of an apprenticeship or other legal obligation, or at the employer's request or with the employer's approval; or
· a place the worker attends to receive medical treatment, to obtain a medical report or certificate, to participate in a program of rehabilitation, or to apply for or receive compensation for a compensable disability,

and there is a real and substantial connection between the employment and the accident out of which the disability arises.

Examples—

· A worker is employed to work at separate places of employment so that travelling is inherent in the nature of the employment and has an accident while on a journey between the worker's place of residence and a place of employment.
· A worker must, because of the requirements of the employer, travel an unusual distance or on an unfamiliar route to or from work and has an accident while on a journey between the worker's place of residence and a place of employment.
· A worker works long periods of overtime, or is subjected to other extraordinary demands at work, resulting in physical or mental exhaustion, and has, in consequence, an accident on the way home from work.
· A worker becomes disorientated by changes in the pattern of shift work the worker is required to perform and has, in consequence, an accident on the way to or from work.

(6) The journey between places mentioned in subsection (5)(b) must be a journey by a reasonably direct route but may include an interruption or deviation if it is not, in the circumstances of the case, substantial, and does not materially increase the risk of injury to the worker.'

House of Assembly's Amendment relevant to the words reinstated by the said disagreement—

Page 6, lines 27 to 33 (clause 6)—Leave out proposed new subsections (5) and (6) and insert—

(5) A disability that arises out of, or in the course of a journey, arises from employment if, and only if—

(a) the journey is between two places at which the worker is required to carry out duties of employment with the same employer; or

(b) the journey is between—

(i) the worker's place of employment and an educational institution the worker attends under the terms of an apprenticeship or other legal obligation, or at the employer's request or with the employer's approval; or

(ii) the worker's place of residence or place of employment and a place the worker attends to receive a medical service, to obtain a medical report or certificate (or to be examined for the purpose), to participate in a rehabilitation program, or to apply for, or receive, compensation, for a compensable disability; or

(c) the journey is between the worker's place of residence and place of employment and the accident out of which the disability arises is wholly or predominantly attributable to the performance of duties of employment[1].

(6) However, the fact that a worker has an accident in the course of a journey to or from work is not in itself a sufficient causal nexus between the accident and the employment for the purposes of subsection (5)(c).

[1]Example: A worker works long periods of overtime, or is subjected to other extraordinary demands at work, and is involved in an accident on the way home from work because of physical or mental exhaustion resulting from the worker's employment.

(7) The journey between places mentioned in subsection (5) must be a journey by a reasonably direct route but may include an interruption or deviation if it is not, in the circumstances of the case, substantial, and does not materially increase the risk of injury to the worker.

Legislative Council's Amendment No. 11-

Page 7, lines 1 to 18 (clause 6)—Leave out proposed section 30A and insert proposed section as follows:-

'Stress-related disabilities

30A. A disability consisting of an illness or disorder of the mind caused by stress is compensable if and only if—

(a) stress arising out of employment was a substantial cause of the disability; and

(b) the stress did not arise wholly or predominantly from—

(i) reasonable action taken in a reasonable manner by the employer to transfer, demote, discipline, counsel, retrench or dismiss the worker; or

(ii) a decision of the employer, based on reasonable grounds, not to award or provide a promotion, transfer, or benefit in connection with the worker's employment; or

(iii) reasonable administrative action taken in a reasonable manner by the employer in connection with the worker's employment; or

(iv) reasonable action taken in a reasonable manner under this Act affecting the worker.'

House of Assembly's Amendment relevant to the words reinstated by the said disagreement—

Page 7, lines 1 to 18 (clause 6)—Leave out proposed new section 30A and insert—

Stress-related disabilities

30A. A disability consisting of an illness or disorder of the mind caused by stress is compensable if and only if—

(a) the stress arises wholly or predominantly from employment; and

(b) the stress is not, to a significant extent, attributable to—

(i) reasonable action to transfer, demote, discipline, counsel, retrench or dismiss the worker; or

(ii) a reasonable decision not to award or provide a promotion, transfer or benefit in connection with the worker's employment; or

(iii) a reasonable administrative action in connection with the worker's employment; or

(iv) a reasonable act, decision or requirement under this Act affecting the worker; or

(v) a reasonable act, decision or requirement that is incidental or ancillary to any of the above.

Legislative Council's Amendment No. 17—

Page 8, lines 28 to 34 and page 9, lines 1 to 15 (clause 9)—Leave out the clause and insert new clause as follows:-

'Substitution of s.42

9. Section 42 of the principal Act is repealed and the following section is substituted:

Commutation of liability to make weekly payments

42. (1) A liability to make weekly payments under this Division may, on application by the worker, be commuted to a liability to make a capital payment that is actuarially equivalent to the weekly payments.

(2) However, the liability may only be commuted if—

(a) the incapacity is permanent; and

(b) the actuarial equivalent of the weekly payments does not exceed the prescribed sum[1].

(3) The Corporation has (subject to this section) an absolute discretion to commute or not to commute a liability under this section, and the Corporation's decision to make or not to make the commutation is not reviewable (but a decision on the amount of a commutation is reviewable).

(4) If the Corporation decides to make a commutation and makes an offer to the worker, the Corporation cannot, without the agreement of the worker, subsequently revoke its decision to make the commutation.

(5) In calculating the actuarial equivalent of weekly payments, the principles (and any discount, decrement or inflation rate) prescribed by regulation must be applied.

(6) A commutation discharges the Corporation's liability to make weekly payments to which the commutation relates.

Notes—

[1]. The reference to the prescribed sum is a reference to the prescribed sum for the purposes of Division 5—*See s.43(11).*'

House of Assembly's Amendment relevant to the words reinstated by the said disagreement—

Page 9, lines 2 to 4 (clause 9)—Leave out subsection (3) and insert—

(3) The Corporation has a discretion to commute or not to commute a liability under this section and the exercise of that discretion is not reviewable (but if the Corporation decides to make a commutation then its decision on the amount of the commutation is reviewable).

Legislative Council's Amendment No. 18-

Page 9, lines 21 to 34 (clause 10)—Leave out subsections (14) to (18) and insert the following:-

'(14) A liability to make weekly payments under this section may, on application by the person entitled to the weekly payments, be commuted to a liability to make a capital payment that is actuarially equivalent to the weekly payments.

(15) However, the liability may only be commuted if the actuarial equivalent of the weekly payments does not exceed the prescribed sum[1].

(16) The Corporation has (subject to this section) an absolute discretion to commute or not to commute a liability under this section, and the Corporation's decision to make or not to make commutation is not reviewable (but a decision on the amount of a commutation is reviewable).

(17) If the Corporation decides to make a commutation and makes an offer under this section, the Corporation cannot, without the agreement of the applicant, subsequently revoke its decision to make the commutation.

(18) In calculating the actuarial equivalent of weekly payments, the principles (and any discount, decrement or inflation rate) prescribed by regulation must be applied.

(19) A commutation discharges the Corporation's liability to make weekly payments to which the commutation relates.

Notes—

[1]. The reference to the prescribed sum is a reference to the prescribed sum for the purposes of Division 5—*See s.43(11).*'

House of Assembly's Amendment relevant to the words reinstated by the said disagreement—

Page 9, lines 24 to 26 (clause 10)—Leave out subsection (15) and insert—

(15) The Corporation has a discretion to commute or not to commute a liability under this section and the exercise of that discretion is not reviewable (but if the Corporation decides to make a commutation then its decision on the amount of the commutation is reviewable).

Schedule of the reasons of the Legislative Council for disagreeing to the amendments made by the House of Assembly relevant to the words reinstated by the said disagreement:

Because the House of Assembly's amendments do not assist in the application of the Workers Compensation Scheme.

Amendment No. 10:

The Hon. G.A. INGERSON: I move:

That the House of Assembly do not insist on its alternative amendment, do not further insist on its amendment thereto but agree to the Legislative Council's further amendment thereto.

Mr CLARKE: The comments that I make now go to the amendment as a whole, and I will not further address it. Basically, the decision is cut and dried. The Government has clearly agreed to the amendments moved in the Legislative Council and, unfortunately from our point of view, as an Opposition, the amendments moved by the other place, in particular those related to journey accidents and the like, are totally inadequate. Nonetheless, they still create the difficulties of there being two classes of workers: first, the vast bulk of workers who travel to work by bus or car, who are injured travelling to or from work, and who will not be covered by compensation claims; and, secondly, another class of workers who, for some reason, may be provided with a car by their employer and who, if they are unfortunate enough to have an accident, will be covered.

We have reached—and this rests squarely on the shoulders of the Australian Democrats and the Government—a position whereby workers in this State are worse off than workers in other States. We do not have a no fault insurance scheme in South Australia, whereas other States (such as Victoria and the Northern Territory) that have abolished journey accidents do have those schemes. So, if a worker travelling to or from work is injured in a car accident (and 80 per cent of the workers compensation journey accidents involve motor vehicles) the worker is not put through a long, expensive process of suing the SGIC for their entitlements under the compulsory third party insurance.

You can have a situation where workers are off injured for a considerable time without paid sick leave available, waiting months to be properly recompensed for loss of income through the compulsory third party scheme, because we do not have a no fault insurance scheme. In fact, workers in South Australia today will be worse off than they were in 1956 when journey accidents were incorporated into the workers compensation legislation for the first time. That is absolutely scandalous. It does no credit to the Government and certainly does no credit whatsoever to the Democrats. Again, with respect to the Hon. Mr Elliott, I assume that a great deal of the legislation to which he has assented, not only with respect to WorkCover but also with respect to the industrial relations legislation, must relate to the fact that he is an ex-Liberal Party organiser in the Riverland who obviously did not succeed in making preselection with respect to the Liberal Party, and to his close friendship with the Leader of the Government in that other place, as to why he would be prepared to sell out workers so cheaply with respect to this matter.

The only element for which I will give him credit is that he has been prepared at least to put a little bit of spine in the otherwise jelly back situation he is in, to insist on the existing legislation with respect to stress related disabilities. I am prepared to give credit where credit is due. He has stood reasonably firm on that issue and should be commended with respect to that and also with respect to clause 42 of the Bill, the commutation of liability to make weekly payments. In so far as journey accidents and the consequential amendments that go with it are concerned, quite frankly it is an absolute outrage. I suppose I should not be too shocked by it all, because I will get more outraged over the remainder of the Government's three years and seven months in office.

I look forward, with some sort of trepidation, to the new session in August this year when the Minister brings down his new WorkCover legislation. I will be here, ready, willing and only too able to debate the Minister and hopefully try to put a bit of spine into those otherwise spineless Democrats in relation to these issues.

The Hon. G.A. INGERSON: I would like to make the comment that the Government recognised, after debate in this House in particular, that the original legislation it introduced was loose as it relates to journey accidents. The Government has reconsidered its position and accepted clearly the view from members opposite and members in the other place. As a consequence, there have been some concessions. The reality here is that 80 per cent of journey accidents that are not related to work will be removed from the scheme, and that is about 20 per cent less than we hoped for.

I also agree with members opposite that whatever we do in terms of third party we need a change in the scheme, and we need to recognise that changes need to occur if we are to have a genuine general coverage of accidents that occur in that system, and I accept that. It is up to a number of us in the Party to do something about it. There is no doubt that there is a need for change in that area, because a change is occurring right around the nation, and this Government will be looking at it.

The Committee divided on the motion:

AYES (21)

Armitage, M. H.	Baker, D. S.
Bass, R. P.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
Buckby, M. R.	Caudell, C. J.
Gunn, G. M.	Hall, J. L.
Ingerson, G. A. (teller)	Kerin, R. G.
Lewis, I. P.	Matthew, W. A.
Meier, E. J.	Oswald, J. K. G.
Rosenberg, L. F.	Rossi, J. P.
Scalzi, G.	Venning, I. H.
Wotton, D. C.	

NOES (6)

Blevins, F. T.	Clarke, R. D. (teller)
De Laine, M. R.	Geraghty, R. K.
Rann, M. D.	Stevens, L.

PAIRS

Baker, S. J.	Arnold, L. M. F.
Brown, D. C.	Atkinson, M. J.
Cummins, J. G.	Foley, K. O.
Greig, J. M.	Hurley, A. K.
Leggett, S. R.	Quirke, J. A.

Majority of 15 for the Ayes.

Motion thus carried.

Amendment number 11:

The Hon. G.A. INGERSON: I move:

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

This clause relates to stress. The Government, in its negotiations in another place, was able to have this clause tightened only very slightly. It was tightened nowhere near to the extent that the Government believed it ought to be. However, we have a commitment from members in the other place that if the Government can show that the stress area, as it relates to Government, has blown out in the next three months we will be able to make a change in the August session. However, do not hold your breath.

Mr CLARKE: What is the Minister doing to instruct CEOs in the Public Service about handling stress and trying to prevent it rather than knocking people off the claims: actually doing something about getting them off claims altogether in terms of preventing injures?

The Hon. G.A. INGERSON: First, we are doing something that has not been done in 10 years, that is, going to every CEO and making them directly responsible, at the direction of Cabinet, for the management of occupational health and safety and workers compensation within their departments.

The Hon. Frank Blevins: We've done all that.

The Hon. G.A. INGERSON: You did nothing about it; that's the problem. The next thing we intend to do is place the responsibility back on the departments financially in terms of actual compensation. It is interesting that the previous Treasurer said the former Government did all that. In the past four years we have had an escalation from $35 million to $48 million in lump sum compensation to Government workers compensation, with virtually no monitoring at all. That is one of the fundamental problems with the compensation, particularly in the areas of corrections, education and health.

The only way, in my view, that you can do anything about it is to start putting the responsibility back on the departments and making sure that they have people within the department who are capable of managing the problem. At least we will have a go; we will not sit around and accept that claims should continue to rise in any area of Government. We are not prepared to accept that safety should just be a word, as it was with the previous Government. It was the greatest lot of gobbledegook as far as the previous Government was concerned. It just stood up and said, 'Safety is what it is all about,' and did nothing. We will attempt to do it. We will put in some measurements so that within six months we can come back to this Parliament and advise it how far we have got in this whole area.

Motion carried.

Amendment number 12:

The Hon. G.A. INGERSON: I move:

That the House of Assembly agree to the Legislative Council's amendment to its alternative amendment.

This amendment deals with compensation as it relates to accidents involving drugs and alcohol. That has been changed to allow only those accidents in which a reasonable quantity of drugs or alcohol has been consumed.

Motion carried.

Amendment No. 17:

The Hon. G.A. INGERSON: I move:

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

This clause relates to commutation. Unfortunately in this area neither the Democrats nor the Opposition were prepared to support the Government, so the Government is prepared to let it go. The tragedy of the whole exercise is that WorkCover will not commute. The WorkCover Board will be forced into a situation where no commutation takes place because, as the previous Treasurer would know, it was never the intent of the scheme to pay lump sum payments and weekly benefits at the same time.

The court ruling has done that and, because the Government was not able to convince the Parliament that there needed to be a change, the Government is prepared to step back. However, the reality is that the workers will suffer as there will be no commutation because the WorkCover Board will not be able to afford to proceed with any commutation.

Motion carried.

Amendment No. 18:

The Hon. G.A. INGERSON: I move:

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

This clause also relates to commutation. I have been advised that the statement I just made was not totally correct. The amendments made by the Legislative Council have in fact corrected the court position, but they have added a complication by making further amendments which make it very difficult for the WorkCover Board to commute. As a consequence of that, our view is that there will be no commutation at all because of the further amendments. So, I correct the statement I made initially; there has been a correction of the court decision. However, the further amendments have complicated the matter so the Government has withdrawn its amendment altogether.

Motion carried.

Amendment No. 19:

The Hon. G.A. INGERSON: I move:

That the House of Assembly do not further insist on its disagreement thereto and agree to accept the alternative amendment made in lieu thereof.

This clause relates to redetermination of claims.

Motion carried.

Amendment No. 21:

The Hon. G.A. INGERSON: I move:

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

This is consequential on the previous amendment.

Motion carried.

MEAT HYGIENE BILL

Consideration in Committee of the Legislative Council's amendment:

Page 5 (clause 9)—After line 26 insert new paragraph as follows:

'(ia) a person nominated by the Australasian Meat Industry Employees Union to represent the interests of persons employed in connection with meat processing;'.

The Hon. D.S. BAKER: I move:

That the Legislative Council's amendment be disagreed to.

Mr CLARKE: We disagree with the Government's position with respect to the amendment put forward by the other place. Members may recall the Meat Hygiene Bill. There is to be an advisory board comprising what seems like a football team of members who will represent a whole range of interest groups within the meat processing industry. There are no direct representatives of consumers and certainly no direct representatives of organisations that represent workers in the industry. As the Minister would be the first to concede, this is a major Bill and one where there should be a fair bit

of responsibility on the Government to ensure that meat processed in our abattoirs and slaughterhouses is up to scratch with respect to the health and safety of those who consume that processed meat.

Much of the responsibility for ensuring on-line standards with respect to the processing of this meat would involve persons who are members of the Australasian Meat Industry Employees Union. I would not have thought it beyond the pale for this Government to concede that the meat workers union should have one spot out of the cast of thousands on the advisory committee that will make recommendations to the Government. It is really an ideological position that the Minister has put: the Government just cannot stand to have in any of its legislation any reference whatsoever to any registered trade union looking after the interests of workers. Not that the fact that it has an advisory committee means any more than an advisory committee means to the Minister for Industrial Affairs on the selection of the President and Deputy Presidents of the commission, which means nothing whatsoever.

No doubt the Minister will say that the advisory committee has more power than the State Cabinet on these sorts of issues, but we all understand that it is a front put up by the Minister and it is really ideologically driven. One person out of 14 on the committee could be directly drawn to represent the workers in this industry. After all, the committee will only be advising the Minister. Above all, I would have thought that the Minister would be interested to know the views of the employees—those directly involved in the killing and processing of dead meat in this industry. They would be able to assist the Minister, because the people on the shop floor know before anybody else about any short cuts being taken with respect to health standards—

The Hon. Frank Blevins interjecting:

Mr CLARKE: As the member for Giles said, you have all the bosses, processors and those with vested interests to cover up any deficiency in meat hygiene, but no representation from the workers. It is the workers who come into contact most closely with the carcasses. If they have problems with disease, it is those workers who will be affected first. The Minister, for purely ideological reasons, does not want it mentioned in any Act of Parliament, as he is too frightened. He can take on the Mayor of Clare over ratting on his word to the Mayor and District Council of Clare about placing a field station in Clare. He can take them all on. He can take on the member for Custance. I notice that the member for Frome is sitting in his seat. It is probably a Freudian slip that he is moving that much closer to where the member for Custance ordinarily sits. The Minister tried to dethrone the member for Custance by referring to him as only the 'current member for Custance'.

For all those reasons I strongly urge the Minister to rise above his in-built prejudice against trade unions and incorporate the union on the committee. After all, it is only one position out of 14, and the union does represent the workers in the field. The Minister might be surprised, because he would receive better advice from the union than from some of his mates whom he will install on the committee in any event.

The Hon. D.S. BAKER: I thank the honourable member for his contribution. Apart from the bleatings of members opposite, under section 9(2) of the Act there is ample ability in this regard, as it provides:

The Advisory Council may include further members appointed by the Minister to represent other interested persons as the Minister considers appropriate.

For the honourable member to say that I do not care about the unions and all of that means that he does not quite understand the background that I came from. I came from sensible discussions with the union movement over many years in agripolitics, during the Mudginberri dispute, the live sheep dispute, the Portland dispute—all of those disputes where we had very sensible and meaningful discussions with union members, and at every time we had those discussions, the union finally agreed with the position that I took. So I have always been very conciliatory in my attitude.

If the honourable member wants to go back and check, only yesterday I had a meeting with the AMIEU from SAMCOR. They came into my office, including the union member who is on the board (the previous Minister kicked him out of his office), sat down and had 45 minutes of sensible discussions. The feedback I got today from the management of SAMCOR was that it was the best meeting they had ever had, because they sat down with the Minister who was prepared to level with them, tell them what was going on, tell them where SAMCOR was going, and they were all rapt. I am concerned about the consumers who are not on here. I am concerned about the union that is not on here. There is ample evidence and ample scope under this Act for me to appoint who is best suited, and that will happen in the future. That will be the choice of the Minister. I do not want the member for Ross Smith to get carried away about any consultation I might have with the union, because I have a long history of the union finally agreeing with the position that I take.

The Committee divided on the motion:

AYES (24)

Armitage, M.H.	Baker, D. S. (teller)
Baker, S. J.	Bass, R. P.
Becker, H.	Brindal, M. K.
Brokenshire, R. L.	Buckby, M. R.
Caudell, C. J.	Evans, I. F.
Greig, J. M.	Gunn, G. M.
Hall, J. L.	Ingerson, G. A.
Kerin, R. G.	Kotz, D. C.
Lewis, I. P.	Matthew, W. A.
Meier, E. J.	Oswald, J. K. G.
Rosenberg, L. F.	Rossi, J. P.
Wade, D. E.	Wotton, D. C.

NOES (7)

Blevins, F. T.	Clarke, R. D. (teller)
De Laine, M. R.	Geraghty, R. K.
Hurley, A. K.	Quirke, J. A.
Rann, M. D.	

PAIRS

Brown, D. C.	Arnold, L. M. F.
Cummins, J. G.	Atkinson, M. J.
Leggett, S. R.	Foley, K. O.
Olsen, J. W.	Stevens, L.

Majority of 17 for the Ayes.

Motion thus carried.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (ADMINISTRATION) AMENDMENT BILL

Consideration in Committee of the Legislative Council's message.

The Hon. G.A. INGERSON: As to amendments Nos 2 and 3, I move:

That the House do not insist on its alternative amendments made thereto and do not further insist on its disagreement to the amendments.

In both instances these amendments relate to the definitional clauses. The first refers to a 'designated person' and the definition provides that the designated person is in fact the director.

Motion carried.

The Hon. G.A. INGERSON: As to amendment No. 4, I move:

That the House do not insist on its amendments made thereto.

This amendment relates to the definition of 'inspector'.

Motion carried.

The Hon. G.A. INGERSON: As to amendments Nos 9 and 16, I move:

That the House agree to the amendments made to the alternative amendments made thereto.

These amendments relate to industry impact statements. The original intent was that they be insisted upon as part of the function of the advisory committee. It has now been changed: they should be considered by the committee.

Mr Clarke: Are you saying that basically the House of Assembly agrees to the Council's amendment?

The Hon. G.A. INGERSON: Rather than require the advisory committee to have an industry impact statement, the advisory committee will now have to consider whether there should be an impact statement. It turns it around from 'requirement' to 'consideration'.

Motion carried.

The Hon. G.A. INGERSON: I move:

That the House do not insist on its alternative amendment to amendment No. 25 and agree to the Legislative Council's alternative amendment.

This amendment relates to the attendance of employees at training courses. One of the amendments put forward by the Opposition proposed that, regarding these courses, employees' expenses should be paid not only for travelling but also for overnight expenses in the city if they were more than 40 kilometres away. This amendment has tightened that up considerably so that only attendance at these training courses is paid for.

Mr CLARKE: I oppose that proposition. The original point about health and safety workers attending training courses was that significant numbers of occupational health and safety delegates live more than 40 kilometres away. We know ourselves in the Parliament that taxis are provided if we are required to go home after 9 p.m., and reasonably so, to avoid fatigue and the risk of injury. Therefore, at the end of a training session, which can go well beyond 6 o'clock at night, it is unreasonable to expect employees to drive home, particularly over significant distances. The costs and overnight expenses that are incurred ought to be met by the employer as they pay the cost of the labour to attend these courses.

We should stop looking at occupational health and safety as being purely a cost factor but, as the Minister himself has said in debates on this matter at various times this year, it would be enormously cost effective if we could prevent needless injuries. The training of Occupational Health and Safety Commission delegates goes a long way towards eradicating injuries and needless cost to the community and to employers. It is unreasonable to expect those employees who are travelling to Adelaide and staying overnight to pay for their accommodation or for their organisations (if they are members of a union, and not all are members of unions) to pay for their overnight expenses when the direct beneficiary of improved health and safety in the workplace would be the employers in the first instance, the community generally and the Government in terms of reduced claims and reduced costs. So, I strongly urge the Committee to maintain a position whereby these expenses should be borne by the employer concerned.

The Hon. G.A. INGERSON: Obviously we are getting tired: the comments I made related to amendment No. 16 and not to amendment No. 25. To take up the comments of the member for Ross Smith, the Government is committed to making sure that there is adequate training and payment for attendance at those training courses. What we were concerned about is the add-on costs of overnight stays within what we believe is a limited mileage zone. Amendment No. 25 is a technical change to the annual report area, and we agree with the amendment.

Motion carried.

The Hon. G.A. INGERSON: As to amendment No. 23, I move:

That the House agree to the consequential amendment made by the Legislative Council to the amendment.

This clause relates to the power of the advisory committee to obtain information so that it can give reasonable advice to the Minister. In this area, we believe that any information related to the areas of advice should be available to the committee.

Motion carried.

The Hon. G.A. INGERSON: I move:

That the House do not insist on its consequential amendment.

That applies to the amendment above, which relates to the power of the advisory committee to ask for information.

Motion carried.

SITTINGS AND BUSINESS

The Hon. M.D. RANN (Deputy Leader of the Opposition): I would like to take this opportunity to pay tribute to some of the people who were missed out the other day during our motion of farewell at the end of the session. I refer not only to the caretakers of this place but also to the librarians and research staff who are very much the unsung heroes of this Parliament. We all depend on them, and too often over the years they have been taken for granted. I think it would be good to see a thorough review of library services offered by this Parliament in terms of ensuring that they are updated in accordance with the latest technology and are better resourced in the future to serve the representatives of the people of this State.

[Sitting suspended from 10.54 to 11.30 p.m.]

SITTINGS AND BUSINESS

The Hon. S.J. BAKER (Deputy Premier): I move:

That Standing Orders be so far suspended as to allow the sitting of the House to be extended beyond midnight.

Motion carried.

STATUTES AMENDMENT (CLOSURE OF SUPERANNUATION SCHEMES) BILL

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

MEAT HYGIENE BILL

The Legislative Council intimated that it insisted on its amendment to which the House of Assembly had disagreed.

Consideration in Committee.

The Hon. D.S. BAKER: I move:

That the House of Assembly insist on its disagreement to the amendment.

Motion carried.

The House of Assembly requested a conference at which it would be represented by Messrs D.S. Baker, Buckby, De Laine, Kerin and Quirke.

The Legislative Council agreed to a conference to be held in the Legislative Council conference room at 12.15 a.m.

The Hon. D.S. BAKER: I move:

That the sittings of the House continue during the conference on the Bill.

Motion carried.

STATUTES AMENDMENT (CONSTITUTION AND MEMBERS REGISTER OF INTERESTS) BILL

At 12.15 a.m. the following recommendations of the conference were reported to the House:

As to Amendments Nos. 1 to 5:

That the House of Assembly do not further insist on its amendments but make the following amendment in lieu thereof:-

Clause 7, page 2—Leave out this clause and insert—

Amendment of s.4—Contents of returns.

7. Section 4 of the principal Act is amended—

(a) by inserting after paragraph (e) of subsection (2) the following paragraph:

(ea) particulars of any contract made during the return period between the Member or a person related to the Member and the Crown in right of the State where any monetary consideration payable by a party to the contract equals or exceeds $7 500;;

(b) by inserting after subsection (4) the following subsection:

(4a) It will be sufficient compliance with paragraph (ea) of subsection (2) if a Member's return contains particulars of a class of contracts referred to in that paragraph (rather than particulars of the individual contracts comprised in this class) provided that each contract of the class is an ordinary commercial or arm's length contract.;

and that the Legislative Council agree thereto.

Consideration in Committee of the recommendations of the conference.

The Hon. S.J. BAKER: Members were of the opinion that in relation to the register of interests it was important that whilst the existing provisions were not appropriate and the circumstances under the Constitution were not appropriate in relation to conflict, it was not sufficient just to remove the existing clauses: they had to be replaced. The question about what those existing clauses should be was considered at some length and some propositions that were put before the conference failed because of the perceived problems that could arise if members and particularly members' families unwittingly failed to provide particular details which might have been normal transactions.

I will not canvass the range of amendments that were put before the conference, but members believed that there should be something in our Constitution that required our register of interests to reflect the need for parliamentarians to be seen to be in complete compliance with the law and not take special advantage and privilege from being members of Parliament. That issue was finally resolved and the conference agreed to the amendment I have just read out. Basically what the amendment says is that there will be occasions when particular members of Parliament will conduct contracts with the Crown. Under the existing provisions of the Constitution they are prevented from doing so but we know that there are a number of members who perhaps in the past few weeks or months have perhaps broken that rule.

Basically, the old provisions are unworkable: they place members in conflict. We are saying under these provisions that, if a member directly, by the member himself or herself, or through a trust company, spouse or dependent child, enters into contracts with the Crown, those contracts shall be noted *en bloc* within the register of interests. That means, for example, if a person is a farmer and does some road works for the Crown on contract, the road clearing contract would be entered on the register. That needs to be done mainly when contracts exceed $7 500.

Importantly, it is necessary not to provide individual details of each contract but to note that contracts with the Crown have taken place. We hope that that will be a sufficient and clear indication of this Parliament's determination to place some rules upon its membership to ensure that members of Parliament do not take advantage of their position. There are other provisions. If people use special influence, there are laws under the Criminal Law Consolidation Act which prevail in circumstances of fraud, undue pressure or—

The Hon. M.D. Rann: Bribery.

The Hon. S.J. BAKER: —bribery, as the Deputy Leader says, and where people have sought to gain preference for Crown contracts. It is not necessarily a clean result, but it was in our belief a workable result. Members were agreed that we could not take out all provisions and leave nothing in their place, because that would leave all members open to criticism, and even some of the most innocent contracts could therefore come under scrutiny because we did not have a set of laws that prevailed in this place. It was a matter of considerable debate. These provisions will be checked with the Crown Solicitor to ensure that they are competent and do exactly what the conference deemed they should. Provided they meet that test, they will be assented to with the rest of the Bill. The rest of the Bill deals with an important issue, that is, the matter of members with dual citizenship or more than one passport. I believe the conference reached a satisfactory conclusion in the circumstances.

Motion carried.

STATUTES AMENDMENT (CLOSURE OF SUPERANNUATION SCHEMES) BILL

At 12.27 a.m. the following recommendations of the conference were reported to the House:

That the House of Assembly do not further insist on its disagreement and do not further insist on its alternative amendments.

Consideration in Committee of the recommendations of the conference.

The Hon. S.J. BAKER: I move:

That the recommendations of the conference be agreed to.

In moving that motion, I must state that it was basically a matter of staying here all night or just accepting the fact that the Democrats were going to be immovable on this issue. It was explained to the conference that the lapse date of the Bill, namely, 1 October, would make it difficult for the Government to respond and provide a clear indication on all superannuation schemes, including those of parliamentarians, judges, the public sector, the police and other related schemes.

It was going to be a difficult job to complete that task. As I indicated to the House earlier, it was my clear intention to treat the review of superannuation as a whole and come up with a different set of arrangements consistent with the findings of the Audit Commission. The situation that we now face is that, because of the insistence on their amendments by the other place, one presumes that the Government must produce new superannuation arrangements or convince the Democrats in another place that the scheme should not continue in the intervening period between now and 1 October.

It did not concern me that we would have a use-by date; what concerned me was the time frame for the research and actuarial assessments, Cabinet deliberations, discussions with the parties, and the putting forward and passing of legislation in this House. I believe it was absolutely inappropriate.

The Hon. Michael Elliott was adamant on this matter. It was up to me to decide whether I wished to hold up the Parliament for one or two days, or whether we should all go home. At the end of the day no reasonable outcome could be achieved by holding up the Parliament to that extent, simply to have a more practical date inserted in the legislation. However, the Hon. Mr Elliott has indicated that, if he believes that reasonable progress is being made, the use-by date can be extended. That is not particularly satisfactory, but it is some indication of a compromise.

We have a huge task before us. I do not believe that we can afford to contribute much at all towards those schemes that have been closed. However, that matter will be considered in the light of interstate experience, the capacity of the budget to meet the 30 year funding time frame and the determination of the Government to balance its recurrent budget within two years.

So, they are the challenges we face, and they will be met. If it means that the superannuation conditions are reinserted or that the previous situation which prevailed continues, the cost will come off services, schools and hospitals and all other areas of Government. We still have to pay the interest bill for the State Bank and meet our recurrent commitments in those areas, and we must still ensure that, in order to receive our next grant in relation to the State Bank bail-out, the Federal Government is satisfied that the State is getting itself back onto its financial feet.

We must ensure for a whole range of reasons that we balance our budgets in the time frame provided. Also, for the future health and well-being of this population, we must ensure that our debt is reduced, and that of course will occur by way of an asset sale program. The only way we will reduce the debt is if the asset sale program comes off the bottom line and does not get eaten up by recurrent deficits.

I am therefore disappointed with the outcome of the debate. However, I accept that there is more work to be done on this matter. It will not be satisfactory to the Opposition, and it will simply not be satisfactory to the Democrats, whatever scheme is provided, if one is, in place of what has previously prevailed.

However, that is a debate for another time to be argued on its merits, and I look forward to that debate. As I said previously, it was the Government's intention to freeze the schemes for a particular period of time and then introduce alternative legislation. The time frame for this legislation will have to be a lot faster than I was prepared for previously. I must express my extreme disappointment at the outcome of the conference, but realise that no good purpose is served by keeping this House waiting for the outcome of that conference for the next few hours, when everybody else has had some very solid weeks of parliamentary sitting.

The Hon. FRANK BLEVINS: I support the outcome of the conference only on the basis that I oppose the Bill in total. The Opposition, of course, in Committee sought to improve the Bill in case it passed the Upper House. The wisdom of our move has now paid off. I am still opposed to the Bill. It is disgraceful that the largest employer in this State has no intention of providing superannuation for its employees. In 1994 that is utterly unacceptable and irresponsible. I point out that the cost of superannuation is only 6 per cent of payroll, increasing to 9 per cent of total payroll in 30 years time—a very modest amount.

However, if the Government wishes to reduce benefits to save itself money (and future Governments) one way is to cut out superannuation altogether. It shows this Government as the employer that it is—quite an appalling one, and one that I would have thought all members of the House would want nothing to do with. Another issue that concerned the Opposition in the Bill was the sudden death cut-off date. That was bad enough, but it was on top of the representative of the employees being told literally five minutes before the deadline that there was no intention to change the Bill, when the Government clearly knew that that was not the case, I think is absolutely reprehensible.

In my experience I have not heard such an outrageous lie told by a Government. So, the Opposition's actions, in this place and the other place, of ensuring that anybody who was misled by the Government had the opportunity to rectify that matter and to have a reasonable period of time to join the scheme have more than been borne out. I will not go into the performance that the Treasurer went into on the State Bank debt, other than to point out that it is at about the same level as a percentage of Gross State Product as it was when the Labor Government came into power in 1982. The Labor Party solved that problem but did not solve it at the expense of its employees, for the simple reason that there was absolutely no need to.

I have been listening for quite a few years to people telling the previous Government to close superannuation, and to cut wages. I have been listening to Treasury officials and I have been listening to the likes of Cliff Walsh, and those people. They were, of course, talking nonsense as they are talking nonsense now. I also object to the Treasurer stating that the Government may bring in a superannuation scheme to replace the one that has been closed. We all know that that is untrue; it is simply not the case. The Government has accepted the views of those advisers, whether it be Cliff Walsh or any of his cohorts.

An employer and employee superannuation scheme as we know it will not be introduced at all. We all know that. It is completely misleading the Committee to suggest that there is a possibility of that occurring. If that occurs my apologies will be fulsome. But I do not believe it for a minute. On this Government's record of advising its employees on what it

intends to do with superannuation, anyone who believed it would be a fool, after the experience of the past few weeks.

Mr Clarke interjecting:

The Hon. FRANK BLEVINS: As the member for Ross Smith said: we are not talking about pre-election promises, which some people discount; we are talking about written advice from the Treasurer to the Government's employee representatives a few weeks ago, which was wrong and which was known to be wrong when it was sent to them. So, I am pleased that the conference has come to an arrangement which, by tradition, everyone in the Parliament supports; but I am disappointed—as is the Treasurer—that the Bill was not tossed out.

The Hon. S.J. BAKER: It interests me that, in the dying hours of the Parliament, the has-been of this Parliament and the former Government gets up to talk about Government financing; how it really was the same back in 1982; the fact that the State lost $3 billion did not really matter very much; and that we can still pay the bills. The frightening thing is that I think the honourable member actually believes it. I would have thought that, after he contributed so much to the losses of this State and to the pain that people are going to have to bear in the future, he would at least keep quiet for some long period of time on issues relating to finance.

Governments do not like taking harsh measures or making hard decisions. They are only forced to do that when they are visited by particular circumstances, and South Australia is experiencing some particularly bad circumstances, and they are all of the Labor Government's making—nobody else's. The member for Giles lectures this House and says, 'Well, look, it's all right if I have lost $3 billion; it is all right that we have this huge unfunded liability; it is all right that I did not bother funding the State Government's guarantee scheme; and it is all right that I continued to manipulate the finances to produce results that were not indicative of the financial performance of the budget.' That is the sort of rubbish that got us into strife in the first place.

For any member of this House to condone the past actions of the former Government reflects very badly on the state of the Opposition. I would have expected that, if the member for Giles was fair dinkum about repairing the damage with which he was associated and to which he has made a major contribution, he would talk to us about how he believes the Government should pick up $350 million or $300 million—depending on which parts of the report he accepts—or even meeting the recurrent deficit and balancing the recurrent budget over the period. His figures did not stack up. The figures I find in the budgets are not indicative of the actual expenditure levels, and the fancy financing used by the Treasurer in the former Government leaves us with a huge whole. His targets were never achievable. As I said to the House the other day, we picked up $108 million which had been taken off budget by borrowings rather than being put through the Consolidated Account. The amount of $300-odd million was taken out of State Bank to provide surplus for the budget. We have had these sorts of rorts of the past.

We have to face up to our responsibilities. So, the member for Giles, for whom I have some level of respect in certain areas, should simply leave finances alone, because basically he is the problem. He was the problem, and he still wants to be the problem. It is about time that the Labor Opposition got rid of yesterday's people and got in Parliament people who actually realise that we have a challenge in front of us. Either the Labor Opposition picks up part or all of that challenge, or says, 'We will keep yapping at the heels of the Government and try to do as much damage as possible on the way through.' It would not fuss me one iota if the member for Giles retired tomorrow and made his apologies to the people and the Parliament on the way out, but for him to say that the Government was being dishonest and that the Government has no intention of looking at alternative superannuation arrangements is nonsense.

I mentioned the Audit Commission. If we are going to look at the adoption of those recommendations, there is mention of considering other contributory arrangements. That was one of the 336 recommendations included in the audit report which I said we would look at. The member for Giles never provided figures of the magnitude that the Audit Commission provided, and that is a matter that has been discussed by people since that time. Can I say that either we get on with the job as a Parliament and accept that there are certain changes that have to be made, very large changes, or we can continue to be like the member for Giles, saying, 'It is all right if I've lost $3 billion; it is all right that I have put this State in such a difficult financial position. You have got to fix it up, but I do not want you to touch these areas or those areas. I do not want you to touch anything in the process.'

What he is saying is that he wants the Liberal Government to fail; he wants the Liberal Government not to meet its financial targets and he wants to ensure that the State wallows in the position it is in now. He has to make up his mind. At some stage before the member leaves the Parliament, I would like to hear from him on what he believes should be the target set for the rejuvenation of the State Government's finances.

The Hon. FRANK BLEVINS: I just took a couple of notes as the Treasurer was speaking. I have got nine dot points to go through. If anybody knows me, I am good for at least 10 minutes per dot point.

Mrs Kotz interjecting:

The Hon. FRANK BLEVINS: I am sorry, I do not understand the interjection.

The CHAIRMAN: The Chair understands that members of the Committee are debating the amount of time available to the honourable member. The honourable member has 15 minutes at this particular rising to speak, after which he can rise again if he chooses.

The Hon. FRANK BLEVINS: I am sure I will. I am sure the member for Ross Smith has a few words to say on this just to break my continuity. The Treasurer made a few remarks which warrant response. Without being repetitive, I want to restate what the Opposition attempted to do with a great deal of success on this particular Bill. First, it was to attempt to ensure the largest employer in this State had a superannuation scheme. I would have thought that that was not something we ought to be debating in 1994. I thought those debates were won and lost years ago. I am absolutely staggered that the Treasurer can bring a Bill into this place which abolishes superannuation for State Government employees, and I may point out that that does not just cover clerks and administrative officers. It also covers our Police Force, our ambulance service, our nurses, teachers and so on.

For any employer in the public or private sector to suggest that people doing this kind of work are not entitled to decent superannuation is a disgusting attitude to take. That is the first thing. The second point, assuming that that will happen, is what you do about those who are already employees but who, for a whole range of reasons, mainly poverty, are as yet not members of the superannuation scheme. Their representative wrote to the Government and asked what was the Government's intention and the Government made quite clear above

the signature of the Treasurer that it had no intention of closing the State scheme. Every member of the Government would have known that that was not true. Those of us who have been in Government know that the preparation for such a decision is quite extensive. The Treasurer did not wake up the morning after he had signed that letter and suddenly make a decision to close the scheme. It does not work that way. There can be no other explanation than that through the Treasurer the Government told lies to the PSA. It really is as simple as that. It is an outrageous lie.

Mrs KOTZ: I rise on a point of order, Sir. The member has just reflected on the Treasurer by using the word 'lies' in relation to comments made by the Treasurer.

The CHAIRMAN: The Chair has to admit that he is having some difficulty in hearing the precise content of the honourable member's speech. He is speaking very softly and if there was any adverse comment about the Treasurer I certainly missed it. I did not hear the comment to which the honourable member is referring.

Mrs KOTZ: The honourable member used the word 'lies', which is an unparliamentary comment.

The CHAIRMAN: I am sure the member for Giles is aware of that. He has drawn the attention of the Chair and the Speaker to comments of that kind in the past. If the word 'lies' was used it was unparliamentary and I ask the honourable member not to use that language again.

The Hon. FRANK BLEVINS: Thank you, Mr Chairman. I did not suggest that the Treasurer had lied to the Parliament. I did not suggest that he lied in here: I am saying that he lied to the PSA.

The CHAIRMAN: The gist is still the same; attributing lies to a member of Parliament is simply unparliamentary, as the honourable member would be aware. Whatever the intention of the honourable member, his intentions are not honourable as far as Standing Orders are concerned, so I ask the honourable member to refrain from saying a member of Parliament is lying.

The Hon. FRANK BLEVINS: I think I have made my point clear, and I think that everybody within the hearing of Parliament knows the circumstances where one day the Treasurer in writing told the union that the Government had no intention of changing the scheme and the following day changed the scheme. I am not sure what other word you can use for those circumstances. It is perfectly clear what happened. The second thrust of the Opposition's position was to ensure that people who had taken notice of the Treasurer in good faith were not disadvantaged, and what is before the Committee now ensures that that has taken place. The Treasurer and indeed the whole of the Government is hung up on the Cliff Walsh view of life. I think that is unfortunate, because I have heard the Cliff Walsh view on life *ad nauseam*, personally, face to face.

It really is dated; it does not have any real relevance to the 1990s. Whatever financial position we have to deal with, it has to be dealt with in a way that the Cliff Walshes of this world are incapable of understanding. They live in a very privileged world; they have not gone past first year economics; that is all they know. They were given a text book when they were 18, they committed that text book to memory, and in the intervening 30 years they have learnt nothing at all. They have made no advances whereas the rest of world has. They really are dodoes, and the last hurrah for these people is members opposite.

In my view and in the view of most commentators and certainly the way that most nations these days organise their finances, the relevance of that to the 1990s is absolutely zero. It is only these people here—in fairness, not all of them but the majority—who believe that that has some economic relevance. Another thing that it does not have is political relevance. I have only to look to my left and see the member for Torrens to prove that it has neither political nor economic relevance, nor should it have because it is absolutely unnecessary.

The Treasurer asked me a question. I know it was not a rhetorical question; he would have asked me a question with the intention of receiving an answer, and I am about to give him one. The question was: what would we do about the State's finances? We laid it out clearly in the Meeting the Challenge document and also in the budget. With the exception of the Cliff Walshes of this world—there are not too many left; they are a dying breed, thank goodness—there was unanimous agreement among financial commentators that such a program was an appropriate fiscal program for the State. They made it perfectly clear.

I know that some of the more right wing commentators, of whom there are a few still around, did not agree. They wanted to slash and burn, but we thought that was utterly inappropriate. It did not make any difference to us about the election result, because we all knew what that was in 1991. We were not putting out a budget or Meeting the Challenge document for electoral gain, because there was no electoral gain for us to make, no matter what we did or said. However, it was an appropriate document for South Australia at this time.

For the Treasurer, Cliff Walsh or Dr Roger Sexton to suggest that there is some economic salvation and merit in selling ETSA, the Housing Trust, the E&WS, the Convention Centre, the Festival Centre, the Lotteries Commission and the TAB in order to save hospitals and schools out in members' electorates is nonsense. Until a couple of Saturdays ago members opposite were full of beans, suggesting that the world was a lovely, rosy place, that they had a particularly favoured spot in it, and that it would go on for ever and ever amen; but now they realise that is not the case and that the world is more complicated than that.

Nobody on this side of the Chamber got any joy out of the State Bank: the only people who got joy out of the State Bank were the 36 people who sat on the other side; and good luck to them. Your windfalls come and there is not a lot you can do about them; you accept them as they fall from heaven. But nobody on this side got any joy out of the State Bank, I assure you of that. But you must look at what we inherited in 1982 and what we got the debt down to. It was a tremendous effort. Everything we did to reduce that debt was opposed by members opposite when they were sitting on this side: whether in marine and harbors, correctional services, no matter where it was; everyone on that side of the House, who was then on this side of the House, opposed all those measures.

I have never seen anything so nauseating as the member for what was Victoria sitting with the striking marine and harbor workers who were getting a very good deal, were not being retrenched, not being sacked, and suggesting they ought to fight the Government. He had them all in Parliament House. They were quite smart cookies: they drank all his grog, went home and voted Labor! But there you are: that is the kind of mentality that we had over there. So, it does not do the Treasurer any credit to lecture us about responsible behaviour after what members opposite did for the three years between 1979 and 1982. We fixed it up. The Treasurer again

stated that there was some possibility of State superannuation—

Mr BASS: On a point of order, Sir, I understand that Standing Orders give 15 minutes. It is now nearly 17 by my—

The CHAIRMAN: The Chair was about to draw the attention of the honourable member to the fact that he started at 12.46 a.m. and, in fact, his 15 minutes was on the point of expiring. However, if he would like to rise again, the Chair will allow a further 15 minutes as his third contribution in the debate, provided that no other member wishes to speak to interrupt the honourable member's contribution. The honourable member for Giles.

The Hon. FRANK BLEVINS: The Treasurer stood up and again suggested to the Committee that the Government had an intention of introducing a new superannuation scheme for State Government employees, a superannuation scheme as we know it in 1994 that includes an employer contribution and an employee contribution. I do not think anybody in this Parliament would believe that. Given the track record of the Government and the Treasurer, anybody who believes that a new superannuation scheme, as we understand superannuation schemes, will be brought in would be kidding himself. I do not believe that one person in this place is stupid enough to kid himself to that degree.

Members in this place are not that stupid. So, nobody believes him, and they are quite right not to believe him. A scheme may be brought in whereby the employee could put some money in and it could be invested, but there will be no employer contribution other than the statutory contribution that must be allocated to employees under Federal legislation. We all know that that is the best anybody can hope for, so there is no scheme. To say to our nurses, teachers and police officers—the whole range of public servants—that they will get decent superannuation schemes in the private sector but that the largest employer in the State will not give them one is absolutely appalling. I cannot express my disgust at that enough.

What I have tried to do—and members ought to think about this—is find an argument why parliamentarians should have a superannuation scheme when every other State Government employee, with the exception of the judiciary, does not. In logic, I cannot find a single argument that stands up. If it is not good enough for State Government employees, I cannot see an argument for having a scheme for members of Parliament. I just cannot find a substantial argument for it. I hope members opposite and members on this side will assist me in finding an argument, because that debate will arise.

I cannot imagine 100 000 State Government employees forgoing superannuation—albeit grudgingly—while members of Parliament continue on their merry way with their superannuation scheme, which I believe is a fair and reasonable scheme. I am not saying that there is anything wrong with the parliamentary superannuation scheme; and I did not think there was much wrong with the police superannuation scheme, either. If members opposite do not care about police officers, nurses or teachers, then at least they ought to look at their own position because I can tell them that it will be an issue and the arguments will have to be marshalled, but at the moment I cannot find any. I just thought that, as I was asked these questions by the Treasurer, it was incumbent upon me to respond fully to his requests. I believe that I have done so, although I have absolutely no doubt that over the next 3½ years, before I sail off into the sunset, I will have an opportunity to expand further on a few of these points.

Mr QUIRKE: I got the tail end of the member for Giles' address. This Bill has gone through this Chamber very quickly. It is an issue that was planned to coincide with the bringing down of the Audit Commission report. We showed quite clearly in Question Time and in other debates in this House that it was a cynical use of the Audit Commission report; that, in fact, a task force to work out this measure was in place some weeks before the proposal came down. What we see here now is a very mild amendment to what can only be described as a reprehensible Act of this Parliament. The reality is that future public servants—teachers, policemen or whatever—will not have the same access to a superannuation scheme that was the case before 3 May.

Indeed, this is a cynical move to cut the wages of future public servants in this State. It is interesting that the Government is trying to get the police back on board. The Government bit off a bit more than it could chew with the police. In fact, the Government made statements a week or so ago about how it did not matter that there was no police superannuation because, we were told, they had WorkCover, they had this and that. What we heard tonight was something different. The Police Association has been around and we will have to look at the case in respect of the police all over again. That is what we were told. What about all the rest of the poor sods out there who are working for the State Government either now or will do so in the future and will have the only superannuation that is available, namely, the SGC given to them by the Federal Labor Government? Most members opposite baulked and bitched about the whole process when that was achieved.

This is nothing more than a wage cut for a large number of public servants in the future, and it should be seen as just that. The member for Giles said that it will become an issue. I seriously hope that it becomes an issue for every public worker out there who wants to have the same security in their retirement that the sort of people the crowd opposite represent. They enjoy benefits through various private schemes for which they have milked the taxpayer for years. Indeed, I hope that it becomes a key issue, as this is what the Government is really on about. It is on about the attack on basic working conditions of ordinary workers in this State. This is no longer Kennett with a difference. It took the Government a little while to wind up, but it is there now.

Mr CLARKE: I would like to add a few words at this point, and I will not dwell on the same points touched upon by the members for Giles and Playford, as they expanded on them very well indeed. I will not detract from them by going over the same ground. One of the points that would be of use to members opposite to contemplate is this: the essence of good Government at the end of the day is to have a competent Public Service. A Government needs public servants who are dedicated, and it must provide conditions of service such that it can induce people of high quality, high standing and competence to serve in the Public Service. In years gone by the Public Service was attractive to a range of people as there was security of tenure and a good superannuation scheme for those who served out their time—their 30 years or made a full career within the Public Service. It was non-Party political and they were able to rise to senior levels within the Public Service without fear or favour.

Their rate of remuneration was, on the whole, not too bad under Labor Administrations. It could be argued that it could have been more in some sections and perhaps a little less in others but, on balance, it was fair and reasonable. There is always a lot of criticism about the Public Service rates of pay by members opposite, saying they were too much compared

with those in private industry. However, the Government has gone out and bought a whole range of people at stupendous prices from the private sector. The problem is that the Public Service will be less and less attractive to competent, talented people.

As a result of the Audit Commission report, the Government has now ended the notion of tenure with respect to Public Service work. It is attacking the wage rates of public servants and it will be doing that in line with its enterprise bargaining legislation, which it has passed, seeking to drive down rates of pay. Public servants are not entitled, as are a significant number of employees in the private sector, to over award payments, bonus schemes and things of that nature that perhaps help to compensate for low minimum rates of pay. However, a number of perks such as cars, telephones, travel, accommodation and so on are not available, particularly for middle ranking public servants.

I am not necessarily attacking those conditions within the private sector, provided they are declared and taxable. However, those sorts of benefits are not available, and for good reason, to public servants, because it would involve the use of taxpayers' funds. That relates to the bulk of the Public Service.

So, the Government has now attacked tenure of employment and the wage rates for public servants. It is now dealing with superannuation. The Public Service competes with the private sector for graduates and competent administrators. Organisations such as Mitsubishi, General Motors, banks, insurance companies or credit unions, and a whole range of other institutions, are paying into superannuation funds for their employees about 10 to 13 per cent of wages.

The Hon. S.J. BAKER: I rise on a point of order, Mr Chairman. I propose to move that the honourable member no longer be heard.

Members interjecting:

Mr CLARKE: What are you going to do? You have moved it.

The CHAIRMAN: The Chair is trying to be sympathetic to all members. The Chair wondered whether the Minister would take cognisance of the fact that this is—

Mr Clarke interjecting:

The CHAIRMAN: The honourable member will refrain from making further comment. The Minister should be cognisant of the fact that this is the first time the member for Ross Smith has spoken on this very important issue.

Mr CLARKE: Just for that, you might get another two contributions. I was just finishing up.

Mr CAUDELL: I rise on a point of order, Mr Chairman. The member for Ross Smith has been making statements that are totally inaccurate and totally irrelevant to the debate. I refer to his statements in regard to the level of superannuation payments in the private sector.

The CHAIRMAN: This is not a point of order at all. The content of the honourable member's speech is up to the honourable member. The member for Mitchell will have the opportunity to rebut subsequently if he so chooses. The member for Ross Smith.

Mr CLARKE: Unlike the member for Mitchell, I actually do know about the level of superannuation contributions paid to employees with respect to Mitsubishi and General Motors, because my members work for them. I know precisely what their superannuation schemes are.

Members interjecting:

The CHAIRMAN: Order!

Mr CLARKE: The reality is that large areas of the private sector compete with the public sector with respect to the type of employees that the public sector would want and value. Those organisations are paying superannuation sums of between 10 and 13 per cent and, in some instances, 15 per cent of the employee's wage, and that is just the employer contribution.

As a result of going to the lowest common denominator in terms of providing services for future public servants—who will be the people upon whom we rely—the Government is facing a very real risk. Any fool can get up as a Minister and issue edicts but, unless there are people in the Public Service who can give effect to the policies and directives of the Government, and who can do so competently, it really does not matter a continental who is the Minister or which Party happens to be in office. At the end of day, the Government must have people who can discharge the functions assigned to them.

You will be in a very poor situation over a short number of years because of your attitude towards your own employees and their conditions of service. Superannuation is a major component of those conditions. It has been a major incentive for employees to join the Public Service in the first place and make it a career. You are intent on destroying that, in which case it will impact on the quality of the Public Service and the quality of the delivery of service that we will be able to give to the citizens of South Australia. It will also help to bring you undone. If for no other reason, I could possibly support it on appeal of the politically opportunist point of view.

Mr BRINDAL: I rise on a point of order, Mr Chairman. The member for Ross Smith has said 'you' about 15 times. I believe he has been told before that debate is directed through the Chair. We have titles or we can be referred to by other means but not the personal pronoun 'you'. The member for Giles has been very good at instructing the House in this regard.

The CHAIRMAN: The honourable member does not have a point of order, but I ask the member for Ross Smith to address the Committee through the Chair.

Mr CLARKE: Thank you, Sir. I have completed my contribution.

Motion carried.

SITTINGS AND BUSINESS

The Hon. S.J. BAKER (Deputy Premier): I move:

That the Clerk be empowered to deliver a message to the Legislative Council when the House is not sitting.

Motion carried.

[Sitting suspended from 1.40 to 2.4 a.m.]

STATUTES AMENDMENT (CONSTITUTION AND MEMBERS REGISTER OF INTERESTS) BILL

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

The Hon. D.S. BAKER: I move:

That the recommendations of the conference be agreed to.

Motion carried.

MEAT HYGIENE BILL

At 2.34 a.m. the following recommendation of the conference was reported to the House:

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

Page 5 (clause 9)—After line 26 insert new paragraph as follows:

(ia) a person nominated by the appropriate registered association of employees to represent the interests of employees in the meat processing industry;

and that the House of Assembly agree thereto.

Consideration in Committee of the recommendation of the conference.

The Hon. D.S. BAKER: I move:

That the recommendation of the conference be agreed to.

Mr CLARKE: I will not keep the Committee very long, despite the Deputy Premier's probably wanting to shut me up unconstitutionally, and he will listen to me. The Opposition is prepared to support the amendment to the Meat Hygiene Bill as put by the Minister. However, I do commend the Minister on absolutely sticking to his guns on these amendments and on fighting it in the ditches. There were not enough trenches he could crawl over and not enough barbed wire that he could crawl under in support of his principled position that he would not recognise the union he had scabbed against over so many years, namely, the meatworkers union. However, Iam pleased to read in the amendment that has been put forward by the Minister the initials AMIEU, and I appreciate the Minister's being man enough to recognise the justice of the position of the other place with respect to this matter.

It stands you in good credit, and you are certainly the toughest wimp we have seen. I recommend that if the Government wants somebody to beat up on the Democrats it should send the Minister for Industrial Affairs, as he seems to have a far greater measure of success than the Minister for Primary Industries.

Motion carried.

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

ADJOURNMENT

At 2.36 a.m. the House adjourned until Tuesday 21 June at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 10 May 1994

QUESTIONS ON NOTICE

GOVERNMENT VEHICLES

2. **Mr BECKER:** What is the answer to Question on Notice No. 164, asked of the former Minister of Transport Development on 8 February 1994?

The Hon. S.J. BAKER:

1. The driver of the vehicle was in New South Wales on official business for the Royal Zoological Society of South Australia. The vehicle was transporting employees of Monarto Zoological Park who were participants in a 26 week Jobskills construction project at Monarto. The project was part of development of the open-range zoo facilities for animals at Monarto. As part of training and development of the Jobskills employees, approval was given for the trip which was to provide the Jobskills participants with an opportunity to view the Western Plains Zoo and to compare this facility with the one being developed at Monarto. The group had completed the study visit of Western Plains Zoo at Dubbo, where they were met by a staff member of the Zoo and were provided with a conducted day tour. Following their successful visit to Dubbo, the group proceeded to Taronga Zoo and it was on their way to this facility that they stopped at Manly Beach for lunch and were observed. A temporary Jobskills employee of the Society, not a Government employee, took one of his children on the trip due to family complication. This action was not authorised, nor would it have been approved, and he has been reprimanded accordingly.

2. The vehicle is attached to State Fleet and was leased on short term hire to the Adelaide Zoological Gardens.

3. No. The driver has been reprimanded accordingly. The Minister for the Environment and Natural Resources will also be taking the matter up with the Royal Zoological Society.

12. **Mr BECKER:** What is the answer to Question on Notice No. 130, asked of the former Minister of Transport Development on 7 October 1993?

The Hon. S.J. BAKER:

1. On the date in question the driver of the vehicle was attending a meeting in the town of Dareton to help co-ordinate the operational arrangements of an exercise, known as "Operation Tristate". This exercise aims to check all safety aspects of heavy road transport vehicles on the road which may cross into South Australia from other States. The meeting was also attended by Police, Transport and other OH&S authorities from New South Wales and Victoria.

As the town of Dareton is very small, the Coomealla Club is the only place available for meals and the officers, following completion of the conference, had driven to the club for their evening meal, hence the vehicle parked outside. The officers were also accommodated at the Motel in the same town.

2. The vehicle is attached to the Department of State Services but was at the time leased to the Department of Labour, Adelaide Central Regional Office.

3. In accordance with Commissioners Circular No 30, Use of Government Vehicles, in particular clause VI, permission was sought to use this vehicle to attend a conference in New South Wales, involving Government agencies from two other States.
Approval was granted by the Director of the then Department of Labour.

38. **Mr BECKER:**

1. What Government business was the driver of the vehicle registered VQH-917 attending to when he parked outside the Grenfell Centre at 9.00 pm on Tuesday 21 December 1993 and proceeded down James Place towards the Mall, and why was he dressed in shorts and T-shirt?

2. To which Government department or agency is this vehicle attached?

3. Were the terms of Government Management Board Circular 90/30 being observed by the driver of this vehicle and if not why not, and what action does the Government propose to take?

The Hon. S.J. BAKER:

1. The officer to whom this vehicle is allocated had responded to a building security alarm which necessitated him returning to the office to investigate and rectify the problem. He attended the office in his leisure attire as it was out of office hours.

2. The vehicle is attached to the Lotteries Commission.

3. The vehicle is allocated to the officer concerned and it is a term of his appointment with the Lotteries Commission that a motor vehicle be provided from home to office use and to use the vehicle as and when required in the course of his duties. The use was quite appropriate.

40. **Mr BECKER:**

1. What Government business was the driver of vehicle registered VQH-389 attending to on 1 February 1994 at approximately 8.30 am when it was seen turning from Halsbury Avenue into Harrow Terrace, Edwardstown, who were the passengers, why was a baby capsule in the vehicle and was a baby being carried in the capsule at the time?

2. To which Government department or agency is this vehicle attached?

3. Were the terms of Government Management Board Circular 90/30 being observed by the driver of this vehicle and if not why not, and what action does the Government propose to take?

The Hon. S.J. BAKER:

1. The driver on the date in question was a Social Worker who was transporting a foster child between placements.

A baby capsule is permanently fitted to this vehicle to ensure that when transporting babies, the capsule is readily available. It is a common part of the Child and Family Team to be transporting children and babies between placement, to access with parents and for specialised assessments and therapy programmes. In these circumstances, it would be irresponsible not to provide a safe means of carrying these children.

2. The vehicle is being leased from State Fleet by the Department of Family and Community Services' Child and Family Team at Marion Office.

3. It is believed that the terms of Government Management Board Circular 90/30 were being observed by the driver.

The driver has assured the Manager of the Marion FACS Centre that he has never carried unauthorised personnel in a Government vehicle.

42. **Mr BECKER:**

1. What Government business was the driver of the vehicle registered VQM-289 attending to whilst parked at the Magnet Shopping Centre car park on Sunday 28 November 1993 at approximately 10.45 a.m. and why was there a child in the rear of the car?

2. To which Government department or agency is this vehicle attached?

3. Were the terms of Government Management Board Circular 90/30 being observed by the driver of this vehicle and if not why not and what action does the Government propose to take?

The Hon. S.J. BAKER:

1. The officer had just returned from Rural Finance and Development, Primary Industries business in the Riverland on 26 November, and was to return there early the next week. The request for home to office use of the vehicle was made to RF&D management due to travel difficulties the officer was experiencing as a result of major repairs being completed to their own vehicle.

The officer was advised (in writing) that the vehicle was to be used only for home to office travel. On Monday, 29 November, 1993, the officer brought to RF&D management's attention that the vehicle had been used to attend a church service on the Sunday and a member of the public had questioned the use of that vehicle for such a purpose. Management's reaction was less than favourable, and the then Chief Executive Officer was informed in writing.

2. The vehicle is attached to the Department of State Services but was on short term hire to Rural Finance and Development, Primary Industries.

3. The officer concerned is a valuable member of RF&D's workforce and is required to utilise Government vehicles regularly, many times returning from country business after hours and returning vehicles the next day or after week-ends. The Department is satisfied the initial request to use the vehicle for home to office travel was genuine, however, was amazed the officer did not think of the consequences of using a Government vehicle outside business hours, let alone parking it in a car park next to a church on a Sunday.

The officer has been counselled by Departmental management and the requirements of Commissioner for Public Employment Circular 30 reinforced to all staff. The Department does not believe any further action necessary, as it does not expect a repeat of such an error of judgement from the officer concerned.

GOVERNMENT COMMITTEES

71. **The Hon. LYNN ARNOLD:** In relation to each inquiry and committee established by the Government since its election what are the:

(a) date of commencement;
(b) terms of reference;
(c) membership;
(d) reporting date, and
(e) cost, including payments to each member and consultant?

The Hon. DEAN BROWN:

AUDIT COMMISSION

Date of Commencement—December 15 1993.

Terms of Reference—With a view to establishing the actual position of South Australia's finances (including unfunded and contingent liabilities and the net value of the State's assets) the Commission of Audit will—

1. Investigate the finances of the State, including statutory authorities, companies and other bodies over which the State exercises control, and report on the actual state of those finances, identifying liabilities and contingent liabilities including, but not limited to, such contingent liabilities as may relate to guarantees by the State, foreign exchange exposures, unfunded liabilities in superannuation and other employee benefits, insurance and financial arrangements such as leases.

2.

2.1 Investigate the assets of the State, including statutory authorities, companies and other bodies over which the State exercises control and report on the value of those assets, their state of repair and the extent to which such assets are mortgaged or encumbered.

2.2. Ascertain the cost of rectifying deferred maintenance and identifying the major priorities for such maintenance within each department and authority.

3. Report on the adequacy of financial information presented by the State Government with particular reference to the accuracy and usefulness of such information and the desirable level of disclosure of information.

4. Examine the standard of financial management, performance measurement, reporting and accountability and make such recommendations for changes as may be desirable.

5. Compare the financial performance and financial position of South Australia's public sector with that of other States.

6. Generally review the operational efficiency of all areas of Government.

7. Make such recommendations on these and other matters related to the financial health of the South Australian public sector as the Commission deems appropriate.

Members—R. Thomas, Chairman; C. Walsh; M. Janes; D. Nicholls (Executive Member).

Reporting Date—April 1994.

Cost—The Commission has a budget of $1.5 m.

Fees payable to the Commissioners are—Mr. Thomas—$40 000; Professor Walsh—$25 000; Mr. Janes—$25 000; Mr. Nicholls—$1 250 per day.

ASSET MANAGEMENT TASK FORCE

Date of Commencement—March 17 1994.

Terms of Reference—To advise on the corporatisation of Government bodies.

To identify deficiencies in the recording of all major Government assets and to recommend action to rectify such deficiencies.

To oversee the sale of Government assets.

To identify surplus land-related assets and to develop strategies for their disposal.

Members—R. Sexton, Executive Chairman; D. Archbold; R. McKay; Dr. P. Boxall; Ms J. Matysek; Mr. C. Harris; Mr. K. Weir.

Reporting Date—The Task Force is likely to continue in existence for two years.

Cost—An allocation of $500 000 has been made for 1993/94. Payments to members are still being finalised.

REVIEW OF CONSUMER AFFAIRS LEGISLATION

Date of Commencement—January 27 1994.

Terms of Reference—The review will be undertaken in partnership with industry and consumer groups and will include the requirements to—

- monitor changes in organisational structures which may impact on the administration of various Acts
- advise on the development and implementation of mutual recognition codes of conduct and co-regulation in various industries
- advise the Commissioner for Consumer Affairs on the appropriate role and function of a legal policy and advisory service in the organisation
- review legislation and policy models and procedures in other jurisdictions
- advise the Commissioner on appropriate changes to the investigation and prosecutorial practices of the organisation

Members—J. Olsson, Chair; B. Blake; K. Chase; S. Errington; T. Lawson; R. Sidford; R. Surman; S. Trenowden.

Reporting Date—Reporting will occur during the review as each statute is considered. Completion of overall review is to occur within six months of commencement.

Cost—There are no payments to members. lncidental expenses will be met from within the Consumer Affairs budget.

SHOP TRADING HOURS INQUIRY

Date of Commencement—February 9 1994.

Terms of Reference—Inquire into the appropriateness of the Shop Trading Hours Act 1977 as amended to current retailing and consumer requirements, including—

— whether shop trading hours should be varied and, if so, to what extent and the manner in which any changes should be implemented
- the implications of Enterprise Agreements or Consent Awards concerning industrial relations matters on the regulation of trading hours
- the need for the continuation of proclaimed Shopping Districts
- the relationship between trading hours in the retail industry and tourism precincts
- the need to retain the specific provisions under Section 16 for 'prescribed goods'
- the operation of any other provisions of the Act, including Regulations

Advise on whether the Landlord and Tenant Act 1936 as amended provides adequate protection to those retail businesses which may choose not to trade all available hours, including when negotiating retail leases, and whether further legislation is required to vary the 'core' provisions of the Act?

In its report, the Committee is required to clearly indicate the implications of any proposed changes on the economic viability of the small business sector of the retail industry. Any recommendations must reflect a planned approach for implementation of variations (if any) to current trading hours laws.

Members—G. Wheatland, Chairperson; T. Orgias; P. Pilkington; E. Melhuish; P. Shaw; J. Boag; J. Hutchinson.

Reporting Date—The Committee has been asked to report by the end of May 1994.

Costs—A budget of $44 000 has been allocated to the Committee to undertake its inquiry. The Department for Industrial Affairs will meet costs incurred in staffing the Inquiry Secretariat. The Chairman will receive a fee of $7 500 and members of the Committee will receive a fee of $150 per four hour session.

INFRASTRUCTURE TASK FORCE

Date of Commencement—February 25 1994.

Terms of Reference—

- determine the scope of activities and responsibilities relating to public infrastructure procurement, management and maintenance which should be incorporated into the Infrastructure portfolio. In particular;
  (a) identify the relationships to be established with the budgetary processes
  (b) outline the nature of justification and approval processes which should be observed in agency bids for new and replacement infrastructure
  (c) determine whether a whole of government auditing role of infrastructure assets should be incorporated into the portfolio, and
  (d) determine whether the policy role for Government should reside within the portfolio in regard to managing government risk associated with public infrastructure procurement and management taking into account the existing and possible future roles of government agencies
- propose measures to coordinate key infrastructure issues relating to the portfolio and associated economic development issues having particular regard to the coordination of infrastructure and development priorities
- examine how infrastructure initiatives from other portfolios could be drawn into the assessment and priority setting processes associated with economic development priorities

- examine how a Parliamentary Public Works Standing Committee should be re-established and propose appropriate draft terms of reference and general methods of operation
- identify the resources required and propose methods of operation of an appropriate administrative body to support the Infrastructure portfolio

Members—D. Lambert; E. Phipps; B. Lindner; J. Johnson; D. Ellis.

Reporting Date—March 25 1994.

Cost—Each member is a Public Servant and the costs are being met within agency salary budgets. No consultants are being engaged.

REVIEW OF ECONOMIC DEVELOPMENT

Date of Commencement—December 31 1993.

Terms of Reference—To review the roles of the Economic Development Board and the Economic Development Authority.

Members—D. Lambert; T. Tysoe.

Reporting Date—January 19 1994.

Cost—A consulting fee of $5 348.35 was paid to R. Sexton. Other costs were met within agency budgets.

GOOLWA-HINDMARSH ISLAND BRIDGE

Date of Commencement—December 20 1993.

Terms of Reference—To review all relevant South Australian Government files and other documents to enable a full report to be provided on the existing arrangements for the proposed Goolwa-Hindmarsh Island bridge and/or the proposed marina development on Hindmarsh Island involving the Government of South Australia and Binalong Pty Ltd; Westpac Banking Corporation; Built Environs Pty Ltd and any other party or parties.

To report on the financial exposure of the State and other relevant matters arising from such arrangements .

To report on options open to the Government for the resolution of the present impasse in the broad interests of the people of South Australia and the financial implications of such options.

Member—Hon. S.J. Jacobs, QC.

Reporting Date—February 4 1994.

Cost—Fee to Mr Jacobs—$20 500.

REVIEW OF ROTAVIRUS PROJECT

Date of Commencement—January 18 1994.

Terms of Reference—To address the following issues—

- present and projected financial position to June 30 1994
- legal and financial considerations in the event that adequate funding is not obtained for ongoing operations after lune 30 1994
- legal and financial considerations for the Government in the event that the project proceeds past June 30 1994
- other significant legal or financial issues

Members—W.F. Taylor; P.S. Robinson.

Reporting Date—February 28 1994.

Cost—$10 000.

AUDIT OF RURAL DEBT

Date of Commencement—January 31 1994.

Terms of Reference—to conduct a major, independent audit on the size and nature of rural debt in South Australia.

Members—L. Durham; R. Kidman.

Reporting Date—March 31 1994.

Cost—$18 000.

SELLICKS HILL QUARRY INDEPENDENT REVIEW

Date of Commencement—January 24 1994.

Terms of Reference—provide advice to the South Australian Government as to the likely condition of the cave system prior to the blasting on December 10 1993.

Provide advice to the South Australian Government as to the likely condition of the cave system following the blasting on December 10 1993.

The above advice should take into account the following—

- the calibre of the cave system before and after blasting on December 10 1993—in particular its significance for research and availability for cavers and tourism
- the stability of the formations and rock structure before and after blasting on December 10 1993
- the safety aspects for cavers, potential tourists and the mining operation itself

The review to require analysis of documentation available and further evidence provided by the parties directly involved including—

- Department of Mines and Energy
- Department of Environment and Natural Resources
- Southern Quarries Pty Ltd and consultants working directly on the project
- the Cave Exploration Group of South Australia

Members—K. Grimes; Askew and Associates.

Reporting Date—February 4 1994—Mr. Grimes. February 15 1994—Askew and Associates.

Cost—$10 000.

CORPORATISATION OF THE PIPELINES AUTHORITY OF SOUTH AUSTRALIA

Date of Commencement—February 22 1994.

Terms of Reference—to prepare PASA for corporatisation and sale.

Members—J. Eastham, Chairman; a representative of the Minister for Mines and Energy, J. Hill; B. Selway, a member of the Asset Management Task Force.

Date of Reporting—September 30 1994.

Costs—All members of the Committee are Government employees. Some consultants will be required to assist the Committee in specialist areas and a budget will be established for this purpose in consultation with the Committee.

SERVICE IMPLICATIONS FOR OLDER PEOPLE OF THE INTRODUCTION OF CASEMIX

Date of Commencement—March 1 1994.

Terms of Reference—to provide an analysis for each public hospital, based on data from the Health Commission and hospitals, of relevant factors including—

- the age profile of patients aged over 55 in the 20 most common diagnostic related groups
- the average length of stay for the most common DRGs
- sources of referral to major providers of post-acute and community care services, especially the RDNS and Metropolitan Domiciliary Care and Rehabilitation Services
- to list current post-acute care, rehabilitation and community care services, and from available data assess the utilisation patterns of those services
- on the basis of the analysis required above, to project demand by older patients for hospital and community-based post-acute care services, taking into account existing levels of unmet demand in these areas
- to recommend short and medium term strategies and geographical and functional priorities for specific service enhancements to address this projected demand
- to estimate the capital and recurrent costs of proposed service enhancements, and present these estimates in a format suitable for consideration by the Health Commission

Members—The study will be undertaken by Fresbout Pty Ltd. The consultants will be assisted by a steering committee comprising—Commissioner for the Ageing; Dr. L. Mykyta; Dr. R. Prowse; Dr. D. Filby; Mr. T. Turner; Mr. I. Yates.

Reporting Date—May 31 1994.

Cost—$25 500.

REVIEW OF THE ADOPTION ACT

Date of Commencement—March 11 1994.

Terms of Reference—

- ensure that the definitions in the Act are consistent with other new legislation
- update the general principles in the Act relating to adoption
- ensure the Act is consistent with the recent changes to Commonwealth legislation and requirements relating to intercountry adoption
- examine the information rights of people involved in adoptions made prior to the introduction of the 1988 legislation
  - consider
  - consent matters
  - discharge of adoption orders
  - parent/spouse adoptions
  - adoption of parents aged over 20 years
  - cohabitation requirements of adoptive parents
  - consanguinity
  - publicity (Sections 31 and 32 of the Adoption Act)
- consider any other matters relevant to the Adoption legislation referred to the Committee by the Minister for Family and Community Services

Members—L. Dore, Chairperson; G. Blake; A. Sved-Williams; R. Wilson.

Reporting Date—September 1 1994.

Cost—$25 000 including sitting fee of $131 per session for chairperson and $110 for each member per four hour session.

CAVAN TRAINING CENTRE

Date of Commencement—February 1994.

Terms of Reference—Post occupancy review of the Centre.

Members—The review will be undertaken by Redden and Associates (SA).

Reporting Date—March 1994.

Cost—$10 000.

SHACK SITE FREEHOLDING COMMITTEE

Date of Commencement—April 13 1994.

Terms of Reference—

1. The Committee will cause an evaluation to be done on all shack sites currently situated on Crown land, including those under the care, control and management of councils but excluding shacks located in National Parks.

2. The Committee shall make recommendations to the Minister on appropriate methods of freeholding shack sites which reflect the Liberal Government's shack policy. In evaluating each shack site the Committee shall:

(i) observe specific health standards as they relate to effluent disposal as a pre-requisite for freeholding;

(ii) assess whether the shacks conform to building standards as defined by local councils, are of sound construction and built of acceptable building materials;

(iii) ensure that any shack having potential for freehold is environmentally compatible with the natural landscape and surrounding vegetation;

(iv) ensure that legal access is available to each shack site;

(v) ensure that appropriate access to the waterfront is available, or made available to the general public;

(vi) consult with local councils under which care, control and management of the shack areas rest;

(vii) review any Government regulations, policies or directives that may prevent or deter shack owners from freeholding their sites and provide recommendations for change

Membership—Hon. P. Arnold, (Chair); E.J. Maynard; G. Butler; D. Faehrmann; Cr. M. Germein; Mayor G. Oates; J. Madigan; W. Bailey.

Reporting Date—Monthly reports with final report no later than November 30 1994.

Cost—Disbursements will be met. The extent of them will depend upon how much travelling the Committee determines will be necessary. Negotiations on sitting fees are being finalised with the Commissioner for Public Employment. The Committee will be funded from existing resources within the Department of Environment and Natural Resources.

DEVELOPMENT ACT

Arising from the Proclamation of the Development Act on January 15 1994 and decisions of the former Government, the following Committees commenced from that date—

- Development Policy Advisory Committee
- City of Adelaide Development Plan Committee
- Building Advisory Committee
- Local Heritage Committee
- Procedures and Technical Committee
- Rural Development Committee
- the Development Assessment Commission
- City of Adelaide Development Control Committee
- Aquaculture Committee
- Port Adelaide Centre Committee
- Noarlunga Centre Committee
- Extractive Industries Committee
- State Advisory Group, Volunteer Involvement Program

CYCLISTS

131. **Mr LEWIS:**

1. How many cyclists were killed on South Australian roads in each of the past two calendar years and in this year to date?

2. What has been the cost of painting cyclist lanes on metropolitan roads in the past two financial years and in this year to date?

3. How much is budgeted for the current financial year and what will be spent on painting the cycle laneways on roads in the metropolitan area during 1994-95 and 1995-96?

The Hon. J.W. OLSEN:

1.

Year	No of Cyclists Killed
1992	2
1993	6
1994	1 (to 20.4.94)

2. The cost of painting cycle lanes on metropolitan roads in the past two financial years and in this year to date is $28 730.

3. The amount budgeted for the current financial year and that which will be spent on painting the cycle laneways on roads in the metropolitan area during 1994-95 and 1995-96 is $11 000.

STATE TRAINING PLAN

141. **The Hon. M.D. RANN:** What action is the Minister taking to ensure that the preparation of a State Training Plan for 1995, as required by ANTA agreements, will recognise the importance of the role of the Industry Training Advisory Boards as a critical link between industry and the vocational education and training sector?

The Hon. R.B. SUCH: The preparation of the 1995 State Training Profile according to guidelines approved by the Australian National Training Authority (ANTA) and its controlling Ministerial council is one important aspect of reform occurring in vocational education and training. The establishment of effective mechanisms of industry advice and participation in VET sector planning is recognised as critical and Industry Training Advisory Bodies (ITABs) are key bodies in the advice mechanisms.

The Government's draft White Paper on Administrative and Consultation Arrangements in Vocational Education, Employment and Training (VEET) is being finalised prior to legislation being presented to the House. This legislation will enable the substantive establishment of the Vocational Education, Employment and Training Board. Currently we are continuing to operate with the interim board established on a bipartisan basis by the previous Government. Industry advice mechanisms will be an important part of the legislation but it is the Government's view that it would be unwise to be too specific in the Act as to the precise details. The precise mechanisms to be adopted will be a responsibility of the VEET Board.

The VEET Board must communicate with a wide range of stakeholders in addition to ITABs—for example regional development boards, councils of institutes of TAFE, enterprise, commercial and community providers, students and community organisations. We should also tap directly into those leading edge, best practice companies and clusters of enterprises collaborating across industry boundaries.

There are two members from ITABs on a key working party guiding the development of the profile. ITABs along with other stakeholders have been kept informed about the ANTA guidelines as they have been developed and a paper describing the consultation strategy has been approved, distributed and is being implemented with ITABs playing a significant role.

WARRANTS

142. **Mr ATKINSON:** Has the Government received any proposals from the Police Department to privatise the execution of warrants and if so, what are those proposals and are they supported by the Government and if proposals have not been received, is the matter currently under consideration by the Police?

The Hon. W.A. MATTHEW: The Government has not received any proposal from the South Australian Police Department to privatise the execution of warrants.

As part of the Review of Policing, the Police Department has amongst other things, been examining alternative means of executing Non Payment of Fines and Costs warrants only. The alternatives include the option of using private processors. However this is still in the investigative stage and no proposal has yet been put forward.

WAR MEMORIAL DRIVE

158. **Mr ATKINSON:** Has the Minister discussed with Adelaide City Council on behalf of South Australians who do not live in North Adelaide the closure of War Memorial Drive at its Western end as proposed in the Council's vision statement and if not, why not?

The Hon. J.W. OLSEN: Parliament has given all councils the power to close roads under three different Acts:

- the Road Traffic Act
- the Roads (Opening and Closing) Act
- the Local Government Act.

In each Act a number of requirements need to be fulfilled before the road can be closed. These requirements include, in the case of War Memorial Drive:

- Road Traffic Act, discussions with the Department of Transport so that a regulation can be developed under the Road Traffic Act for consideration by Cabinet and, if approved, by Parliament;
- Roads (Opening and Closing) Act, preparation of a submission to the Surveyor-General so that he can make a recommendation to the Minister for Housing, Urban Development and Local government Relations; and
- Local Government Act, discussions with Hindmarsh and Woodville Council and agreement of the Commissioner of Highways if the road closure will impact on traffic on roads under their control.

In no case is there a requirement for discussions to be held between the Minister for Transport and a council proposing to close a road before a road is closed.

As Parliament has given all councils the power to close roads, it is not the Minister's intention to have discussions with every council every time they propose to close a road.

However, the Minister recently asked the Minister for Housing, Urban Development and Local Government Relations to address the adequacy of the conflict resolution process relating to disputes between adjoining councils concerning road closures adjacent to council boundaries.

MILK PRICES

160. **Mr ROSSI:** What mechanisms are in place, or are to be put in place, to ensure that the benefits of the deregulation of the milk market from 1 January 1995 will be passed on to consumers and what are the expected benefits to producers by way of increased distribution and sale of their products?

The Hon. D.S. BAKER: Only milk designated as market milk has any price control. Neither flavoured milks nor milk used for products such as cheese are price controlled.

Currently there is a recommended retail price which means milk vendors and stores may sell at any price either above or below the recommended price.

From 1 January 1995 price controls post farm gate will be totally removed.

The farm gate price will remain since this is part of a national perspective. There will be no change therefore to milk producers.

Removing the processor and wholesale regulated prices means more flexibility in overall pricing.

There is no intention to add legislative mechanisms to ensure market forces operate when price restrictions post farm gate are removed.

Milk is now available over the whole of South Australia and removing price controls will not see any increase in distribution or sales.

Wednesday 18 May 1994

GOVERNMENT VEHICLES

9. **Mr BECKER:** What is the answer to Question on Notice No. 157, asked of the former Minister of Transport Development on 21 October 1993?

The Hon. S.J. BAKER: The following information was provided to the previous Government in response to Question on Notice No. 157:

1. Ms Caroline Graham was given authority by the Director of the Spencer Institute of Vocational Education to take the vehicle to the Arid Zone Research Institute establishments in Alice Springs and Ti Tree in the Northern Territory. The objective of the visits was to view first hand and discuss with Research Institute staff the possibility of applying Research Institute procedures to more temperate regions such as those existing in the cereal sheep zone of South Australia

2. Ms Caroline Graham (an employee of the Department of Training and Further Education) was the female passenger. The other occupants were Ms Graham's husband (who was driving the vehicle) and her two children.

3. The vehicle is a State Fleet Long Term Hire vehicle allocated to the Spencer Institute of Vocational Education.

4. It is DETAFE policy that, provided appropriate approvals are in place, spouse and family members may travel and in some cases, drive, Government vehicles when undertaking long journeys. The policy was implemented due to the number of country campuses within the DETAFE network and the distances involved with travel associated with campus duties.

In this particular case, all relevant approvals were effected prior to the visit taking place, and appropriate policies in force at the time.

The current Minister for Employment, Training and Further Education is presently conducting a review of vehicle use within his department with a view to establishing clear guidelines which will ensure that no Government vehicles are used for purposes which are not directly related to official employment, training or youth affairs matters.

ADELAIDE ENTERTAINMENT CENTRE

61. **Mr BECKER:**

1. What action can be taken to ensure that local residents and patients in the Hindmarsh Hospital are not subjected to intolerable noise of bands when groups perform in the Entertainment Centre, and if none, why not?

2. Why was the volume of the outdoor concert held at the Entertainment Centre on 31 October 1993 at 2.30 pm so loud as to be heard several hundred metres away?

3. What control does the Entertainment Centre have over such noise and if none, why not?

4. What is considered an acceptable noise level of open concert music performance?

The Hon. G.A. INGERSON:

1. The centre is not aware of any noise problem affecting local residents arising from concerts at the Adelaide Entertainment Centre. The centre has had no complaints from local residents, nor have they had any complaints from patients at the Hindmarsh Hospital. The centre has taken the precaution of contacting the administration of the hospital to see if they are aware of any noise problem arising from the centre and the hospital has advised the centre they are not aware of any problem, nor have they made any complaints to anyone about noise coming from the Entertainment Centre.

It should be noted that Hindmarsh Hospital is located more than half a kilometre from the Entertainment Centre and immediately adjacent the Hindmarsh Soccer Stadium.

2. The centre has not been presented with any information to the effect that the volume of the outdoor concert held at the Entertainment Centre on 31 October 1993 was such as to be heard several hundred metres away.

3. The centre is not aware of any noise problem affecting local residents or other members of the public arising as a result of an outdoor concert at the Entertainment Centre. If any complaint is made about the control of noise emanating from the site the centre would be happy to investigate the matter and respond. To date there have been no complaints and no special controls have had to be exercised.

4. There is no generally held industry standard for noise levels for open air concerts. Local environmental factors vary from venue to venue and the circumstances of each concert.

ADELAIDE ENTERTAINMENT CENTRE

88. **Mr BECKER:**

1. How many bookings for concerts, functions etc. have been made for use of the Entertainment Centre and forecourt for the year 1993-94 and for subsequent years?

2. How much income has been earned to date this year and what expenses have been incurred?

3. Which unions are involved at the Centre and in each case, why?

The Hon. G.A. INGERSON:

1. The centre has had approximately 120 pencilled bookings for use of the centre and the forecourt for the 1993-94 financial year.

The centre is currently holding 277 pencilled bookings for the 1994-95 financial year, 102 pencilled bookings for the 1995-96 financial year, 56 pencilled bookings for the 1996-97 financial year, 47 pencilled bookings for the 1997-98 financial year, 66 pencilled bookings for the 1998-99 financial year and 44 pencilled bookings for the 1999-200 financial year.

2. Figures identifying income earned and expenses incurred over the current period is confidential commercially valuable information and therefore, cannot be provided at this time.

Income and expenditure information relating to the 1993-94 financial year will be provided, however, in the centre's annual report which is expected to be released in December this year.

3. The Shop Distributive Association (SDA) and the Liquor, Miscellaneous and Hospitality Workers Union (LHMWU) are the two unions that have coverage at the centre under the Adelaide Entertainment Centre Industrial Agreement.

These unions have coverage as a result of demarcation decisions of the State Industrial Commission, the Federal Industrial Commission and two private arbitrations between competing unions by the ACTU. The union coverage arrangements operating at the centre also have the strong support of the Adelaide Entertainment Centre's management.

LANDCARE

92. **Mr LEWIS:**

1. What amount is being spent in total on Landcare programs during the current financial year and how much will be spent next year?

2. Which Government departments will benefit directly from expenditure through the Landcare budget by having consultancies and secondment payments for staff made to them and in each case, what will be the amount for each of the Landcare programs in each region of South Australia?

3. How much money will be made available to landowners to plant trees?

4. How many private land-holders will have funds made available to them for the provision of revegetation and/or other land rehabilitation programs?

5. What is the average amount to be spent on each privately held piece of land?

6. What is the average value of the consultancies in the regions?

7. In circumstances where direct seeding is unlikely to be successful such as in the more marginal farming areas, why is the continued use of tube stock not being permitted?

The Hon. D.S. BAKER:

1. The Commonwealth approved $11.2 million in 1993-94 for SA under the National Landcare Program (NLP).

It is anticipated that SA will receive approval for approximately $8.8 million to fund ongoing projects under the NLP in 1994-95. Requests will also be made for funding of new community and agency projects and success or otherwise of such will not be known until after the Federal Budget is announced.

Of the $11.2 million approved under NLP for 1993-94, $680 000 has been allocated directly to Community Landcare Groups for projects approved under the Land and Water element of the NLP Community Grants.

Government and non-government agency projects providing direct support to community groups involved in landcare activities total approximately $2.5 million for 1993-94.

All agency projects address priority land, water and related vegetation management issues and if not providing direct technical support to landcare groups, contribute in other ways to achieving sustainable use and management of these resources in South Australia.

Some of the major agency projects receiving NLP funding include the following:

- Mount Lofty Ranges Collaborative Catchment Management Program
- Highland Irrigation Rehabilitation and Restructuring
- Community Landcare Technical Support
- Property Management Planning
- Irrigated Crop Management Service
- Land Evaluation
- Rangelands Management
- Flood, Stormwater and Wastewater Management
- Country Towns Water Management

2. The following State Government Departments will receive NLP funds in 1993-94 for programs/projects that they have direct responsibility for. The State is expected to contribute at least 50 per cent of the total cost of those projects for which it takes the major responsibility.

- Primary Industries
- Department of Environment and Natural Resources
- Engineering and Water Supply Department
- Department of Mines and Energy.

Non-government agencies receiving direct funding under NLP include:

- Australian Conservation Foundation
- South Australian Farmers Federation
- Cooperative Research Centre for Soil and Land Management

Community groups in some instances call for consultants to undertake activities as part of their landcare funded projects. PISA has undertaken some of these consultancies but the total funding involved is relatively small.

PISA and the Department of Environment and Natural Resources in particular provide considerable support free of charge to Community Landcare Groups.

Gross figures for NLP funding by regions in SA for 1993-94 are as follows:

EYRE: Ten agency projects for $573 278 and 14 Community projects for $90 381 for a grand total of $663 659.

RANGELANDS: Nine agency projects for $547 910 and 9 community projects for $96190 for a grand total of $644 100.

NORTHERN AGRICULTURAL DISTRICTS: Three agency projects for $163 700 and 21 community projects for $166 445 for a grand total of $330 145.

MOUNT LOFTY RANGES: Thirteen agency projects for $3.8 million and 15 community projects for $162 139 for a grand total of $3.97 million

KANGAROO ISLAND: One agency project and 4 community projects for a grand total of $66 623.

MURRAYLANDS: Three agency projects for $2.0 million and one community for a grand total of $2.01 million.

SOUTH EAST: Three agency projects for $185 682 and twelve community projects for $134 319 fro a grand total of $319 901.

ADELAIDE METRO AND PLAINS: Eleven agency projects for $481 930 with community projects included under the Mount Lofty Ranges.

STATEWIDE: There are a range of Statewide projects covering various regions and these total $2.73 million.

3. The following amounts of money will be made available for tree planting in SA in 1993-94:

- State Rural Tree Planting Grants totalling $50 000 per year.
- One Billion Trees component of the National Landcare Program totalling $97 000 per year.
- Save the Bush component of the National Landcare Program funding approximately $190 000 per year for native vegetation management.
- Corridors of Green (Greening Australia) $150 000 per year.
- The Land and Water, and Murray-Darling Basin, elements of the National Landcare Program contribute to projects involving revegetation and vegetation management at approximately $200 000 and $300 000 per year respectively.

4. Apart from some of the tree planting projects funding is not made available to assist individual farmers directly address land rehabilitation. Projects are almost solely undertaken by community groups and funds are provided to community groups and not to individual landholders.

5. This question is answered by question 4.

6. Consultancies let by community groups are usually less than $5 000 primarily for assistance in district and regional planning, and for some specific investigations related to the regional and district planning activities.

7. State Flora and Trees For Life support use of tube stock as an option for establishing vegetation across the State. It is incorrect to say that the use of tube stock for tree planting is not being permitted.

WEST LAKES AQUATIC CENTRE

127. **Mr ROSSI:** Will the Department of Education be moving out of the premises it currently occupies at the Canoe Club in West Lakes and if so, when?

The Hon. R.B. SUCH: The Department for Education and Children's Services (DECS) houses part of the West Lakes Aquatic Centre in shared leased premises with the Canoe Club at West Lakes. The premises are owned by the City of Hindmarsh and Woodville.

The functions carried out at this location by DECS are planned to be consolidated with existing aquatic services at premises owned by the South Australian Rowing Association Inc. (SARA), thus consolidating all the West Lakes Aquatic Centre activities onto one site.

The timing of this move is dependant upon the completion of extensions by SARA. It is presently envisaged that the premises will be ready for occupation by late August 1994.

The date of movement by DECS to the new premises will be subject also to the successful assignment of the present lease agreement for the Canoe Club Area.

WILLUNGA BASIN

135. **Mr FOLEY:** Who is conducting the inquiry into the Willunga Basin water resources announced by the Minister on 14 February 1994, what will it cost, when will it be completed and will the Minister table a copy of the report?

The Hon. J.K.G. OSWALD: The Willunga Basin Integrated Water Resource Study is being conducted by the Water Resources Group of the Department of Environment and Natural Resources, and is due for completion (first draft) on 27 May 1994. The study is being overviewed by the Willunga Basin Steering Committee, which comprises staff and elected representatives of the District Council of Willunga and officers of the Department of Housing and Urban Development.

The study is required to provide key inputs to a Strategic Management Plan for the Willunga Basin which is required in accordance with a Memorandum of Understanding signed by the Minister for Housing, Urban Development and Local Government Relations, and the Mayor of the District Council of Willunga.

The consultancy budget is $44 000.

The strategy for allocation of all water resources in the Willunga Basin falls under the responsibility of the Willunga Basin Steering Committee, and that committee will consider other factors beyond the scope of the current consultancy. I will not be tabling the Water Resource Study, which forms one input only, into the broader report of the Willunga Basin Steering Committee. However, the Study will be available to the public and widely circulated.

GAS PIPELINE

136. **Mr FOLEY:** What is the Government's position on the draft Trade Practices Commission competition guidelines for operation of the Moomba-Sydney gas pipeline in the event of its privatisation by the Commonwealth Government and what submissions, if any, will the Government make to the Commonwealth concerning these guidelines?

The Hon. D.S. BAKER: The Council of Australian Governments (CoAG) addressed the issue of free and fair trade in gas and third party access to gas pipelines at their meeting on 25 February 1994. The subsequent CoAG Communique noted that legislation to promote free and fair trade in gas, through third party access to pipelines, should be developed co-operatively between jurisdictions and be based upon a range of principles.

The details of implementation of these broad principles will take some time to be finalised between the State, Territory and Federal Governments. However, the principles form the basis for the future operation of gas pipelines in Australia.

The draft Trade Practices Commission competition guidelines for the operation of the Moomba-Sydney gas pipeline go beyond the requirements of the CoAG principles. They go beyond the requirements of the now deferred Federal Interstate Gas Pipeline Bill which has been deferred subject to progress being made between the Commonwealth and the States in implementing free and fair trade in gas.

Through the Pipelines Authority of South Australia (PASA) an interim response was given to the Trade Practices Commission in early February 1994. It suggested that the proposed principles were not consistent with the then proposed interstate pipelines bill, that they were unduly prescriptive and likely to hinder the proposed sale of the Moomba-Sydney pipeline.

It is understood that the Trade Practices Commission is currently evaluating an appropriate regime to apply to the Moomba-Sydney pipeline and a document will be available for comment within the next few weeks.

PUBLIC SECTOR EXECUTIVES

138. **The Hon. LYNN ARNOLD:**

1. Does the Government intend to increase the charges paid by executives with private plated Government cars and if so, how will the new charges be determined?

2. Will the total remuneration package of executives be increased to accommodate any increased charge for motor vehicles or will the salary of executives be reduced by the increased charge?

The Hon. DEAN BROWN: 1 and 2

As foreshadowed in my ministerial statement on 8 March, 1994 I am concerned that executive salary packages negotiated by the former Government do not reflect the true cost to the Government and to the taxpayer of providing private plated motor vehicles. Alterations to existing employment conditions relating to Chief Executives and Senior Executives as determined by the GME Act 1985 will be implemented in the near future.

MULTIFUNCTION POLIS

140. **The Hon. M.D. RANN:** What is the value of broadacre land owned by Technopolis Pty Ltd proposed for inclusion with the MFP Core Site and who are the shareholders of Technopolis Pty Ltd?

The Hon. J.W. OLSEN: No valuation has been made yet on the value of the broadacre land. A separate valuation of those parts of the land for which MFP Australia has indicated an interest will need to be made. Processes to ensure a fair market value are being investigated by GAMD and MFP Australia.

The shareholders of Technopolis Pty Ltd are:

· Tostado Pty Ltd, of which the shareholders are:
  - Mr Zisis Ginos
  - Mr Vincenzo Oberdan
· D & S Group of Companies Pty Ltd, of which the shareholders are:
  - Mr Asterios Gerovasilis
  - Mr Dennis Xenephon Savvas

VIDEO SURVEILLANCE

146. **Mr ATKINSON:** In relation to each organisation or institution under the Minister's responsibility which operates video surveillance cameras-

(a) how many cameras does each have;
(b) where are they located;
(c) what is the purpose of the cameras;
(d) who is responsible for—
  (i) monitoring; and
  (ii) supervising,
  the operation of them;
(e) how often are they used; and
(f) are video recordings taken from each camera and if so, for how long are they kept and who has access to them?

The Hon. G.A. INGERSON:

(a) The Adelaide Entertainment Centre does not operate video connected surveillance cameras. However, the centre was built with 14 surveillance (non-video) cameras installed.
(b) The cameras are located as follows:
  Stage Door Roller Door Internal;
  Stage Door Roller Door External;
  Treasury;
  Cashier;
  Rear Foyer East;
  Rear Foyer West;
  Front Foyer East;
  Front Foyer West;
  Undercroft Car Park East;
  Undercroft Car Park West;
  Administration Entry;
  BASS Outlet;
  Arena North
  Arena South.
(c) The purpose of the cameras is to provide for the possibility of surveillance at security sensitive points throughout the building to cover high security risk events and/or high security risk activities within the centre.
(d) The AEC Operations Manager is responsible for their monitoring and supervision of the surveillance system.
(e) The system has been used once for a high security event.
(f) No video recordings are taken from any camera.

Adelaide Convention Centre:

(a) The Adelaide Convention Centre has 14 cameras.
(b) The cameras are located at entry/exits throughout the Adelaide Convention Centre, Plaza Car Park and Exhibition Hall Car Park.

(c) The video surveillance cameras are used for security purposes.
(d) They are monitored by security guards and the General Manager and Administrative Manager are responsible for supervision.
(e) The cameras are used 24 hours per day, seven days a week.
(f) Only two cameras are used for recording. Tapes are kept for a maximum of three days and security and management have access to these tapes.

WorkCover:
(a) There are five video surveillance cameras.
(b) The Corporation uses a surveillance camera in the reception area.
(c) This camera is view only and records only in emergencies eg. duress alarm. There are also two view only cameras monitoring the rear entrance to the building to allow the mail room staff to verify the identify of couriers etc. before allowing access to the building.
Two additional cameras will be installed on the front and back doors to monitor after hours access and egress.
(d) The Corporate Security Officer is responsible for the operation, maintenance and monitoring of all video cameras.
(e,
f) Video recordings will be taken from these cameras and stored for approximately six months and will be used to check after hours security breaches by the Corporate Security Officer and/or the Manager Administration; confidentiality will be maintained at all times.
In addition to video surveillance equipment the corporation uses for security purposes, surveillance videos are used for fraud investigations by external contractors.

South Australian Occupational Health and Safety Commission:
(a) There is one video surveillance camera.
(b) The camera is located in the front reception area.
(c) To monitor the activity of the public and is solely manned.
(d) (i) Jenny Dowsett, January Powning's secretary, is responsible for monitoring the camera; and
(ii) Nadia Edmund, Administrative Officer is responsible for the supervision and operation.
(e) The camera is operated 24 hours a day, seven days a week.
(f) Video recordings are not taken from the camera.

Australian Formula One Grand Prix Board:
Nil.

SACON:
Nil.

Department for Industrial Affairs
Nil.

South Australian Tourism Commission
Nil.

150. **Mr ATKINSON:** In relation to each organisation or institution under the Minister's responsibility which operates video surveillance cameras-
(a) how many cameras does each have;
(b) where are they located;
(c) what is the purpose of the cameras;
(d) who is responsible for—
(i) monitoring; and
(ii) supervising,
the operation of them;
(e) how often are they used; and
(f) are video recordings taken from each camera and if so, for how long are they kept and who has access to them?

The Hon. J.K.G. OSWALD: In relation to each organisation or institution under the Minister's responsibility which operates video surveillance cameras-
I suggest the following reply:
(a) how many cameras does each have;
West Beach Trust—3
SA Housing Trust—14
TAB—19
(b) where are they located;
West Beach Trust
· West Beach Caravan Park
· Swimming Pool
· Pro Shop of the Patawalonga Golf Course
SA Housing Trust
· In the public and front counter areas of Regional Offices
TAB
· at 153 Flinders Street Adelaide and the other 18 are at 4 separate Auditoriums located at North Terrace Adelaide, Salisbury, Norwood and Football Park
(c) what is the purpose of the cameras;
West Beach Trust
· Monitoring the recreation room,
· Monitoring Swimming Pool,
· Monitoring activity on the first tee of the North Course which is out of the eyesight of the Pro Shop and monitoring the car park as a deterrent for vandalism and theft
SA Housing Trust
· Monitoring activity in public and front counter areas in order to provide an early response should staff or the public be under any threat to their safety and to provide a record of any such incidents
TAB
· Security monitoring
(d) who is responsible for-
(i) monitoring; and
(ii) supervising, the operation of them;
West Beach Trust
(i) & (ii) Staff on duty at the time
SA Housing Trust
(i) The Office Administrator
(ii) The Regional Manager
TAB
(i) & (ii) Manager, Audit and Efficiency. Responsibility for the operation of them is with the relevant Auditorium Officers
(e) how often are they used; and
West Beach Trust
· Every day of the year during daylight hours
SA Housing Trust
· Used continuously
TAB
· All trading days
(f) are video recordings taken from each camera and if so, for how long are they kept and who has access to them?
West Beach Trust
Video recordings are not taken as a records of activity as they are not necessary.
SA Housing Trust
Video recordings are kept for approximately one week before re-use. Recordings are secure, with access being given to Police if necessary.
TAB
Video recordings are taken and kept normally for 7 days unless required for a specified purpose. Auditorium Staff, Engineering Services, Property Department and Audit Staff have access (on an 'as needs' basis for security purposes).

153. **Mr ATKINSON:** In relation to each organisation or institution under the Minister's responsibility which operates video surveillance cameras-
(a) how many cameras does each have;
(b) where are they located;
(c) what is the purpose of the cameras;
(d) who is responsible for—
(i) monitoring; and
(ii) supervising,
the operation of them;
(e) how often are they used; and
(f) are video recordings taken from each camera and if so, for how long are they kept and who has access to them?

The Hon. W.A. MATTHEW: The replies are as follows:
South Australian Police Department
(a) 317 Statewide
(b) Berri
Bordertown
Ceduna
Christies Beach
City Watch House
Darlington
Elizabeth
Flinders Street Police Headquarters
Holden Hill
Kadina

Millicent
Mount Gambier
Murray Bridge
Naracoorte
Port Adelaide
Port Augusta
Port Lincoln
Port Pirie
Renmark
Victor Harbor
Waikerie
Whyalla

(c) For monitoring prisoner security 24 hours per day at the following police stations:

Berri
Ceduna
City Watch House
Darlington
Elizabeth
Holden Hill
Murray Bridge
Port Adelaide
Port Lincoln
Port Pirie

With the exception of Flinders Street Police Headquarters, all other mentioned police stations monitor the video surveillance cameras on a needs basis when prisoners are in custody only.

The following police stations monitor surveillance cameras 24 hours a day for the purposes of building security:

Berri
Ceduna
Christies Beach
Darlington
Elizabeth
Flinders Street Police Headquarters
Holden Hill
Kadina
Murray Bridge
Port Adelaide
Port Pirie
Whyalla

(d) All video surveillance cameras are monitored by on duty police officers under the direction and supervision of the on duty Sergeant/Supervisor or Officer in Charge.

The following police premises operate a total of 33 video surveillance cameras purely for building security:

Adelaide Police Station
Communication Centre
Flinders Street Police Headquarters
Hindley Street Police Station

(e) 24 hours per day.

(f) The following police stations have facilities to have video recordings taken and are retained by the relevant Officers in Charge from between six months and two years and are available for viewing on the authority of the Officers in Charge:

Christies Beach
City Watch House
Murray Bridge
Whyalla

At Flinders Street Police Headquarters video recordings are taken 24 hours per day and kept for a period of seven days before the tapes are re-used. They are retained and kept secure by the on duty security staff and are available for viewing on the authority of the Officers in Charge, Operations Services Division or Operations Response Section.

The following internal S.A. Police Sections have available to them 19 video surveillance cameras:

Intelligence Support Section
Intelligence (Technical) Section
Technical Services Branch

The cameras are located at the offices of those sections.

The Intelligence Sections operate the cameras for surveillance of criminal activities when authorised. They are monitored and supervised by staff and the Officers in Charge. They are operated on a needs basis and the video tape recordings are kept until no longer required.

The Technical Services Branch operate the cameras for taping serious crime scenes, identification parades and major incidents. They are operated by Photographic Section personnel under the direction of the on duty Supervisor. They are operated on a needs basis. Videos are stored in the Photographic section and are accessible to investigating officers and photographic staff. Tapes are kept for evidentiary purposes as exhibits.

South Australian Metropolitan Fire Service

(a) Nine video cameras are currently used for surveillance.

(b)& (c)

No.	Location	Purpose
2	Basement Car Park	Entry and Exit Security
1	Ground Floor Reception	Front door Security
2	Communications Centre	High security area
1	Engine room (appliance area)	Monitoring vehicle movements
1	Engine room apron	Monitoring vehicle dispatch
1	South Western Roof Mounted	Security of training yard and monitoring availability of appliances
1	Angas Street Entry	Security entry and monitoring of returning fire appliances

(d) (i) The total responsibility for the cameras is with the Superintendent Technical Department.

(ii) All cameras are monitored and supervised by authorised Communication Centre staff 24 hours a day, seven days a week.

(e) All cameras are in constant use.

(f) No cameras are connected to any video recording devices.

Country Fire Service

(a) 5 surveillance cameras.

(b) The cameras are all located at CFS Headquarters. Two cameras monitor the rear yard and the three other cameras monitor each exit door.

(c) The CFS Communications Centre operates on a 24 hour basis. The purpose of surveillance cameras is to provide building security and safety to staff who occupy the premises after normal business hours.

(d) Operators of the Communication Centre monitor the surveillance cameras.

(e) The surveillance cameras are used on a daily basis, particularly after normal business hours.

(f) Video recordings are not taken from any camera.

St John Ambulance Service

(a) There are four video surveillance cameras at St John House.

(b) Underground Car Park
Rear door of the building
First floor lift door
First floor rear stairwell

(c) The cameras are used for security purposes and the screening of persons who wish to seek access to St John House after hours.

(d) The monitoring and supervision of the operation of the cameras is the responsibility of the Communications Room Team Leader.

(e) The cameras are operating 24 hours per day.

(f) No video recordings are made.

Department for Correctional Services

(a) The Department of Correctional Services operates 432 cameras.

(b)

Pt Augusta Prison	33
Mt Gambier Gaol	10
Port Lincoln Prison	6
Adelaide Remand Centre	120
Yatala Labor Prison	192
Mobilong Prison	35
Northfield Prison Complex	24
Cadell Training Centre	5
Central Office	1
Community Correctional Centres	6

(c) Cameras are used within the Department for the following reasons:

To detect movement within sterile zones
To alert staff of persons requiring entry to restricted access areas

Monitor vehicular and personnel access to prisons
Provide surveillance in visit rooms
Detect vandalism
Security and control of prisoners.

(d) The responsibility for monitoring and supervision varies from location to location. Generally, monitoring is undertaken by Control Room staff with their Supervisor overseeing this function.

(e) Video Surveillance cameras are used in prisons on a 24 hour basis, whilst those at Community Correctional Centres and Central Office, are utilised during office hours.

(f) Video recordings are only taken of incidents and are retained until the incident is finalised. Access is limited to those directly involved in the investigation of the incident.

CIRKIDZ

157. **Mr ATKINSON:** What is the maximum rent the Minister will charge circus school and performing troupe CIRKIDZ for the new accommodation he has promised?

The Hon. J.K.G. OSWALD: When alternate accommodation is available, rental payable by CIRKIDZ will be determined.

TAFE

171. **Mr ROSSI:** Will TAFE Colleges prepare codes of conduct and service standards requirements in the light of a recent warning from the Federal Department of Employment, Education and Training of the potential for legal action from students unhappy with the quality of university education?

The Hon. R.B. SUCH: Institutes of TAFE have a number of mechanisms in place that already contribute towards the development and maintenance of quality TAFE education outcomes, across all areas of its activities and which include the description and adherence to service standards and associated work practices of staff. The Department for Employment and TAFE is cognisant of overseas trends in recorded actions taken by students expressing dissatisfaction with the quality of educational systems and has not been involved in any legal action as a result of dissatisfaction with the quality of TAFE education and training.

At both State and national levels, an increasing emphasis is being placed upon formal and recognised quality systems and processes, which involve benchmarking and measurement of service levels against these benchmarks. DETAFE is leading Australian TAFE systems through our work in the management of the National TAFE Best Practice Program (a project funded by the Australian National Training Authority) and individual Institutes that are adopting approaches to quality management systems to meet the requirements of AS 3901 and subsets of AS 3902 and AS 3903 (Spencer and Douglas Mawson Institutes are working to seek third party certification based upon these standards and their guidelines for the education and training industry.)

As a result of these initiatives, specific codes of conduct in relation to customer service will be developed as well as quality assurance processes for handling student needs and a suite of research methodologies to ensure the collection of accurate data upon which continuous improvement of services can be based.

In addition to these specific initiatives, I am pleased to report that the Department for Employment, Training and Further Education approaches the question of quality education provision through a system wide approach to policy and procedure development and implementation.

The following provide examples of ways in which Institutes of TAFE assure students of quality educational systems and services

- Delivery of accredited curriculum that complies with the principles for the National Framework for the Recognition of Training, developed through curriculum development and design processes based upon industry and client focussed consultation;
- Student selection processes and methods that are explicit, fair and consistently applied throughout the DETAFE system;
- Regular review and monitoring of course standards, graduate performance and outcomes as a routine process of course delivery. The Textiles, Clothing and Footwear and the Engineering programs are moving towards the application of recognised quality management systems in this regard and will inform other program areas of appropriate strategies for continuous improvement.
- Compliance to the Commonwealth Education Services for Overseas Students Act and its Regulations. A significant level of fee for service activity is generated through the Department's overseas marketing and international student program. The Federal Department of Employment Education and Training provides detailed guidance to DETAFE on the policy and procedures to be maintained with this category of student, in addition to the requirements of the Education Services for Overseas Students Act and its Regulations.

The Department recognises that quality improvement is based upon continuous review, monitoring and evaluation of policy and practices. DETAFE will continue this approach whilst also monitoring the developments highlighted in the question so as to avoid student dissatisfaction that may lead to legal action.

PUBLIC SECTOR PERFORMANCE BONUSES

179. **The Hon. LYNN ARNOLD:**

1. Which positions within Government departments or agencies filled since 11 December 1993 attract a performance bonus similar to that provided to the new CEO of the Premier's Department and what is the amount of each bonus?

2. Does the Government plan to introduce further performance bonuses within the public sector and if so, to which areas?

The Hon. DEAN BROWN:

1. Since 11 December, 1993 the Chief Executive Officer of the Department of the Premier and Cabinet has been the only position approved under the Government Management and Employment Act to attract a performance bonus benefit.

2. The Government is presently reviewing executive remuneration which will take into account measures necessary to improve individual performance and accountability. This may include the introduction of performance based incentives such as bonuses.