HOUSE OF ASSEMBLY

Wednesday 23 November 1994

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

CORRECTIONAL SERVICES (PRIVATE MANAGEMENT AGREEMENTS) AMENDMENT BILL

The Hon. W.A. MATTHEW (Minister for Emergency Services): I move:

That the sitting of the House continue during the conference on the Bill.

Motion carried.

EDUCATION AND CHILDREN'S SERVICES

Petitions signed by 381 residents of South Australia, requesting that the House urge the Government not to cut the Education and Children's Services budget were presented by Messrs Bass and Brokenshire.

Petitions received.

WOODCROFT POLICE STATION

A petition signed by 700 residents of South Australia, requesting that the House urge the Government to establish a police station at Woodcroft and devote additional police resources in the Woodcroft and surrounding areas was presented by Mr Brokenshire.

Petition received.

SODOMY

A petition signed by 48 residents of South Australia, requesting that the House urge the Government to criminalise sodomy was presented by Mr Venning.

Petition received.

BUSINESS CENTRE

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I seek leave to make a brief ministerial statement.

Leave granted.

The Hon. J.W. OLSEN: I am pleased to advise the House that Ms Marilyn Harlow has been appointed as the new General Manager of the Business Centre. Her most important task will be to implement the expanded role of the Business Centre in the provision of advice and information to the 63 000 small business operators in South Australia. Ms Harlow has worked at the Business Centre for seven years, most recently as the manager of research and project manager for the business licence information system. She has had extensive experience with small business as an owner and manager over more than 10 years, and also as a business and human resource management teacher.

The Business Centre will be the South Australian hub for the implementation of the AusIndustry program, recently agreed upon by all Industry Ministers and previously advised to this House. The Business Centre will continue to provide a range of client management functions including the delivery of best practice improvement programs. It will also look after the training and accreditation of AusIndustry information centres, the updating of the Bizhelp database and other information packages, and the expansion of mentoring programs. I am confident that, with the appointment of Marilyn Harlow as the General Manager of the Business Centre, South Australia will continue to be recognised as the State with the best and most conducive business climate.

PAPER TABLED

The following paper was laid on the table:

By the Minister for Family and Community Services (Hon. D.C. Wotton)—

Department for Family and Community Services—Report, 1993-94.

LEGISLATIVE REVIEW COMMITTEE

Mr CUMMINS (Norwood): I bring up the thirteenth report 1994, second session, of the committee and move:

That the report be received.

Motion carried.

QUESTION TIME

INFORMATION TECHNOLOGY

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. Why did the Government ignore advice commissioned by Treasury from the South Australian Centre for Economic Studies on outsourcing information technology which warned against taking a whole of Government approach, which said that the estimates of costs used were unreliable and which identified very significant risks with the proposal? The Opposition has obtained a copy of the evaluation of tenders for the out-sourcing of information technology prepared for Treasury by the Centre for Economic Studies that warns of serious financial and technical risks for the State associated with the Government's out-sourcing proposals.

The Hon. DEAN BROWN: The honourable member will find that that study carried out by the centre was done without the full knowledge of what was in the best and final offers.

Members interjecting:

The Hon. DEAN BROWN: Fairly significant. For any independent centre to try to do an assessment of the benefit of out-sourcing of information technology without all the information before it means that the person trying to do this independent assessment ends up with egg on their face.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I understand that it was the Centre for Economic Studies. I stress that certain groups were commissioned by the Government to do an independent assessment of the economic benefits and that information was presented to the Cabinet and the Cabinet subcommittee, and in fact those studies showed that there were enormous economic benefits to South Australia. In particular I highlight the fact that, overall, the selection of EDS will mean something like $500 million of new economic activity coming to South Australia as a result of this out-sourcing proposal. That is an enormous boost. It has been acknowledged across South Australia that we are now the leaders and at the forefront of the new information technology era for Australia.

That is not just an assessment made by people wildly. It is also reflected in the fact that these people have been beating a path to my door since that announcement, and I shall refer to some of the people who have come to South Australia as a result of that announcement. There is the world Vice President of Silicon Graphics, the fastest growing hardware computer company in the world. Mr Bob Bishop flew from Switzerland to South Australia and spent a whole week here working out strategies on how they could participate as a company in the development of IT in South Australia. We had the recent visit of the international Vice President, the person in charge of the whole of the international operation for Oracle Software Corporation—the second biggest software company in the world—who recently flew into Adelaide specifically to spend two hours with me to discuss some of the opportunities in which his company would like to participate. The head of the Satellite and Space Division of Lockheed Aircraft Corporation specifically flew in for the Grand Prix, accepted our invitation and wanted to have a series of meetings with me while here talking again about those opportunities.

A number of other software or hardware companies have now, as I said, beaten a path to my door, specifically asking to have the chance to sit down and discuss the opportunities with me. I would argue that it is quite clear that, through that out-sourcing contract, we have given for the first time in at least 10 or 11 years a clear new direction for economic development in South Australia. In the first 12 months of being in Government in South Australia we have achieved a clear recognition across Australia, and even internationally, in terms of the focus we are giving and in terms of what is the fastest growing manufacturing industry in the world. We will be the centre of that for Australia and it is recognised that we are likely to be one of the key centres in the whole of Asia.

The fact that we have been able to attract to South Australia companies like EDS, Motorola and others has given us a reputation that the other States are now jealous of. It is unfortunate that, if anyone was to do a full economic study, they did not have all the facts. I can perhaps explain that to the honourable member. During the very delicate stage of selection of the companies from the best and final offers that were submitted, it was important that the information contained in those final offers was kept very tight. The last thing you could have was information from one source leaking across to—

Mr Foley interjecting:

The Hon. DEAN BROWN: Even to Treasury. The only people who were allowed to have information about any of the best and final offers were those who were directly responsible and involved in the negotiation process.

Mr Foley: But not Treasury.

The Hon. DEAN BROWN: No, not Treasury: it was not appropriate. Treasury was not to make the final decision. The more you let in Treasury or anyone else—and there were many others who would have liked to have a say—the greater would be the chance of information contained in those offers being leaked.

MENTAL HEALTH

Ms GREIG (Reynell): Will the Minister for Health inform the House whether there is any basis in the allegations that appeared in an Adelaide morning newspaper on Monday? The newspaper alleged that South Australia's mental hospitals were in a crisis because of escalating attacks of violence and lack of safety for patients and staff.

Mr ATKINSON: On a point of order, Mr Speaker—

The SPEAKER: Order! The honourable member cannot ask a question based on a newspaper headline, because there is no basis for its accuracy. I ask the honourable member to bring the question to the Chair and we will rephrase it.

INFORMATION TECHNOLOGY

Mr FOLEY (Hart): Why did the Premier ignore the advice of the South Australian Centre for Economic Studies that 'the administrative and operational complexities of outsourcing all agencies would be staggering and the likelihood of achieving this task in two years seems low'?

The Hon. DEAN BROWN: The centre has been proved wrong already—and that is the point. As we recognise, there are people within our public sector who would like to stop this outsourcing proposal, because they would like to retain their own interests.

Mr Foley interjecting:

The Hon. DEAN BROWN: I understand that, but I am saying that a range of groups with vested interests within the Public Service stymied the efforts of the previous Government with respect to this outsourcing. The members asking these questions today could not achieve a thing, over a three year period, when it came to outsourcing information technology. They set up the information utility No. 1 and the information utility No. 2, which cost the taxpayers somewhere in the vicinity of $3 million without one single benefit coming out of them. Southern Systems was then set up and operated for 12 months. What did Southern Systems achieve? It achieved absolutely nothing in terms of new economic activity for South Australia. Here we have an Opposition which is lost in its own failings and which is blind to the opportunities that are available to this State.

I point out that, if you are going to have a major breakthrough like the one we have achieved in information technology in South Australia, you must take some bold steps. The former Government failed because it was not prepared to take any bold steps at all. The fact that we have succeeded is now causing other Governments, including the Federal Government in Canberra, to sit up and take note. That is exactly why the Federal Minister for Finance, Mr Beazley, has decided to undertake his own investigation to follow exactly the same course that we have taken in South Australia. The Federal Government has set up a major task force. In fact, I understand that the former member for Elizabeth, Mr Martyn Evans, is a member of that task force. One of the first things that task force has been asked to do is to look through all the procedures that we have applied in South Australia. Why? I have spoken to the Federal Minister and he acknowledges that the steps we have taken here to outsource information technology are pioneering and bold steps which he believes should be adopted and seriously looked at federally.

MENTAL HEALTH

Ms GREIG (Reynell): Will the Minister for Health inform the House whether there is any basis to the allegations that South Australia's mental hospitals were in crisis over escalating violent attacks and the lack of safety for both patients and staff?

The Hon. M.H. ARMITAGE: I thank the member for Reynell for her question about a very important matter. It is true that the member for Elizabeth and the preselected Labor candidate for the Federal seat of Adelaide have made some allegations, based on a memo which was put out by a psychiatrist at Glenside Hospital and which was dated 17 October. Those allegations included an attempted rape, robbery with violence of a shop keeper by a runaway patient, an assault on a male nurse, an assault on a doctor with a syringe during an altercation with an HIV-risk patient, and so on. There was also an allegation of an increasing number of these incidents. The psychiatrist, in circulating the memo to medical officers, indicated that he would like to hear whether other medical officers were noticing an increase in such attacks. Again we find that the shadow Minister for Health in her comments is incorrect, and clearly she is prepared to exaggerate for the purpose of scoring political points, no matter what the effect on the patients.

It would also appear that the shadow Minister for Health does not bother to read the *Advertiser*, and everybody here would know how important it is to read the *Advertiser*, because it is the journal of record. She would have noted that six weeks ago the Government made a commitment of $1.5 million to increase security in the Brentwood complex. I would like to read a memorandum from a Dr Harry Hustig, who is the Director of Extended Care Services, to the Chief Executive Officer of SAMHS. The memorandum, which also appeared in the *Advertiser* of 21 November, reads as follows:

> The press report of 21 November 1994 refers to a memo from Dr Richard Thompkins regarding a number of incidents at Glenside Hospital. The memo written on 17 October contains incorrect and exaggerated statements which were responded to at the time of the correspondence. Specifically—
>
> · the incident referred to as an 'attempted rape' was, in fact, a physical altercation which occurred in a closed ward setting—

in other words, where the disturbed patients are—

> and back up support was immediately available.
>
> · the 'robbery of a shop by a patient who had run away from the institution' was a simple theft in a local shop by a patient who was in an open ward setting.

In other words, the patient had access to and from that ward as part of the treatment. It continues:

> Police were called and all moneys were recovered.
>
> · the injury of a nurse occurred in a closed ward—

again, where there are acutely psychiatrically disturbed patients—

> where [as Dr Hustig says] sometimes there is need for immediate physical restraint and injuries to staff, generally minor, can be sustained.
>
> · the 'assault of a doctor with a syringe' was, in fact, an incident in which a doctor sustained a needlestick injury when administering to a patient—

in other words, the doctor was giving the patient medication—

> Infection control procedures were instituted.
>
> · the suicide mentioned involved a patient who had made multiple suicide threats and attempts and had a long history of alcohol abuse. An audit did not reveal any deficiencies in case management.

Very importantly, the memo goes on to say:

> Register monitoring of the incident reporting system does not indicate any increase in major incidents. Over time peaks and troughs in incident reports are evident. It is worth noting that Dr Thompkins did not receive any response to his call for others noticing an increase in incidents.

So, quite clearly, one can see that the memo was based on either inaccurate or extremely poor information. I make the point: what did the previous Government do about a problem which has been recognised for years and which has been the subject of coronial report after coronial report? It did nothing. What has this Government done? It has increased security at Glenside to the tune of $1.5 million.

ENTERPRISE AGREEMENTS

Mr BASS (Florey): Can the Minister for Industrial Affairs advise the House on the participation level of employers and trade unions in the State Government's new enterprise agreement system? The Deputy leader of the Opposition, during the debate on the State Government's legislation, stated that employers and unions in South Australia would abandon the State system in favour of the Federal industrial relations system.

The Hon. G.A. INGERSON: As I said yesterday, we have 20 enterprise agreements in the State representing some 1 700 individual employees. The important point is that 30 per cent of those workplaces involves some employees who are not union members. So, for the first time in this State we have actually had non-union members being able to enter into agreements at a quite significant level. This contrasts markedly with the 2.6 per cent of non-union agreements in the Federal arena.

However, the interesting point is that those Federal agreements were non-unionised agreements until they got into the Federal system. When they got into the Federal system, because the unions can intervene and interfere, those agreements were unionised. In fact, in the Federal arena we do not have any non-unionised agreements.

The other interesting point is that the Deputy Leader made a huge fuss in this House when this Bill was going through about how no union members and, in particular, no unions would get involved. There was one union that seems to be pretty good at getting into these enterprise agreements and it is called the Australian Services Union, South Australian Clerical and Administrative Branch, which I understand is the amalgamated union formerly known as the Federated Clerks' Union, and the Deputy Leader was the Secretary of that union. I note with interest that this union has decided to get involved in enterprise agreements in this State not only once but a second time.

Early in August, only 20 days after these agreements were set up, we had the Australian Services Union rushing in to get this agreement. Then again, on 21 September, the same union—although this time in conjunction with three other unions—raced in, and it is doing a very good job. It is fascinating to note the behaviour of a union that had the Deputy Leader as its Secretary—and I notice he was deposed before he came into this House. It has now seen the light, is very keen and is helping the South Australian people to get into enterprise agreements as quickly as possible.

INFORMATION TECHNOLOGY

Mr FOLEY (Hart): Why did the Premier announce that savings to Government from outsourcing information technology would exceed $100 million over nine years when expert advice commissioned by the State Treasury stated that awarding the contract to EDS would save only $20 million in a best-case scenario?

The Hon. DEAN BROWN: The answer is simple: after an initial offer from all the companies, they went into a further very significant stage of negotiations where we ripped

an enormous amount of money out of the contract. I understand that the so-called study was based on a very early initial offer that was then very substantially changed.

Members interjecting:

The Hon. DEAN BROWN: Did the honourable member not realise—

Members interjecting:

The Hon. DEAN BROWN: Exactly; absolutely right. Articles have been written about how we improved our position substantially in the last week of negotiations alone. On the last night of negotiations, we ripped out further millions of dollars of benefit to South Australia. If the honourable member wants a frank and honest assessment of the costs, I give him this: the present assessment of the saving of $100 million plus (which is about $140 million) was based on world best practice being applied in the public sector of South Australia over the next nine years. That meant a 1 per cent reduction in the actual costs of information technology for the next nine years—a 1 per cent saving, at least, each year. But where did the South Australian Government sit for the past four or five years? It has been increasing by about 2 to 3 per cent a year under the former Government.

So, the standards that we applied for our saving of $140 million were based on a decline over the next nine years in actual costs where, under the former Labor Government, it was heading up by 2 to 3 per cent per year. If you look at the trend line of the performance on information technology under the previous Government projected forward and then look at what we have achieved in actual dollar terms, you see that we have saved well over $200 million and approaching $300 million—compared with the trend line under the former Labor Government. That is the sort of benefit that is accruing to South Australians, but I stress: the $500 million of new economic activity is entirely over and above that.

The 1 300 new jobs are new jobs to South Australians, which would not otherwise be in this State except for the bold step taken by the Liberal Government to outsource its information technology. I suggest that what we have here is a group of troglodytes in opposition who failed for more than three years when it came to information technology and who heaped ridicule on South Australia, because the major companies of the world were saying, 'We will not look at South Australia, given the way the Labor Government has taken us on information technology.' This group of troglodytes, who failed for three years, now stand up and try to criticise what has been recognised as a crucial step in refocusing the South Australian economy and creating long-term jobs for our young people.

RESOURCE FURNITURE

Mr ANDREW (Chaffey): As Adelaide is home to one of the leading library and furniture equipment suppliers, will the Minister for Industry, Manufacturing, Small Business and Regional Development inform the House of another recent success story in relation to that supplier with respect to overseas marketing?

The Hon. J.W. OLSEN: Resource Furniture of Richmond, which began its operations in 1978 and which currently employs 12 people, has just completed a very significant and unusual contract. The company, which specialises in office equipment and resource furniture, has just completed a contract to refurbish a former KGB building in Moscow, to be fitted out as the Russian State Humanitarian University Library. That would have to be a first for South Australia and Australia—another South Australian based company.

Earlier this year, the Director, Paul Sperling, was approached by Bondor-itex, a subsidiary of James Hardie. The company, which specialises in building insulated cool rooms, had sought companies from Brisbane and Sydney that could fulfil the order. However, they did not have an adequate supply of equipment, could not meet the requirements of the company and did not have such basic requirements as catalogues. But Resource Furniture was able to supply a 160-page full colour brochure of the work it undertakes. That was taken to Moscow. The Dean of that university selected items which included bookshelves, desks, tables, chairs, counters, lockers, trolleys and glass display cabinets. Many of those items required a traditional look to match the existing balustrades, mouldings and chandeliers in the building. Two weeks ago six containers of furniture valued at some $250 000 were dispatched on a Russian vessel for St Petersburg and will be freighted to Moscow.

The company will be sending a project manager from South Australia early in January to install this furniture in the new library. It has meant overtime for that company now for a number of weeks. Some of that work was subcontracted out to other South Australian based companies. In addition, there are spin-off benefits in terms of the supply of timber and polishing equipment. Some 90 litres of Cabots stain is accompanying the equipment to ensure that existing fittings are appropriately matched.

An honourable member interjecting:

The Hon. J.W. OLSEN: It is more than a win, win, win. Hopefully it will position this company as an international supplier. Paul Sperling, the Director of the company, deserves commendation. I add as an aside that he was the Chairman of the West Adelaide Football Club in previous years, and obviously his background in that area has assisted him in this regard.

In summary, why did the South Australian company win the job? Good marketing. It had the materials and catalogue available, and it showed innovation and flexibility and demonstrated that internationally it could provide a quality product at a price to meet the requirements of the university in Moscow. In short: a world competitive company operating out of South Australia and matching it on the international stage.

INFORMATION TECHNOLOGY

Mr FOLEY (Hart): My question is directed to the Premier. If it was not Treasury or the South Australian Centre for Economic Studies which undertook a detailed assessment of the IBM and EDS tenders for information technology outsourcing, which body did undertake the financial assessment?

The Hon. DEAN BROWN: I will get the information for the honourable member.

Members interjecting:

The Hon. DEAN BROWN: Have you finished? Professionals were engaged to do it through the Information Technology Task Force—

An honourable member interjecting:

The Hon. DEAN BROWN: —which was part of the assessment.

The SPEAKER: Order! The Premier will resume his seat. The Chair has been tolerant. I warn the member for Hart. The honourable Premier.

The Hon. DEAN BROWN: It was done as part of the assessment package. The detail of that has already been given to the Opposition. If members opposite look at what I have said in the House on previous occasions they will see that I have talked about some of the assessments that have been done. It was done as part of the overall assessment. I explained that to the honourable member in enormous detail the day of the Estimates—I think I spent an hour and a half talking about it—and I do not want to take up the time of the House going through it again. The honourable member should go back and look at some of that detail. That assessment team was to look at, first, cost savings, secondly, the legal implications—and we had one of the best lawyer groups in the world in terms of negotiating outsourcing contracts—and, thirdly, the economic benefits for South Australia.

A specific comparison was undertaken of the two companies involved and the benefits that they could produce for South Australia. I stress that we had engaged International Technology Partnerships, which is a United States based company regarded as the best consulting group in the world in assessing the technical aspects of a best and final offer. We were in constant contact with them throughout the final negotiating process. As I understand it, the company had one or two people here and a team of people in America. That team in America had an economic model on the computer in terms of what the savings would achieve.

Each day as negotiations progressed we would feed further information into that economic model which would turn out details of the benefits for South Australia. In fact, a very elaborate evaluation was done, far more elaborate than could have been done by the independent Centre for Economic Studies in South Australia. We picked the best in the world and had no embarrassment whatsoever about doing that. The Attorney-General has acknowledged the fact that the Government picked the best in the world and we—

The Hon. M.D. Rann: Why didn't you commission them?

The SPEAKER: One question at a time.

An honourable member interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: The groups we picked were the best in the world. I did not say they were bodgie: I said they were the best in the world.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: The Centre for—

Mr Cummins interjecting:

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

The Hon. DEAN BROWN: —Economic Studies is suitable for some assessments but, at the sort of level at which the Government was dealing in the final assessment of these major computer offers, it did not have the previous experience, knowledge or economic models required to turn out the results necessary.

STEAMRANGER

Mr EVANS (Davenport): Will the Minister for Correctional Services advise what contribution, if any, his department is making to the relocation of the SteamRanger depot from Dry Creek to Mount Barker?

The Hon. W.A. MATTHEW: I note from this side of the House the interest in the SteamRanger project. The member for Davenport has a particular interest, and I am well aware that my colleagues the members for Heysen, Finniss and Kavel, to name but a few, also have a particular interest in this project.

An honourable member interjecting:

The Hon. W.A. MATTHEW: It would seem that all members have an interest, Mr Speaker. For that reason I am pleased to be able to advise the House that the Department for Correctional Services is participating in the relocation project. It has agreed to further assist the Mount Barker council in the SteamRanger project, with involvement initially in the restoration of the Mount Barker railway station, and at this time it is also undertaking discussions with SteamRanger management regarding further involvement in the project. Last Saturday, 19 November, community service offenders commenced work on the Mount Barker station project. It is expected during any one week that up to 30 offenders will spend a minimum 160 hours working on the restoration of the Mount Barker station and the maintenance and improvement of its environs.

Members would be well aware that community service offenders are those who have been sentenced by the court for minor matters. The Liberal Party, in Opposition, consistently argued that it did not serve the community well to imprison people in a fine default facility, nor did it serve the community well to fine people who were unable to meet those fines. As a consequence, those offenders are now returning their debt to society through programs such as these.

The restoration work of the station includes, among other things, the demolition of extensions to the kitchen; extensive general yard clean up and removal of weeds and pest plants from around the station; the fitting of new doors to all the toilets; the removal of the old roof and installation of the new roof, gutters and downpipes; the replacement of fascia boards where necessary; replacement of ceilings in parts of the railway station; preparation for painting of interior walls and ceilings and all exterior woodwork for the station; and, general yard cleaning and upgrading of the platform surface. In addition, as I have indicated, the department is working with SteamRanger management to determine whether it will be possible to use community corrections offenders to actually lift up railway lines from Dry Creek and physically carry and relay them at the Mount Barker station area.

This is, of course, the second community project involving railways in which the department has been involved. In your own electorate, Mr Speaker, the department is actively involved in working on the Pichi Richi railway line. I hope that the member for Spence, who has been interjecting so persistently while I have been speaking, would be supportive of these initiatives to put offenders to work for the community instead of, in the case of Port Augusta, having them languishing in gaol doing nothing, and in the case of community offenders, languishing in a fine default centre. These are positive steps to make offenders work for the community and for the betterment of the community.

INFORMATION TECHNOLOGY

Mr FOLEY (Hart): My question is directed to the Premier. Why did the Premier ignore warnings to Treasury that the Office of Information Technology had artificially increased agency costings for providing information technology services from $77 to $98 million per annum, and that this substantially improved the case for outsourcing? Without the adjustments made by the Office of Information Technology for so-called missing and hidden costs, the

Centre for Economic Studies warned that over nine years the move to EDS could cost taxpayers $23 million more than if the Government retained its own information technology functions.

The Hon. DEAN BROWN: Having talked to the Treasurer about this so-called report from the Centre for Economic Studies, I understand that they were not given the relevant information. It was not a report commissioned by the Cabinet subcommittee: I understand it was a report commissioned by someone within Treasury, apparently without adequate information being supplied. The people concerned did not know what was going on and did not even know which Government agencies were fully covered by the so-called outsourcing. All of that was only being assessed by the actual assessment group which involved people, particularly specialists, including outsourcing lawyers.

There was a negotiating group led by Peter Bridge, who I think did an excellent job. Even in the last few weeks of negotiation, there was some doubt as to which organisations would finally be included: would it be a smaller or a much larger group of Government agencies? In the end it was decided that it would be the largest group available, which was the 140 different Government agencies.

Therefore, it would appear that the sort of information used in connection with this matter is grossly inadequate, particularly as those people were not privy to all the changes that occurred in the final two weeks of negotiations. The picture changed dramatically at that two week stage. I think I even revealed publicly at one stage that the negotiations were close to breaking down because we had not achieved adequate cost savings. A meeting of the Cabinet subcommittee determined that, unless there was substantial improvement in the cost savings to be achieved, we would go back and talk to the other party to see what sort of improvement we could get there.

There was a very dramatic movement shortly after that decision was made by the Cabinet subcommittee. I was able to sit there with all the experience of my international negotiations with the Chinese, people from the Middle East and others, and I assure the honourable member that I learnt a great deal in 6½ years out there on the world market in terms of how to negotiate a better deal. One fundamental lesson is that you apply a ratchet to ratchet down the prices by making sure you are getting the absolute best offer, and you do not give up until you are satisfied that you have the best offer. If the honourable member had been present when the final announcement was made between EDS and the Government, he would know that specific reference was made to this. In fact, EDS acknowledged the extent to which the Government ratcheted down the price considerably. Mr Ed Yang said that there was one point in the negotiations where the Government was applying so much pressure the company almost decided to go to New Zealand instead. He acknowledged that publicly.

There is nothing to hide. It is known by everyone that the Government of South Australia, through the negotiating process that it applied, got a superb package for the taxpayers of this State. If you want an assessment of that, the person who is the best assessor was the lawyer from Washington DC, who was specifically flown out here. He spends his entire life negotiating outsourcing contracts with the big internationals of the world but on the opposite side to the international companies—in other words, he negotiates for the clients. He was the one who said that he thought that the negotiations and the result we achieved here was one of the best he had seen in all of his negotiations, and he was amazed at how much we extracted through that negotiating process.

LANDCARE FOUNDATION

Mr BUCKBY (Light): My question is directed to the Minister for Primary Industries. I understand that today the national launch of the Landcare Foundation occurred via a tele-conference link throughout Australia. Will the Minister explain how the foundation will help our environment, especially in South Australia?

The Hon. D.S. BAKER: I thank the honourable member for his question and interest in this matter. Today was the launch of the Australian Landcare Foundation, which is a $10 million foundation for all Australians to become involved in and to see what we can do for land care in this nation. All donations are tax deductible. It was a hook up around Australia. Sir James Hardy was in Sydney, Brian Loton in Melbourne, and Senator Bob Collins was in Darwin and was suppose to speak but, unfortunately, someone cut the landline between Sydney and Darwin, so Bob could not have his say. However, he does support the foundation. Hume McDonald and Barbara Hardy—the Chairman and Deputy Chairman of the foundation in South Australia—were present. South Australia's target is some $750 000 over the next three years.

Already the Adelaide Brighton Cement Company has indicated its support and has made a donation to the foundation. Boral also announced today that it is a considerable donor to the foundation. As it gets going there are indications of support for Landcare from some of the major companies in South Australia. It was very important that, on behalf of the Premier and the Government, I put some of the things we are doing in South Australia. Since Landcare started we have had 275 land care community groups in South Australia dedicated to look after land care and our environment in this State. That is unique. I pointed out that we have a Native Vegetation Act in South Australia and have put some $57 million in past years towards making sure we preserve native vegetation and that it is kept for future generations. Also in South Australia we have a Minister for the Environment, and he is a great help.

In primary schools we have had such programs as salt watch, worm watch and frog watch. Those primary school children are getting involved. It is important that we get the youth of the State involved in caring for our environment at an early age, because the transition as they go through life is much easier. It is an important foundation, and I commend it to all companies in South Australia. I know that it will be supported and, ultimately, with community ownership of the program I am sure the environment will be greatly enhanced by this foundation.

INFORMATION TECHNOLOGY

Mr FOLEY (Hart): Why did the Government ignore the advice of the South Australian Centre for Economic Studies? The centre said the following:

> There appears to be a weak *prima facie* case in favour of outsourcing information technology services to IBM for a nine-year period. However, this conclusion is not regarded by the centre as being a firm foundation for decision making because, first, estimates of costs for all options are unreliable and the outcomes are sensitive to several of the key assumptions and project risk.

The SPEAKER: Before calling the Premier, the Chair listened carefully to the question. The member for Hart was getting very close to repeating the previous question.

The Hon. DEAN BROWN: I thought I had covered this already. What the Centre for Economic Studies was looking at was quite different from what was finally achieved by the Government in the agreement with EDS. I do not know what I have to keep saying to the honourable member. I will be frank: there was a significant improvement, which I have stressed before, in the offer finally achieved from EDS, and that final offer was well over $100 million better than the best and final offer that was originally made. That was part of the negotiating process, and that is why you have negotiations.

That is why I was absolutely adamant that this would not be treated like any other Government tender, which is how the former Government tried to handle these things, whereby you ask a series of companies to put up their tender prices and you accept that, and whether you like it or not you are left with that. You get them to put in their best and final offer, pick the weak spots and say, 'This is unacceptable and must be changed' or 'We are dissatisfied with the costs of this; they must be lowered.' That is how a private company works.

The Hon. S.J. Baker: That's not the way they work.

The Hon. DEAN BROWN: It is not the way they work, but we know what they did to this State. I highlight the way in which the former Labor Government squandered the taxpayer's dollar when it came to information technology. I refer, in particular, to some of the contracts that were put in place, such as, $60 million for a justice information system, $39 million for an accounting system for the EWS and $6.5 million for an accounting system for ETSA. With 23 agencies we ended up with a myriad of different equipment, software programs and program performances. One area of Government could not talk to another area of Government. Even in the same Government department, one part of Government could not talk to another part of Government. That is the sort of hotch-potch mess that the former Labor Government left as a legacy to this State.

I am the first to admit that it would not have been a great achievement to make some cost savings out of what the former Government left us with. However, the fact that we have achieved a saving of well over $200 million on what it left is a real credit to the present Government and the way in which it has gone through this process. When we have these companies at Technology Park and 4 000 jobs for young South Australians, let us then stand up and see where the Opposition is, because I recall the former Labor Government of South Australia knocking Technology Park when we first announced it. I recall the Deputy Premier in those days standing up and saying, 'We are opposed to Technology Park.'

As I said earlier, here are the troglodytes of South Australia, the group that allowed 22 000 manufacturing jobs to be lost from this State in the last three years in which it was in office and about $3.5 billion to be lost from the State Bank. Here are the same people in their self-righteous manner, having almost destroyed State Government finances and the State economy and having lost this State thousands and thousands of jobs compared with other States of Australia, now questioning what is a whole new and exciting direction in which South Australia is headed. Here is the group that apparently does not want EDS to come to South Australia. I challenge members opposite: do you want EDS, Silicon Graphics and other companies such as Motorola to come to South Australia? Apparently not, because that is the case they have argued time and again this afternoon. They want to keep squandering the taxpayer's dollar the way they did over the last three or four years with information technology to the point where it brought absolute ridicule to South Australia and the South Australian Government in the eyes of information technology companies.

MODBURY HOSPITAL

Mrs KOTZ (Newland): Will the Minister for Health assure the House that proper processes are being followed in relation to the private sector's involvement in Modbury Hospital following yesterday's allegation that the Assistant Under Treasurer's advice had been ignored?

The Hon. M.H. ARMITAGE: I certainly can assure the House of that, and I am delighted to respond to the member for Newland who has been assiduous in her representations on behalf of her electorate, as have other members in that area. Yesterday, the Leader of the Opposition alleged that the Government had ignored the advice of the Assistant Under Treasurer in not reissuing the tender for private sector involvement in Modbury Hospital. He also raised the matter of potential exposure to claims for compensation. Yesterday, I indicated that that process had been checked time and again by legal officers. As this is such an important matter, I wish to read into the record the formal legal advice which was received, as follows:

> It is clear that the expressions of interest advertisements and the December 1993 document propose the consideration of a development in very wide terms. We note from the 1993 document that 'registrants are encouraged to informally discuss and develop ideas and suggestions relating to the development of the proposed private hospital and any associated facilities. . . during all stages of the decision process.' The advertisement also reflects a similar view. . .

The advice goes on:

> It is clear in our view that all respondents can properly be taken to have been aware that Modbury/SA Health Commission were clearly flexible with respect to proposals and in particular were seeking to develop ideas generally with interested parties regarding services and facilities at the site.

Let us be quite clear, and I have made this point frequently, the 1993 document was issued during the term of the previous Government. The advice continues:

> The stage 2 brief articulated the flexibility of the Government's position. The brief formally invited non-conforming options (to be submitted in addition to conforming proposals) with the rationale that an optimal development proceed from the point of view of Modbury/SA Health Commission and the selected developer. The brief also expressed flexibility in terms of a conforming proposal in equally clear terms.

The legal advice continues:

> In our view it can be fairly assumed from the general tenor of the stage 2 brief that what was being sought in relation to the development were innovative proposals and any proposals would be considered where there was demonstrable benefit to Government.

That is exactly the position that we have. Summing up under the heading 'Probity of process', the legal advice states:

> Having regard to the matters outlined above regarding the process which is being pursued, we are of the view that a total management contract can be properly considered a logical and appropriate extension of the invitation submitted to the three stage 1 respondents to develop management ideas regarding the co-related facilities. It is clear that the proposals were flexible from the outset and total management is an option which addresses one of the issues which was apparent from the outset of co-location, that is, coordinated management of the total facility.

It is therefore quite clear that the independent legal advice states that proper processes were certainly followed. That clearly means that the Leader of the Opposition was wrong. On the matter of potential claims for compensation, there are

two further paragraphs of great note in the independent legal advice, which I mentioned yesterday, and they are as follows:

> In light of the above, we are of the view that it is highly unlikely that a successful action could be brought by an unsuccessful party arising out of the Government's commitment to a total management contract with another party. A basis for such an action is difficult to establish as would be any loss as the party would need to establish that it would have otherwise been awarded such a contract. There is in our view no contractual responsibility to any of the respondents in this regard nor do we consider, having regard to the process which is being pursued, that there is any other form of statutory duty or responsibility owed by Government to any party which would found a successful action.

So, it is quite clear that Dr Lindner's advice was not ignored. As I said yesterday, legal advice was taken, and that advice states quite clearly that the process which has been undertaken has been cleared and there is no possibility of claims for future compensation.

INFORMATION TECHNOLOGY

Mr FOLEY (Hart): Why did the Premier ignore warnings from the South Australian Centre for Economic Studies that the proposals—

The Hon. S.J. BAKER: On a point of order, Mr Speaker, there is an element of repetition. The honourable member has a clear—

Mr CLARKE: Mr Speaker—

The Hon. S.J. BAKER: The Deputy Leader must wait until my point of order is finished. My point of order is that under Standing Orders it is not appropriate for the honourable member to repeat the question. He can repeat the end of the question, but he cannot repeat the question.

The Hon. Frank Blevins interjecting:

The Hon. S.J. Baker: Well, he's been given a go.

The SPEAKER: Order!

The Hon. Frank Blevins interjecting:

The SPEAKER: Order! When the House comes to order the Chair will rule in relation to the point of order. The Chair listened very carefully to the question. The member for Hart commenced a question that is very similar to one which he asked previously. I will allow him to continue, but I point out that he cannot ask a question which is the same or similar to a series of questions that he has asked today. I ask him to be particularly cautious in asking his question.

Mr FOLEY: I will read the question again: why did the Premier ignore warnings for the South Australian Centre for Economic Studies that the proposals for outsourcing carried very substantial risks to the State?

The SPEAKER: Order! The Chair rules that is basically the same question as has been asked before. I rule the question out of order. The member for Kaurna.

WOMEN, TRAINING AND EMPLOYMENT

Mrs ROSENBERG (Kaurna): Will the Minister for Employment, Training and Further Education provide details of today's launch of best practice measures which will help encourage women to enter and remain in non-traditional areas of training and employment?

The Hon. R.B. SUCH: I thank the member for Kaurna for her question, because it is a very important one, and it is a theme that I come back to on many occasions. The situation today in Australia and South Australia is that we have men's jobs and we have women's jobs. Despite much talk and some minor progress, we still have a significant segregation in the work force. What is happening is that women are still going into women's jobs and men are going into men's jobs. That is something that we as a community should not accept, hence the launch today of some strategies to deal with it.

I will quote some statistics from the Australian Bureau of Statistics. Of 12 girls who are at school at present, three will need to work in paid employment alongside their partners to keep the family going; three will get married and will divorce soon after; one will have a partner who is physically violent and/or an alcoholic who cannot hold a steady job; one will need to work in paid employment because her husband is unemployed; one will never marry; one will be widowed at an early age; one will never have a child; and only one will be financially supported by her husband all her adult life. So the point is—and it is a very important message to young women—that the days of the white knight, if they did exist, are certainly over. The days are gone of a white knight coming along in shining armour to support someone. The white knight has become extinct, and it is important—

Members interjecting:

The SPEAKER: Order!

The Hon. R.B. SUCH: The point is that it is vital that young women, particularly those entering the work force, go into the work force with appropriate skills and that they do the subjects which will enable them to get into some of the growth areas, such as electronics and IT. But we are finding that, despite considerable efforts and worthwhile programs such as Tradeswomen on the Move, we have made very little progress in this State and in this country in recent years. It is important that, with the release of these documents today which focus on best practice companies and which show the companies that are leading the way and the ways in which we can encourage women into non-traditional areas, they be made available and promoted widely in the community. Some of those companies are South Australian, I am proud to say.

It is vital that other companies pick up the message and look at things such as the critical mass of women entering a non-traditional area if we are to have success, because women entering non-traditional areas in ones and twos tend not to have the same success rate. In relation to advertisements for employment, I believe it is important that women are properly portrayed and that they can see themselves having a role in those non-traditional areas. So, the documents launched today, which are really action plans, focus on strategies for incorporating more women in the non-traditional area and also highlighting the best practice of companies such as Hendersons in South Australia and one of our TAFE institutes, the Douglas Mawson Institute. There are many other companies that are keen to assist, and it is my role as Minister to make sure that as a community and as a Government we keep the pressure on to ensure our young women in particular have a career option that they can follow throughout their adult life.

INFORMATION TECHNOLOGY

The Hon. M.D. RANN (Leader of the Opposition): In view of the substantial dangers outlined by the South Australian Centre for Economic Studies on the tenders for outsourcing and the Premier's undertaking that the Auditor-General would monitor the entire process, did the Premier refer this evaluation to the Auditor-General for advice? Will the Premier publicly release two other key reports mentioned in the Treasury Commission document on the cost assessment report on the outsourcing benefits of the EDS and IBM proposals and the position paper on outsourcing of IT assets,

both prepared by the Office of Information Technology? Will he release the reports from the so-called world experts that he could not actually remember?

The SPEAKER: Order! The Leader is aware that the last part of his question was clearly comment; I ask the Premier to ignore it.

The Hon. DEAN BROWN: Let me go through a number of those issues which have been raised. I am delighted that the honourable member should raise this matter, because one of the recommendations of this report, about which members opposite have been jumping up and down and getting excited in the House this afternoon, is that the price escalation clause should include scope for future productivity benefits achieved by the company to be shared between the company and the State Government agencies. This could be done by negotiating a CPI minus X escalation clause, where X is the rate of productivity improvement achieved by the company and passed on to the agency. I highlight to the House—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: —that the report was out of date when we got down to the final agreement, because the final agreement did include a CPI minus X factor right through the entire contract. So, it just highlights the fact that, through this negotiating team and particularly the international experience that we had involved in that team, those points were already picked up.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: So it highlights the very report about which members opposite are jumping up and down and saying, 'Here is a document that obviously should have been adhered to and listened to.' It was so out of date by the time we got to the final agreement with the company that some of the points raised were totally irrelevant at any rate. Certainly, the price was completely irrelevant.

I also point out to the House what *Computer Week* had to say about the former Government's stance on information technology. I will come back to those points in a moment. In particular, an article in *Computer Week* of Friday 2 April 1993, under the headline 'South Australia acts as its information utility', states:

> The Minister for Business and Regional Development, Mike Rann, whose portfolio includes the IT which has just been axed, said a major announcement about the IU would be made by June.

I point out that that major announcement was never made. The article goes on and then talks about how in June 1991 the former Government announced that DEC would establish a $50 million computing centre here; it did not ever occur. In June 1991, it was announced by the former Labor Government that IBM would assist the Government to establish an environmental science centre; it was not done. In June 1991, it was announced that two consortia of telecommunications companies would integrate the Government's voice, radio and data networks; it was not done. In October 1991, the system could be available for some Government department users by the end of the year; it was not done. Then in June 1991, the Government was to save as much as $90 million over the next five years; it was not done.

That was the sort of ridicule being heaped on South Australia in the national-Pacific *Computer Weekly*. That is the sort of ridicule heaped on this State because of the lack of performance by the now Leader of the Opposition. If anyone has a disgraceful record when it comes to information technology, it is the very man who purports to be the Leader of the Opposition now. Very quickly, I pick up the point—

Mr Meier interjecting:

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

The Hon. DEAN BROWN: The Auditor-General had two staff members involved in the entire procedure as members of the actual team that was looking through the whole process. They had access to every single Government document, including all the cabinet submissions. They had access to everything that went to Cabinet, to me or to anyone else. At the end of the day, the Auditor-General—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: —came to me and said that he was entirely satisfied with the process and, in fact, that the Government had acted with a great deal of diligence in the way in which it identified the risks and minimised or eliminated those risks. Therefore—

The Hon. M.D. Rann: Did you give him the economic—

The SPEAKER: Order! One question at a time. I warn the Leader of the Opposition for continually interjecting.

The Hon. DEAN BROWN: The Auditor-General had access to every single document and letter. He had access to everything to which I had access. He had two full-time people there for six months. They went right through the whole process and, at the end of the day, the Auditor-General told me that he was satisfied with the whole process. He had access to a lot more information than did the independent Centre for Economic Studies. He had a lot more information than anyone else, except those involved in the final negotiating team, which had equal access to the same information.

That just highlights and ridicules the story that the Labor Party is trying to create here this afternoon out of absolutely nothing whatsoever. This is all based on one report from the Centre for Economic Studies that was out of date before it was even finished.

LIVESTOCK OFFICER

Mrs PENFOLD (Flinders): Will the Minister for Primary Industries inform the House what arrangements have been made to ensure that the residents of Kangaroo Island have full-time access to a livestock officer?

The Hon. D.S. BAKER: I thank the honourable member for her interest in this matter. Getting a livestock specialist or officer full-time on Kangaroo Island has been an ongoing problem. The position was advertised twice and could not be filled. One of the great problems on Kangaroo Island was an unusual but severe outbreak of foot rot. Many flocks of sheep were being severely affected by this, and that, of course, has an economic effect on the income of those farmers.

However, once it became obvious that we could not get an officer to go there as a result of advertising the position, the department nominated Mr Tim Woonton, who is at present filling the position on a part-time basis. He had to be taken from a very important post in the South-East. After Christmas he will be the full-time livestock officer on Kangaroo Island and will ensure that we clean up the problem that is severely affecting those primary producers.

ABORIGINAL AFFAIRS MINISTER

Mr CLARKE (Deputy Leader of the Opposition): Will the Minister for Aboriginal Affairs now apologise unreservedly to Aboriginal people and to all South Australians for his use of racially offensive words yesterday, and will he agree to meet with Aboriginal groups and with African and African-American people living in South Australia and their families to apologise personally to them? The Opposition has received a letter from an African-Australian child living in South Australia which states:

> I've been called a nigger by people at school and it's not very nice. The people who called me that got their parents called in and were put in detention. When Mr Armitage said the word nigger in Parliament it made me cry inside especially because Mr Armitage is the Minister for Aboriginal Affairs. He should be sacked from his job—

The SPEAKER: Order! The honourable member is now commenting and he knows—

Mr CLARKE: I'm quoting from the letter.

The SPEAKER: Order! The honourable member is commenting. He will confine his remarks to explaining the question.

The Hon. M.H. ARMITAGE: I am absolutely delighted to have been asked this question, because I have apologised freely in public for any racist allusion that was made. The comment was not intended in a racist way and I have absolutely no hesitation in apologising to anyone who has taken any racist—

There being a disturbance in the strangers' gallery:

The Hon. M.H. ARMITAGE: I am only too delighted to meet with people—

The SPEAKER: Order! Clear those people. The Minister for Health.

Members interjecting:

The SPEAKER: Order! Does the Minister for Health wish to complete answering the question?

The Hon. M.H. ARMITAGE: I most certainly do. Having apologised in public for any—

Members interjecting:

The SPEAKER: Order! The situation is not being helped by people interjecting across the Chamber. The honourable Minister.

The Hon. M.H. ARMITAGE: I have apologised publicly if there has been any offence taken. The remark was not meant in a racist tone. I am only too happy to indicate to the House that I have arranged with the Premier to meet with a large delegation of Aboriginal people who are meeting with him tomorrow.

GRIEVANCE DEBATE

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

Members interjecting:

The SPEAKER: Order! I will suspend the sitting of the House if the unruly behaviour continues. I expect better of members than for them to carry on as they are, and I will have no hesitation in naming people.

Mrs ROSENBERG (Kaurna): I refer today to KESAB, which has for some time been responsible for sponsoring community service order supervisors. It has been sponsored in this regard by Farmers Union to the tune of $20 000. Approximately $6 000 to $7 000 of the $20 000 industry sponsorship is paid out by KESAB for part-time salaries for Correctional Services officers.

My concern is that KESAB is to lose its private industry sponsorship and therefore will be in deficit by $20 000. This will put at risk the range of supervisory functions that KESAB performs in terms of community service orders. As part of the service, KESAB has been keeping down the level of highway roadside litter and cleaning up the overflow from building sites, when rubbish is allowed to escape. This has become a particular problem in my electorate, which has a very long tourist drive into the Fleurieu Peninsula. With the extensive development at Seaford Rise and Moana Heights, there is a considerable amount of building rubbish, which is being allowed to go onto major tourist roads. KESAB has actually been doing the lion's share of keeping that area clean. It is a particular problem to me to think that, with a $20 000 sponsorship loss, this service might be put at risk.

KESAB has a person who works approximately two days a week and whose job it is to identify trouble spots in South Australia. That person then lets the community service officers know about these areas. I worry that without their carrying out that job no-one will take up the gap. In some cases, KESAB pays overtime to community service workers as supervisors on weekends for community service orders to be put in place.

In addition, it is obliged to supply the bags and the needle sharp collection containers. When collection of rubbish is completed, many of the bags are stacked in locations, picked up by local councils free of charge and taken to rubbish collection areas. As I said, in my electorate, with its corridor of tourism that crosses other southern districts, I have a particular worry regarding the tourism drive into the Fleurieu Peninsula along South Road being seen as a pretty poor opening to the peninsula when we are fighting so hard to promote tourism in our area.

We need to think seriously about this issue. Perhaps it is not totally related to tourism, but it can have a devastating effect on the tourism outcome. A constituent of mine, Sharon Prance, has contacted KESAB consistently and has been successful in bringing that tourist route to the attention of KESAB. The problem of litter in the community can be approached from many channels, and KESAB forms an extremely important part of that. I understand that an approach has been made by KESAB to the Government to consider the $20 000 funding shortfall that has been lost by industry's withdrawing its funding. I urge those Ministers responsible for making the decision about this funding to think very carefully about this, and encourage them to view the request favourably.

Other issues that should be addressed concurrently are things such as local government's level of commitment to litter control. Obviously, local government has a very big role to play in the control of litter. Under the Local Government Act, building inspectors and general inspectors have the ability to take more action than is currently being taken. I understand that many council inspectors would say that the size of the expiation fee makes it uneconomic for them even to bother to take action. So, I would also be asking that we give some consideration to rather higher expiation fees for littering.

Also, I would like to suggest that we consider a deposit system whereby builders are asked to pay a deposit to the

local council and would not have that deposit returned to them if, during the time of building, they were fined for littering in the community. We talk long and hard about water quality in our State, and I want to say respectfully that it will be a lot of talk for nothing if we do not seriously address the litter problem and the effect that that has on our water resources.

Mr FOLEY (Hart): I would like to make some brief comments about the issue raised by the Opposition in Question Time today relating to the evaluation of tenders for outsourcing information technology. A strictly confidential report was prepared by the South Australian Centre for Economic Studies at the request of the Department of Treasury and Finance, which clearly has some significant concerns about the financial implications for this State should this outsourcing project not live up to expectations. The decision by the Premier not to include Treasury in the evaluation of tender I find at best very difficult to understand. Whilst he may well have confidence in the international advisers who advised him, I would have thought that a role by State Treasury would be critical in such an evaluation.

A press release that I am now issuing, entitled 'Government report slams computer outsourcing', reads as follows:

> The Brown Government's controversial computer outsourcing plans have been delivered a major blow after revelations that the Government ignored the advice of its most senior economic advisers in going ahead with the $700 million contract. A secret Treasury report leaked to the Labor Opposition shows the SA Centre for Economic Studies says:
>
> · there was a weak case for outsourcing to IBM, not EDS;
> · savings under the EDS contract are at best $20 million over nine years; the Premier has consistently said there will be savings of $100 million.
> · if some estimates of costs are wrong, the deal could cost taxpayers up to $23.7 million;
> · sales tax amounting to $32.6 million was not allowed for by either EDS or IBM in their tenders;
> · significant risks are associated with a deal that sees all Government computer work go to one company;
> · cost estimates used are unreliable; and
> · the deal could lock the Government into what could quickly become obsolete technology.
>
> Shadow infrastructure Minister. . . told State Parliament today that this report—prepared by the Audit Commissioner Cliff Walsh. . . raises serious doubts about the Government's handling of the biggest information technology contract in Australian history. The report, commissioned by the Government, calls into question the whole idea of outsourcing all of the Government's computer work and the processes used. In conclusion, the report says:
>
> > There appears to be a weak *prima facie* case in favour of outsourcing information technology services to IBM for a nine year period. However, this conclusion is not regarded by the centre as being a firm foundation for decision making.
>
> The report, dated August 1994, was clearly provided to the Premier prior to his announcement of the preferred tenderer. What has been revealed today is that Mr Brown was given a report that told him he was placing taxpayers of this State at risk if he went ahead with his gamble. The Premier's figures are rubbery, the savings have been grossly exaggerated and the risks are high. The Premier must adequately explain the reasons why he chose to ignore this important advice.

I will not continue with my press release except to say that this report echoes the significant and consistent concerns put forward by the Labor Opposition in this State. It also is consistent with the concerns raised by a number of other experts in the area of information technology, which includes a number of international consultants who were in Adelaide two or three weeks ago to advise industry here in South Australia. Those experts were highly critical of the Government's tendering process. That has now been backed up by this damning report by the South Australian Centre for Economic Studies.

It is not good enough for the Premier to come in here and simply say that the Centre for Economic Studies does not have the ability or experience to undertake this assessment. These are the very same people who assisted the Premier in his Audit Commission report. I do not think it rings true that they are good enough to help with the Audit Commission report but are not good enough to help with the information technology assessment. The Premier's comment today, again, that the Treasury was not involved, is a very concerning aspect. We as an Opposition have every right, and it is our obligation, to continually scrutinise the Government over this issue. We have done that from day 1 and will continue to do so. If the Premier gets sick of the questioning from the Opposition, that is his tough luck, because we will pursue this issue consistently. The role of the Opposition is to scrutinise, and scrutinise we will.

Mr BRINDAL (Unley): This is the first time that I have ever risen in this place feeling ashamed to be a member of this Chamber. From the outset I would like to apologise to those members opposite who I suggest were not involved in what happened today but who have had the courage to sit here in the Chamber. My remarks are firmly addressed to those who are not here and who are not, in my opinion, worthy to be members of this Parliament. The honourable member may take points of order for the next 10 minutes, but he will not shut me up.

Mr ATKINSON: On a point of order, I refer to Standing Order 127, which says that a member may not impute improper motives to any other member or make personal reflections on any other member. I put it to you, Mr Speaker, that the member for Unley is making personal reflections upon and imputing improper motives to all members of the Opposition currently not present in the Chamber.

Members interjecting:

The SPEAKER: Order! The member for Unley must not impute improper motives. What he was saying was particularly broad. However, I will listen carefully to what the honourable member says. I am sure that he is aware of the Standing Orders.

Mr BRINDAL: I thank the Speaker for his guidance. Yesterday we witnessed in this Chamber an unfortunate slip of the tongue: a slip of the tongue for which a Minister of the Crown apologised, which I believe should be an end to the matter. But let me quote the *Collins Australian Pocket Dictionary*, which, of the expression 'nigger in the woodpile', simply says, 'a hidden snag': in other words, an unfortunate choice of words that has come into our language, and it means something else. The member for Elizabeth can sit opposite and play holier than thou as much as she likes. When we start politically crucifying people because they do not speak the proper language, we degenerate to the sort of rubbish that we see in some of our departments and the sort of education system that unfortunately is pervading our schools on some occasions because it is deemed more important to be politically correct than democratic.

If the member for Elizabeth thinks that is good, then she should not be here representing people. This afternoon, I observed carefully a number of people sitting in the gallery who moved to get a better position, who made no sound, no word—as indeed they should not—until the Deputy Leader of the Opposition asked a question. Then we had what could only be described as an outburst, which is not allowed in this

place, an outburst that to me appeared very well choreographed, very well rehearsed.

If members opposite think I am angry, I can tell them that I have sat here and been called all sorts of things. The Speaker has sat here and been maligned. Once I saw the Hon. Terry Hemmings do a job on the present Minister for Emergency Services that would have done the chainsaw massacre proud. We took all of that. But when children are brought into this place, when children are used for political pointscoring, then I want no part of it. Whoever had a part in it is an absolute disgrace and wants calling to account. If that is the standard of the Opposition in this place the sooner we have no Opposition the better.

Mr ATKINSON: I rise on a point of order, Mr Speaker. The Speaker may not have heard it, but the member for Unley suggested that the Opposition choreographed interjections from the Strangers' Gallery during Question Time. I ask him to withdraw it.

The SPEAKER: Order! There is no point of order because the Chair has no knowledge of whether what the member for Unley said is correct or whether the matter the member for Spence raised is correct.

Mr ATKINSON: With respect, Sir, it is not a question of whether or not the allegation is correct. Standing Order 127—

The SPEAKER: Order! There are too many interjections on my right. I suggest that all members calm down so that the Chair can hear the point of order.

Mr ATKINSON: The point of order is that, whether or not the allegation is true, under Standing Order 127 it is a reflection that may not be made except by substantive motion.

The SPEAKER: Order! If the member for Unley made a reflection he is out of order. The member for Unley.

Mr BRINDAL: I thank you again for your guidance, Sir. I take more notice of you than I do of the member for Spence.

Mr CONDOUS (Colton): In the past three or four months I have been privileged to accompany the Minister for Correctional Services to some of the gaols and detention centres in South Australia. I have accompanied him to the Adelaide Remand Centre, the Yatala Labor Prison, the Northfield Women's Detention Centre, and the cottages and fine defaulters' gaol at Northfield. I know very little about correctional services but, as an ordinary layman, I was surprised at what I saw at the fine defaulters' gaol at Northfield. I suggest that every member, especially newly elected members, have a look at it. This is one of the great Labor initiatives which cost just over $1 million to house approximately 60-odd people who do not pay their fines.

What amazed me was how could any responsible Government spend $1 million on such a project when some prefabricated portable homes could have been set up to do a far better job for about a quarter of the cost. What struck me at first was that nearly every person there was a young, fit, healthy male, and all they were doing was sitting around on stools or benches talking to each other, and that they must have been frustrated in not being able to do anything. I am angry that the rest of the community, some 99 per cent of us, who have incurred parking, speeding or other fines pay those fines, but here is a group of young people who say, 'Stuff the system. I am not going to pay it. Let everybody out there pay for me to go out to Northfield. I am just going to sit around like the lazy bludger I am and do absolutely nothing.' What is this costing us? It is costing us approximately $24 000 per year per person to have them out there.

I asked a lot of them, 'Would you be prepared to do community work rather than sitting here all day vegetating?' The answer from each one of them was, 'Yes, we'd be prepared to do it.' But, upon asking the warders about their records, I found that these people had actually been given community service to do on the weekends, on Saturdays and Sundays, but, come Saturday and Sunday, they could not be found; they had left home early in the morning and had decided that it was too hard to pay back the community for their fine default. Therefore, they had to be rounded up and brought to the fine defaulters' gaol at Northfield.

I do not think that anybody in the community would disagree with me if I said that what needed to be done, instead of having these people sitting around from morning to night, was that they should be rounded up in the mornings, taken to community areas with somebody supervising them and made to remove graffiti, paint and maintain our schools and hospitals, and remove undergrowth and weeds in public places—in other words, make them do community service to pay back what they owe society, and not create a further debt. If the situation occurs where they cannot be found on Saturdays and Sundays when they are supposed to do that work, then add on top of that what it costs to detain them and that, too, should have to be worked off.

I do not see why this community has to accept a situation in which young, fit, healthy Australians, who simply do not care about the system and who do not want to accept responsibility in the community, can rebuff the system and cost society more money to keep them sitting around like bludgers waiting for three decent meals a day while they contribute absolutely nothing to the community. I have no problem with people who are perhaps sick or infirm, but when young, healthy people are involved I believe the system has to be changed. I believe that the Minister should instruct these people in the Northfield detention centre to be rounded up in the mornings, taken to schools, given a paint brush and bucket and told to start maintaining community facilities. Let them do what we do: either pay it out of their pocket or pay it back to society.

Ms STEVENS (Elizabeth): I rise this afternoon to express my extreme concern at the arrogant behaviour of the Minister for Health in the handling of his portfolio. It is important for us to be quite clear that, as Health Minister, it was his failure in Cabinet in not arguing the position of the health industry that failed to protect it from the severest cuts of any Government sector. Unlike the education sector where cuts were blunted, health received the full force of those cuts. The effect of those cuts has fallen on the most vulnerable parts of our community. Already we have seen the cuts to children's services at the Women's and Children's Hospital; we know of the concerns expressed in the mentally ill sector of our society and in the mental health services; and we know that people living in poverty, those who are aged and frail, Aboriginal people and people from non-English speaking backgrounds, are the ones who will also suffer. They are the least powerful, the least able to fight back.

As well, we see the Minister for Health presiding over the dismantling and disintegration of some of the best parts of our health care system in his ongoing rush to privatisation and outsourcing without proper process, consultation or planning. Every day more examples of this come to light—not following policy but blindly going down this path for short-term gain and long-term pain in our system. Even worse still we have seen him in this House, particularly over the

past couple of weeks, behave in an arrogant manner in relation to the cuts he has imposed on our health system. Last week the Minister said the following:

> We have 36 members, you lot have 11. At the last election the South Australian people asked us to make sure that the State's finances were not left in a devastated state...

In other words, the Government has 36 members and the Opposition 11, so the Government can do what it likes. Later, the Minister spoke about those cuts to the Women's and Children's Hospital and the increases in equipment and appliance costs to those families. The Minister said:

> ...is about 5 per cent cost. I would argue that that is quite reasonable.

Referring to the Minister's spokesperson, the *Advertiser* reported the following:

> ...that it was 'not up to the Minister to meet with every aggrieved family in the health system'.

The arrogance of the Minister's approach—'We are in here; I am the boss; I am doing this; I am not listening to you; you do not count'—is my concern. It is not just my concern but the concern of many people in our community and in the health sector. Yesterday, I heard from people at Port Augusta in relation to the closure of the John Thompson Ward. They have been told that the decision in relation to the closure of that ward was a 'quality decision'. I am not sure of the definition of 'quality' in that context. Perhaps it was quality in terms of numbers or dollars and cents, but it was not quality in terms of those who depend on that centre—the aged, Aboriginal people and people who use it for palliative care. It was not a 'quality' decision from their point of view. The Minister for Health has a severe attitude problem, and as well as being an efficient and effective health system—

Mr Brindal interjecting:

The DEPUTY SPEAKER: Order! It is quite unnecessary for the member for Unley to be quite so vociferous when the Chair is in charge. If the member has a genuine point of order, rather than a frivolous point of order, the Chair will be delighted to hear it.

Mr BRINDAL: I apologise, Sir, because I did not realise that I had drawn your attention. My point of order relates to the member's imputing improper motives to the Minister. I believe that the honourable member was doing that in her speech and I ask for a ruling.

The DEPUTY SPEAKER: The honourable member was highly critical of the Minister, but I was listening carefully for impropriety and did not detect it. Unfortunately, the member for Elizabeth's time has expired.

Mr SCALZI (Hartley): I refer to an important Government initiative in the area of multiculturalism: the interpreter card. Before I do that, I will respond to the member for Elizabeth's comments about health cuts. I ask the Opposition: who brought us to the sorry state of affairs where we have a $3.5 billion State debt, where we are paying $3 million interest a day and also have a $1 million increase in the State deficit? It is a little bit like amputating someone's leg and then criticising the persons who follows for not putting the shoes on. As someone who was not born in Australia and who could not speak a word of English when he came here, I commend the Premier and the Government for their initiative in introducing the interpreter card.

I was at the launch of the interpreter card last Friday, and someone said, 'I only wish this had been the case when we came to Australia in the 1950s and early 1960s.' It would have been nice if we had had it then, but the Government should be commended for introducing this initiative in 1994, because there are still many people who decide to make Australia their home and who need that help and assistance. After all, to leave another country, be uprooted and come to Australia, and not have the language skills necessary for access to Government services, puts one at great disadvantage.

The Brown Liberal Government noticed this and took the initiative by introducing an interpreter card which will facilitate equal access for these types of Australians. There are 13 different languages that will enable people in this category to have access to the services which we all take for granted. I commend and compliment the Government for doing so. I acknowledge that much has taken place, and I commend the bipartisan approach to multiculturalism from both sides of politics in all the initiatives since the 1960s. I know of a case in 1960 where an 8½ year old boy was taken to the Women's and Children's Hospital and later to Northfield Infectious Hospital. His parents could not speak a word of English and for 28 days that child remained in a hospital where he did not have access to someone who spoke his language.

Sadly, those cases occurred, and it was not the fault of any particular Government. Australia had a large migration program then, and all the structures necessary to give people equal access to services and to settle properly with access to education and so on were not in place. I should know because that young boy was Joe Scalzi. I am very fortunate to be here today. When I worked as an orderly at the Royal Adelaide hospital 20 years ago I saw other people who could not speak English and had difficulty finding an interpreter. This is a program for which the Government should be highly commended, because it puts people on an equal footing. I applaud this bipartisan approach. To the critics of multiculturalism I say: do not ask how much it costs to have these programs; instead, ask about what it would cost to the social cohesion of this society if these programs did not exist. We are the most successful multicultural country in the world, and I am proud to be a member of not only this society but the South Australian Parliament.

MOTOR VEHICLES (CONDITIONAL REGISTRATION) AMENDMENT BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendment.

WHEAT MARKETING (BARLEY AND OATS) AMENDMENT BILL

The Hon. D.S. BAKER (Minister for Primary Industries) obtained leave and introduced a Bill for an Act to amend the Wheat Marketing Act 1989. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

> The aim of this brief Bill is to empower the Australian Wheat Board in South Australia to trade in barley and, if it so desires, oats.

The South Australian *Wheat Marketing Act 1989* and its interstate counterparts authorise the Australian Wheat Board—a body established under Commonwealth law—to function within the States. However, South Australia's Act prevents the Board from trading domestically in barley and oats by excluding these from the definition of "grain" in section 3 of the Act.

In contrast, the Australian Barley Board, which is operated jointly by South Australia and Victoria, enjoys the power to trade domestically in wheat. Such trade is readily possible since deregulation of the domestic wheat market.

There have been representations from the Wheat Board urging removal of the constraints on domestic dealings in barley and oats in South Australia. The Board argues correctly that it is the only organisation to which such constraints apply. This situation is anomalous both in terms of a market driven economy and in light of the Australian Barley Board's powers to trade in wheat.

Victoria has restored balance already by passing relevant amendments to its *Wheat Marketing Act*. These amendments became operative on 3 May 1994.

The South Australian Farmers Federation has said that it could not support an argument favouring retention of the current restraints on the Wheat Board. For its part, the Board has indicated that it would seek no further considerations on passage of the necessary amendment as it would obtain barley through the permit system established under the *Barley Marketing Act 1993*.

It is desirable that the amendment be operative for the 1994-5 cereal harvest.

I commend the Bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 3—Interpretation

The proposed amendment to the definition of "grain" will mean that barley and oats are no longer excluded from the definition and the word will have the same meaning as that assigned to it by the *Wheat Marketing Act 1989* of the Commonwealth.

Mr CLARKE secured the adjournment of the debate.

INDUSTRIAL AND EMPLOYEE RELATIONS (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 November. Page 978.)

Mr CLARKE (Deputy Leader of the Opposition): The Opposition is prepared to support the second reading of this Bill simply because it contains some aspects with which we agree. However, the Opposition opposes a number of amendments within the Bill. I will briefly outline those points during my second reading contribution, and we can get down to the nitty gritty of the debate in Committee. The Minister trumpeted this legislation, which was passed in May this year, as being the start of a new era in industrial relations and took a bit of pleasure in some of his answers to Dorothy Dix questions during Question Time to try to paint a far rosier picture than is the case with this new Act. When this legislation was introduced, the Opposition predicted that there would be an exodus of employees from the State system to the Federal award system. That exodus has begun, particularly among the Government's own employees.

Without going into any detail, I refer to the attempt by the State's nearly 20 000 teachers to escape from the State system to the Federal system. Whilst they have not been successful at this point in achieving their interim Federal award, nonetheless, on a full reading (which I am sure the Minister has done) of the decision by the Deputy President involved in that case, clear warnings were given to the Government about aspects of the Act that would lend support to the attempt by the Institute of Teachers to get out of the State system and into the Federal system. Losing an application for an interim award is certainly not fatal to the teachers' case because, quite simply, the Government gave certain commitments that conditions of employment for teachers and the like would not alter during the course of the proceedings in that case and therefore there was no urgency on the part of employees—unlike the situation in Victoria when the Victorian case was heard for an interim award. So, there was no requirement for the Federal Commission to step in at this juncture and issue an interim award to freeze existing conditions.

The point to which I draw the attention of the House is the fact that yesterday the Minister answered a Dorothy Dixer and put out a press release. He pointed out the number of enterprise agreements that had been entered into at State level, and a number of them included unions. I have had the opportunity of going to the commission to look at the files and, as at yesterday, there were 24 applications on file. The way I counted it, 11 had been certified, so an error rate of one is not heinous. Of those 11, I had the opportunity to read nine of the decisions given by the enterprise agreement commissioner, Deputy President Hampton. Of those nine, eight had union involvement and were union endorsed. There was only one where the union that represented some employees did not agree with the certification agreement but, nevertheless, it was certified because the Deputy President believed it was justifiable. When the Government brought in this Bill it said that the whole problem with enterprise bargaining in South Australia is that we cannot get it underway in this State because of the intransigence and truculence of the trade union movement.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: The Minister says that that is a blatant lie. I could stand on my digs and insist on his withdrawing that comment, but I assume he has done it in a jocular fashion and I will not take offence on this occasion.

The DEPUTY SPEAKER: Order! The Chair would prefer that the honourable member did not respond to interjections, since the interjection and the response are both an infringement of Standing Orders.

Mr CLARKE: The point at issue is that these enterprise agreements entered into and referred to by the Minister yesterday are all enterprise agreements that would have been entered into anyway under the former Labor Government's legislation, which had far stronger safety net provisions because it involved trade unions. Further, they would have been capable of certification under the Federal award system. Rather than the Government enjoying a mad rush of tens of thousands of non-union shops, employers and employees who are desperate to seek enterprise bargaining agreements and who were held back because of the former Government's industrial legislation, what we have witnessed in three months is what would have occurred in any event under the previous legislation, namely, that the trade union movement, acting in its usual constructive manner, has entered into agreements with employers.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: The Minister says, 'What about the Federal award area?' This is the danger of using arbitrary dates, because the fact that the Minister uses a period of three months from the cut off of the Federal Act being introduced versus three months after the State Act was introduced and proclaimed in trying to say that there are only a couple of enterprise flexibility agreements that had been entered into by non-union shops and certified as proof that his State Government's legislation is the ants pants of all industrial

legislation in this State is quite false, because you cannot use those arbitrary dates. Since that time there have been significant non-union agreements under Federal legislation involving Optus and a number of regional banks. Despite opposition from the finance sector union in those areas, they nonetheless have been certified by the Federal Commission. However, the Federal Act does contain greater safety net provisions than this legislation.

Insofar as what will happen in the future, only time will tell with respect to the number of non-union agreements that will be sought to be entered into at State level, and no doubt there will be a few. In terms of their penetration within the South Australian industrial system, I doubt whether it will be as great as the Minister might like, principally because in many small businesses the management of those companies frankly do not want to get down to negotiating with their two or three employees. By and large, they have had harmonious relationships over the years. They find the award system flexible and do not have to worry about negotiating conditions of employment and having them certified through the industrial processes. They do not want to hire a lawyer and, for a whole range of reasons—not all of which are good reasons—they do not want to go to the South Australian Chamber of Commerce and Industry; nonetheless, they are comfortable with the arrangements they have.

Turning more specifically to the amendments in the Bill, we certainly have a number of problems. The problems we have with respect to amendments to section 75 of the principal Act essentially relate to the fact that it still does not provide for the rights of those members of trade unions who want their union to be a party to their enterprise agreement unless 50 per cent of the employees plus one agree to that union as a party entering directly into that enterprise agreement. A simple example is a work group of 100 employees, 80 of whom are storepersons and packers and 20 are clerks. The 80 storepersons are not members of any union, and the 20 clerks are all members of their union—100 per cent. Those 20 clerks want their union to be a direct party to the enterprise agreement and want it to be a formal part of the agreement, but the clerks then have to get the agreement of 51 of the employees. In other words, they have to gain the support of 31 storepersons who are not members of the clerk's union or any union to get their permission for their union to be party to that enterprise agreement. I think that is fundamentally wrong, so I will put forward an amendment to deal with that area.

Secondly, we have many concerns about provisional enterprise agreements, as far as so-called greenfield sites are concerned, because greenfield sites, virtually by definition, have no employees. If an employer wants to start up a business, they can do so under Federal legislation but not under State legislation, because under State legislation you must have living employees. The difficulty that we have with the Government's measure is that it provides for negotiations to be undertaken by an Employee Ombudsman. An Employee Ombudsman is an independent person appointed under the legislation to advise, consult and act on behalf of employees. But how is an Employee Ombudsman to divine what non-existent employees want in a provisional agreement?

If an Employee Ombudsman is to be a direct adversary *vis a vis* the employer, who can negotiate as, say, a trade union representative or a legal adviser for non-existent employees and say, 'These are the conditions of employment under which we want these future employees to work' and then give advice to the commission in an independent capacity as to whether the enterprise agreement fits in with the regulations and requirements of the legislation and is therefore capable of certification, and if, on the day after the certification of the agreement, some of the employees who are hired become dissatisfied with the agreement, they could then go to that Employee Ombudsman and seek advice and counsel with respect to the agreement under which their conditions of employment have been set. The Employee Ombudsman would be dealing with members of the public, hopefully in an impartial manner, giving them full and frank advice as to their rights and obligations under the enterprise agreement and the Act, yet those employees would be talking to the very person who negotiated the provisional agreement in the first place.

That is a nonsense, and I do not think it ought to be agreed to. What can and should happen, in the same way as at a Federal level, is that registered associations which have membership in a similar industry and which are capable of coverage of those employees ought to be the ones who do the negotiations on a provisional agreement and strike the agreement. That would not exclude non-unionists from being employed on that greenfield site. It would not exclude non-unionists, if, under the Act, they wished to remain non-unionists at the end of a six month period, from seeking to renegotiate the terms of their agreement, which they are fully entitled to do under the other provisions of this Act, and they would still be able to seek the advice and counsel of the Employee Ombudsman who would come to the situation with clean hands because he, for the moment anyway, has not been a direct party principal in the negotiations for that enterprise agreement in the first instance.

The other concerns that we have with the Bill relate to page 3, subclause (7), and I will deal with those in Committee. We totally oppose the unfair dismissal provisions which the Government seeks to amend in clauses 8 and 9 of the Bill. I know that the Minister will say that I am simply emulating my friend, Laurie Brereton, the Minister for Industrial Relations in Canberra. Let me make quite clear—

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I am glad that the Minister says that the Minister for Industrial Relations in Australia is a good Minister. I will hold him to that when he seeks to criticise him in the future. As far as this aspect of the Federal legislation is concerned, I am utterly unapologetic for being critical of my colleague in Canberra. In my view, he is wrong both in principle and in merit. Quite frankly, the Federal Government was overwhelmed and went to water at the first shot of grape shot fired over its bow by small employers in the main who said, 'Now that there is Federal legislation in force to deal with unfair dismissals, we have this appalling situation that we cannot sack anyone.' Of course, that was entirely wrong. All sorts of scare tactics were used, principally by employer groups, to say that million dollar claims and God knows what else in terms of compensation payments would be made.

As the Minister would know, that is absolute balderdash. In all other State industrial tribunals where reinstatement or payment of compensation for unfair dismissal has occurred, very modest amounts of compensation have been awarded. It would have taken a process of only six months or more for a few yardstick decisions to be handed down by the new Federal Industrial Relations Court with respect to amounts of compensation to be awarded, and by and large employers would have been mollified. Unfortunately, the Minister was stampeded in this area, and he is entirely wrong. We have an

absurd situation in this area of unfair dismissals: if a person is dismissed and is out of work for 12 months, if it takes more than six months for a decision to be handed down, and if the Federal Industrial Relations Court finds that rather than being paid compensation the employee ought to be reinstated, that act of reinstatement will allow that person to claim all wages lost for that 12 month period.

Another employee who works for the same firm but who appears before a different judge of the Federal Industrial Court, and who likewise has been waiting 12 months for a decision, might be found to have been dismissed for reasons which are harsh, unjust or unreasonable. Perhaps because it is a one-on-one situation between the employer and the dismissed employee and the judge does not believe that a harmonious relationship could be re-established, that person might get a maximum of six months monetary compensation. That is inherently unfair.

It has been found that both employees have been dealt with harshly and unfairly with respect to their dismissal: one judge in one set of circumstances says that the employee should be reinstated and have the whole of their 12 months wages paid, while another judge in another set of circumstances says that the other employee cannot be reinstated but should be compensated. That person is bound to a maximum pay-out of six months wages or $30 000, whichever is less, and that raises another problem with the Government's legislation, that is, treating people differently.

I know that Mr Brereton did the same thing with the Federal Act, but that does not make it right to import bad law into our statutes in South Australia. If you earn $60 000 or more a year, the maximum pay-out is $30 000. The fact of the matter is that, under the Minister's Bill which emulates the Federal provisions, if you are a part-time cleaner earning $15 000 a year, the most you would be eligible for by way of monetary compensation is $7 500, because that is the lesser amount. The dismissal of that person could be the harshest, most unjust and most unconscionable decision that an employer could take, but the maximum monetary compensation that could be awarded to that person would be $7 500. Even though that person's entire livelihood and the structure of their family income had been totally disrupted, the commission would be obliged to follow that maximum of $7 500, and it is entirely unfair.

For those reasons, we are totally opposed to the Government's legislation in this area, notwithstanding the words that will be used by the Minister with respect to my Federal colleague. We have objections to clause 11 of the Bill, and we will be moving an amendment to remove subclause (1)(c). Clause 11(1) provides:

> A party or intervener may be represented in proceedings before the court or commission by—
> (a) a legal practitioner or a registered agent; or
> (b) an officer or employee of an association of which the party or intervener is a member; or
> (c) a person who provides the representation gratuitously.

Frankly, we should not import that principle into our industrial legislation. There are very good reasons why the Government, including past Governments, in industrial proceedings in South Australia, has said, 'There are certain standards that you need to have when appearing before the commission.' One must have certain basic knowledge of the formal proceedings before the commission, and they are less important. It would be a bit too hard to cop if someone without that knowledge appeared on behalf of others in the commission on an award or enterprise agreement matter that dealt with rights and livelihoods of others. We could not have somebody dragged in off the street who said, 'Because I am a mate of so and so and I can string one or two words together, I will represent your interests in the Industrial Commission in unfair dismissal cases or indeed in terms of enforcement of award or agreement obligations, underpayment of wages and things of that nature.'

There are provisions in the Act such that registered agents must conform with certain minimum criteria before they can be registered and are allowed to charge a fee. Likewise, there are rules governing legal practitioners and, of course, with respect to an officer or an employee of an association, at least in most instances except some of these scab staff shows which no doubt the Minister is trying to encourage: they are staffed by people who are competent and versed in industrial law and can represent the interests of employees quite adequately. To be able to say, 'We will let anybody in off the street who provides representation free of charge' is going too far and will lead to a decline in standards which, over time, will act detrimentally to the individuals concerned and also the groups of employees who may be represented.

We must remember that under this legislation, the principal Act, not just registered associations can make application for award variations in the commission: it can be any association, any person, any employer. Regarding any application, particularly of a general common rule award nature such as the clerks' award, to have someone come in off the street and make an application, vexatiously or frivolously, seeking to amend significant parts of the award and impacting directly on perhaps many hundreds if not thousands of employees because that person is prepared to do it for nothing, just invites disaster at the end of the day. For similar reasons we will seek to amend clause 11(2)(c) on page 5.

So, in summary, the Opposition supports clauses 1, 2 and 10. I have a more specific question with respect to clause 12. I think I understand what the Minister is driving at and, if it is as I think it is, the Opposition will be agreeable to that. Nonetheless, we will be seeking to move the amendments which have been circulated. On mature reflection, I am more than happy to elaborate further on these amendments in Committee.

The Hon. G.A. INGERSON (Minister for Industrial Affairs): I would like to make a few comments in reply to the Deputy Leader's contribution. One of the most important issues in our industrial legislation was to make sure that, if people wished to be represented by an association, in particular by a trade union, they would not be eliminated in any form from any part of the contract if they had a member. So, there was a very conscious and deliberate move by the Government to make sure that the union movement had an important role to play in this change of direction from a broad based award system to the more specific enterprise based system that we now have.

I find it amazing that the Deputy Leader continually runs around with this diatribe that the Government is attempting to cut out the unions. As late as last night, at a function at West Lakes, where 180 people came to listen and to ask questions about enterprise bargaining, I made the statement that the trade union movement has a very important role to play. My advice to management is that, if they want to get their enterprise agreements up quickly, the smartest thing they can do is get involved with some pretty progressive

unions which are very much involved in enterprise bargaining.

When you talk about the progressive unions versus the troglodytes, you find that the sort of thing that the progressive unions are talking about in the enterprise agreement area is the change of hours. No longer are they looking at the traditional nine to five. They actually believe that enterprises, particularly small businesses, work different hours. One of the most significant changes in all the enterprise agreements that have been put in so far is relates to what is defined as the normal hours of work on the day.

The other very important issue that has been looked at in these enterprise agreements is the penalties. There has been a very significant move away from the traditional award penalties. As I said last night, I encourage any small business person to talk to these progressive unions if they cannot do this exercise themselves and if they have members of those unions in their workplace. There has never been—and I will say it again—any intention to cut the trade union movement out of this whole process.

The second point I would like to take up is the role of the Employee Ombudsman. In addressing the 180 employers and employees at West Lakes last evening, the honourable member said on several occasions that he was amazed at how many times he had been called in to act on behalf of the employees when those employees were members of a union. He had been called in directly because the union itself was not capable of representing or did not want to represent the employees in this particular enterprise bargaining deal. They are not my comments; they were very formal public comments that the honourable member made last night. This highlights that in some areas the unions are really falling down in their job and not realising their potential opportunity to be very much part of this changed involvement in enterprise bargaining.

The third point I make relates to this issue concerning three months and the comparison made with the Federal position. Because the situation has applied for only three months in South Australia, we have not had a chance to make a comparison based on six months. However, I assure the Deputy Leader that we will be bringing out comparisons in every three-month period. It is my view that, with proper promotion and encouragement of both employers and employees in this State, we will see a far more rapid movement into enterprise agreements, purely and simply because unionists or non-unionists in South Australia will be able to enter into enterprise agreements on a basis relative to the Federal system.

Whilst the Deputy Leader argues from his own ideological point of view that the ability for the unions to intervene in the Federal system is a safeguard, on many occasions the employees and employers just do not want the unions involved because of their history of going over the top and not sitting down and properly working with employee representatives. It is my view that opening it up as we have done in this State and placing the Employee Ombudsman in a position where he can be used if required by the employees is an excellent safety net operation relative to the Federal system. It is my view that, with the promotion we are undertaking and with the promotion we intend to undertake over the next 12 months, we will see far more businesses involved in enterprise agreements in this State than in the Federal system.

The fourth point I would like to make relates to a group of employees with fewer than 50 per cent belonging to the relevant union. There are really two answers to this. If a business comprises different groups of people, say, 30 per cent clerks, 20 per cent involved in manufacturing and 50 per cent in another area, there can be three agreements. That is one way to solve the problem; that option is available. If the unions are so concerned about not obtaining representation in their area, perhaps they should be talking to the employer and saying, 'Why don't we split it up?' If it is not split up—and that is the other position, of course—it is simply a matter of ensuring 50 per cent membership. It is a free system.

Mr Clarke interjecting:

The Hon. G.A. INGERSON: This is a perfect example. The Deputy Leader says that the clerks' union cannot cover storemen. We are changing enterprise bargaining so that we can get into the real world of flexibility. We need to go to the union movement and start saying, 'Some of your demarcation issues that apply in any one business ought to be thrown out and you ought to get rid of some of them into single enterprise agreements.' We ought to be talking about enterprise agreements involving the staff and the union within that structure. That is the long-term aim of any enterprise bargaining operation; that is, actually to have enterprise or industry-based unions instead retaining this old demarcation operation. I think it is up to the union movement to solve that problem for itself. If it cannot solve the problem then our provision for 50 per cent plus one will stand unamended as long as we are in Government.

The other comment made by the Deputy Leader that I would like to take up relates to Federal Minister Brereton. As I said earlier, there are not very many occasions on which I agree with Minister Brereton. We have in this Bill the same position that we put to this Chamber when the Bill was before it some three months ago, and we have total support for it. Whilst I would not be game to say that Minister Brereton has actually understood what we wanted to do and copied what we have done, I suspect that he might have. Next time I see—

Mr Clarke: He doesn't even know your name.

The Hon. G.A. INGERSON: Yes, he does; he knows it very well. I think that when we next meet it will be a very interesting discussion, when I congratulate the owner of those flashing eyes and say, 'Well done in the unfair dismissal legislation. However, I note that you need to do a lot of work with the Deputy Leader in South Australia.' I might even send him a copy of the Deputy Leader's comments, because I am quite sure that those sorts of comment really get the Federal Minister a little upset. I know he is a very tender person and that he gets very concerned if people do not like him. I will give him the pleasure of reading what the Deputy Leader said.

However, the point that has come out of the Federal area is that it is absolutely ludicrous to have an open-ended scheme in relation to unfair dismissals when senior executives can adequately look after themselves in the general court system. It absolutely absurd to clog up the Industrial Commission and, potentially, the Industrial Court with unfair dismissals that involve people on salaries over $60 000 per annum. It is my view that it was never intended that the commission should be involved in that matter. I think that at last Minister Brereton has recognised that difficulty through his own experience in his own court. The advice I get is that the Federal Court and Commission are totally clogged up with unfair dismissal cases, many of which involve people earning over $60 000 per annum.

I want to make it very clear that I totally understand and accept the Deputy Leader's argument on unfair dismissals

involving cases above that figure. However, it is my view that they ought to be able to be dealt with in the general court system because those involved have adequate opportunity and finances to do just that.

Regarding the matter of people supporting individuals in the commission without any payment, it has been brought to our attention on several occasions that many people have gone in with their mother, father or aunt purely and simply for support, particularly in the unfair dismissal area. If we need to amend the legislation regarding the real role of the commission, retaining it only in respect of unfair dismissal cases, I would be prepared to consider that. In that area there are many occasions when the family is present to lend support, and that has been brought to our attention. It is not meant to relate to the involvement in the court or commission of someone who is not a registered agent, registered employer or employee or association representative.

The provision was included purely and simply to recognise a problem in the unfair dismissal area and, whilst we will not amend it in this House, we will examine it and see whether it is an issue that we can pick up. As to some of the amendments that have been put forward by the Opposition, I think most of us could have written them from an ideological point of view. The notion of no support in industrial relations matters from the Deputy Leader is totally expected. It is a pity that, again, there is not some recognition that these amendments have been introduced to improve the existing legislation, especially bearing in mind that a couple of them have been included on the advice of Parliamentary Counsel as a result of errors in the original drafting.

Several other points have been brought to our notice because of concerns within the commission itself, and they are more clarification points than concerns. I thank the member opposite for his contribution and commend the second reading to all members.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr CLARKE: I move:

Page 1, lines 20 to 28—Leave out paragraphs (b) and (c).

Frankly, my amendments with respect to this area make sense only in so far as our opposition to clauses 8 and 9 of the Bill, dealing with unfair dismissal, is concerned. With your leave, Mr Chairman, and that of the Minister I am quite happy to debate the substantial merits of these amendments, use them as a test and, when we come to clauses 8 and 9, accept the results of the consideration of these amendments.

The CHAIRMAN: The Deputy Leader does not have any amendments to clauses 8 and 9 but is simply saying they will be opposed, and is asking whether he can canvass his opposition to clauses 8 and 9. Is the Committee so disposed?

The Hon. G.A. INGERSON: I suggest that we debate it at this clause, which makes it easier formally.

Mr CLARKE: I thank the Minister for his cooperation in this matter. Effectively, as I said in my second reading speech, the Government's amendments with respect to clause 3, in particular, paragraphs (b) and (c), all relate to the Federal provisions for unfair dismissal. The Minister has referred to the system (by which I assume he means, in the first instance, the State award system) being clogged up with employees earning over $60 000 a year having access to the unfair dismissal provisions of the State commission. How many applications have been lodged since the Act came into force on 8 August? Prior to 8 August the old Act actually had a monetary cutoff point of $67 000 (or perhaps slightly more) indexed from a certain date. Since 8 August how many applications from so-called executives earning in excess of $60 000 have been filed in the State Commission under unfair dismissal legislation, which applications are allegedly clogging up the system in the State Industrial Commission?

Secondly, with respect to the Minister's comments dealing with the Federal Court's being clogged up likewise with the number of applications made by employees earning in excess of $60 000, first, that has been partly removed by virtue of the Federal Government's legislation setting the ceiling but, secondly, the much more convoluted system is that which the Federal arbitral system has in dealing with unfair dismissals. I am sure that the Minister's adviser will be able to correct me on this, since I have not dealt with this new Federal system, but as I understand it in the first instance you go to a conciliation conference before a member of the Federal Commission. If nothing can be sorted out there, it then goes to the Federal Industrial Relations Court, which handles the matters dealt with by a judicial officer.

In all my experience with the Federal Court (even though the industrial division is but a division of that court), inevitably, because of the involvement of judges in this whole exercise, the process of dealing expeditiously with unfair dismissal claims gets bogged down. It is unfortunate that that is the system. There are constitutional problems with the Federal Commission's being able to deal with unfair dismissals rather than, quite frankly, what should have happened—and Victoria fouled that when it substantially amended its State legislation—which is something that I sought to have done in a couple of my Federal awards; that is, simply to have in the Federal award a savings provision providing that any claim related to an unfair dismissal gets processed through the State system. It is far quicker and far cheaper for everyone concerned.

That would have been far preferable and we would not have needed any legislation. We would have needed only a full bench of the Federal Commission awarding those sorts of clauses in every Federal award, with the necessary financial supplementation from the Federal Government to the State Governments in terms of resourcing those State Commissions with respect to unfair dismissals, and there would not be this massive clogging up of the Federal system nor the significant costs, which are higher in that Federal system than we have under our State system. So, I will be interested to ascertain from the Minister the number of employees earning in excess of $60 000 who have lodged applications for unfair dismissal claims since 8 August this year.

The Hon. G.A. INGERSON: I do not have the information but I will obtain it for the Committee; we will supply it in another place so that it is all part of this debate. One of the points brought up by the Deputy Leader was the concern over the number of people involved in this whole area. Whilst my understanding is that the numbers have not increased dramatically as yet, we are concerned when we look at the Federal experience, where the numbers have dramatically jumped, and the system itself, as the Deputy Leader rightly pointed out, is causing the problem. As an aside to that, first you have to file in the Federal Court; then you go through conciliation, but that is in the commission and in another building, so you have to file in one building then go to another; then you have to be sent back to the court to have your hearing. If you disagree, you then have a hearing in the

court. It really is a ridiculous set-up, and I might write to the Federal Minister and suggest that we could get some bipartisan support here to have unfair dismissals heard totally within the State system. We would encourage that.

Mr Clarke interjecting:

The Hon. G.A. INGERSON: Yes, we will even take that up too, to make sure we get some contribution from the Federal Minister. The important point—and I agree with the Deputy Leader—is that it is quicker under our system. But, just the same, the minute you open it up to executives who in our view should not be in the system you will create automatic backlog problems. We want to put a cap on it to make sure that there is no more than six months pay as the maximum under an award system, and that that $60 000, which is a broad figure, is indexed on a yearly basis.

Mr CLARKE: How does the Minister rationalise the point I made in my second reading contribution? In the first example, I am dismissed today, I get a decision in 12 months, I am found to have been unfairly dismissed, I am reinstated and I am awarded 12 months wages by a commissioner. In the second example, another employee works for the same company, he is dismissed on the same day by the same employer in the same circumstances, but perhaps the case is heard by a different industrial commissioner who comes to a different decision. It still takes 12 months for a decision. Because the person in the second example works in a close one-to-one relationship with the person who sacked him, it could be that the employment relationship cannot be re-established. The situation is identical with the first example, but the commission can award a maximum of only six months compensation.

Where is the justice in that? Would not it have been far preferable, particularly in light of the fact that it has taken 22 years to develop reinstatement and compensation with regard to unfair dismissal legislation in this State, where parameters have been laid down by various test cases and a number of appeal cases that have been taken before the commission and where there are recognised yardsticks in so far as the commission is concerned, to allow the amount to remain uncapped and permit the commission to treat each case on its merits and also to refer back to precedence?

The Hon. G.A. INGERSON: The Deputy Leader reminds me of something I forgot to say in my previous answer. The Federal Minister moved to put a cap on it because a $2 million claim came from a very senior executive of a computer company. So you had this ridiculous situation where a very highly paid person was able to get into the system and take up as much time as a person who was claiming perhaps their maximum level. The second point I make is that under our existing Act there is an instruction to the commission that, within three months of its hearing a case, there must be a decision. In other words, we have included a proviso to limit it. We do not believe that it is likely to take any longer than six months once it has got into the system. I accept that there may be some delay getting in at the front end, and that is an area where we must do some work with the commission to make sure it is an absolute minimum.

Thirdly, our prime direction is that re-employment and not compensation ought to be the basis of the exercise. We believe that that ought to be the general direction and not, as we had with the previous Government over the past 10 years, purely and simply to put your cap in, grab the money and run.

Amendment negatived; clause passed.

Clause 4—'Who may make enterprise agreement.'

Mr CLARKE: I move:

Page 2, lines 7 to 24—Leave out subsections (2) to (5) and insert—

(2) An association may enter into an enterprise agreement on behalf of members of the association who are also members of the group if a majority of those members, after receiving notice as required by regulation, authorise the association to conduct the negotiations on their behalf.

(3) An authorisation given by a member of an association under subsection (2) is effective for the period stated in the authorisation but may be revoked at any time by the member by written notice of revocation given to the association.

(4) If an employer proposes to have an enterprise agreement with a group of employees who are yet to be employed by the employer, the employer may enter, on a provisional basis, into an enterprise agreement with a registered association that is able, under its rules, to represent the industrial interests of the employees.

Proposed new subsection (2), as I said in my second reading contribution, allows workers who are members of a union, where those workers are not in the majority of workers in a workplace, to have their union represent their interests in an enterprise agreement. I think that that is absolutely fundamental. In his second reading reply the Minister said that this is a demarcation issue. That is not the case. The example which I used and to which the Minister referred involving clerks and storepersons is simply this: clerks are registered under both the State and Federal Acts and can only represent clerical persons, not storepersons and packers. With respect to the storepersons and packers, except in limited instances, they cannot, by registration, by force of law, represent clerks outside a particular field. When I say 'by force of law', that is by virtue of their registration under both the State and Federal Acts. Hence, it is not possible for them to do so unless they want to risk deregistration.

Whilst that is inconsequential in the State system given the makeup of the principal Act, it is of great significance at Federal level where registration still confers a number of obligations as well as advantages on registered trade unions. Hence, no union can go outside its area of coverage unless it gets specific permission from the Federal Industrial Registrar or through a section 118A application to the Federal Commission. Therefore, you have this situation where non-union storepersons are able to veto 100 per cent of clerical staff who are members of their relevant union from having their union represent their interests at the enterprise agreement and to be directly represented as a party to that enterprise agreement. We think that that is entirely wrong.

I turn now to proposed new subsection (3). The Government's Bill is a nonsense. What it says is that authorisation—the authorisation given by employees to an association to represent their interests—cannot be given generally but must specifically relate to a particular proposal for an enterprise agreement. That would mean that, every time the agreement is varied, perhaps by mutual agreement between employers, employees and the association (and it may be a very large enterprise with hundreds of employees), the association would have to run around—and it could be a non-registered association—and obtain individual, written authorisations from all those persons simply to vary it or to suit the renegotiation.

The Opposition's amendment provides that an authorisation given by a member of the association under subsection (2) is effective for the period stated in the authorisation—and it may be an authorisation for two years, five years or of an ongoing nature—but it may be revoked at any time by the member by written notice of revocation given to the associa-

tion. So at any time, under the Opposition's amendment, if any member of an association wants to say, 'I do not want the association to represent my industrial interests any longer', they can simply drop out of the association, immediately resign and that immediately revokes the authorisation. That is a far more efficient and effective method. If the Minister looks at it realistically in terms of enterprise bargaining agreements that have been entered into already under the State system, the overwhelming majority have been worked on by unions with members in those work sites. My amendment, in so far as proposed new subsection (2) is concerned, is far more preferable and effective and, at the same time, it does not take away the rights of an employee at any time to withdraw that authorisation.

Proposed new subsection (4) deals with provisional agreements being entered into. I have already given a fairly good outline of the Opposition's objections to the Employee Ombudsman acting like an ombudsman, that is, to fairly and impartially represent the interests of employees while at the same time being one of the principal parties in negotiating agreements. It is one thing to give advice, counsel and state the legal obligations for various parties, but how on earth, when no employees are employed, is an Employee Ombudsman to get his or her instructions as to what the employees in the industry would like and would think is fair for them? Further, after the agreement has been negotiated and the employees are employed and they go to the Employee Ombudsman to complain about the terms of the agreement which they are employed under, how is the Employee Ombudsman supposed to impartially analyse the work he or she has done on the employees' behalf before they were employed?

I think most green field sites of any significance in South Australia will be done under the Federal system, but where they occur under the State system the Opposition simply says, 'If you want this provision, do it with a registered association'. Registered associations are eligible to cover the types of employees who will eventually be employed. They generally have a greater knowledge of the industries, the going rates and the types of conditions and, as the Minister would know from dealing with major employer organisations, they are able to negotiate far more efficiently and effectively with employers. At the end of the day those provisional agreements, because of the principal parts of the Act, have to be renegotiated within six months.

The employees who join are still not compelled to join a registered association or any association. After they are employed, and if they want to renegotiate within six months, they have to give authorisation to an association to represent their interests. If they are not interested in that association they can simply withdraw from it and do whatever they like. In the first instance, and in relation to provisional agreements, the Opposition is trying to say, 'For heaven's sake, put ideology to one side and look at the practical realities of it'. This is a far better way of achieving what the Minister wants.

The Hon. G.A. INGERSON: If we put ideology aside we would not have these amendments, and that would solve the whole problem. Clause 4(2) refers to an association entering into an agreement if the majority of those members, after receiving notice as required by regulation, authorise the association to conduct the negotiations on their behalf. There is no area of agreement in which the majority of members cannot authorise an association to appear before the commission in terms of arguing some differences that they might have about the enterprise agreement: they can do that now. There is a fundamental principle in the Government's Bill that it has to be the majority of employees—not the majority of employees in an union.

If they happen to be in a union, the Government does not have a problem with that. If they are not, they still have the opportunity to be represented in the agreement at any stage. They can be there in terms of negotiating on behalf of the employees they represent. If they have a disagreement once the agreement has been made by the majority of members of the enterprise, they can still put their point of view before the commission, representing those employees. The Government does not accept that the provision should provide for just a majority of those members who are members of an association.

In relation to the period stated in the authorisation, that is pretty fundamental as well. If this provision passes, a situation will exist where the unions will run around to their members, and when they sign up they will say, 'Please authorise me to negotiate on your behalf in the enterprise agreement, and whatever we negotiate is what it is'. That is not acceptable. As far as the Government is concerned, every single change that occurs in an enterprise agreement ought to be authorised by the members of that union at that time.

The Deputy Leader made the point about these people having to go around to get this in writing. One of the other amendments in this Bill removes that position. All it requires is for a union to be prepared to supply a statutory declaration so that, in essence, it is authorised. The Government does not accept that it should be there for a limited period. The unions, like non-unionists and employers, need to be continually involved if there are to be changes to the agreement. The Government does not accept that position.

In relation to the fourth amendment, the thing that has fascinated me is that everything has to be done by a registered association. In other words, if it is not the union nobody else can do it. What about an unregistered association? That is already recognised under the Act. I would have thought that unregistered associations, which we now recognise under law, ought to be in there as well. The point that the Government makes about using the Employee Ombudsman is in the Act. In fact, section 62(1)(e) provides:

> The Employee Ombudsman's functions are—
>
> (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 interest of justice that such representation be provided.

In other words, the function of the Employee Ombudsman, if so asked by the company to be involved, is set out in the Act under 'General Functions of the Employee Ombudsman'. There may be occasions in a green field site where the union is involved. Whilst we do not have a specific amendment that picks that up, before the Bill goes to the other place the Government will seriously look at whether there should not be an either/or situation of a registered association, an unregistered association or the Employee Ombudsman. Whilst in this area the Government will not support that, it is an issue that the Government is prepared to look at. I do not give any guarantees to the Committee, but it is an issue that the Government might be prepared to look at. The Government is not prepared to support the position where the unions believe that only they should be involved in a green field site and they are the only people who can be part of a provisional enterprise agreement.

Mr CLARKE: With respect to the Minister's last point about unregistered associations, I am totally unapologetic. I have never had any time whatsoever for scab staff associations set up by bosses to do their bidding. I will not apologise for my position with respect to that. The Minister referred to an ongoing authorisation which would enable a union to go on and negotiate on behalf of employees without reference back to them at any time in the future with respect to new enterprise agreements that may be entered into. The Minister should know that his own enterprise bargaining section of the principal Act does not allow that. Whenever there is renegotiation of an enterprise agreement, the employer must go through certain steps insofar as notification to his or her employees as to the terms of the new enterprise agreement.

The enterprise agreement commissioner has to satisfy himself that all of the procedures are followed under the Act and the regulations to ensure that the employees are fully aware of their entitlements and what they are getting themselves involved in in relation to the new enterprise agreement. As proposed new subsection (3) of my amendment provides, any employee at any time may simply issue a letter to the union revoking the right for that union or association to represent their interests.

Quite frankly, the Minister is putting another bureaucratic obstacle in the way of enterprise bargaining—the same type of mentality that stopped the Education Department being able to enter into enterprise bargaining with its employees because the whole basis of the industrial Act is to go around recognised trade unions and try to deal with individuals in terms of enterprise agreements. As the Minister is finding out as a large employer, it is almost administratively impossible to do that and carry out all the instructions as laid down in the principal Act on enterprise bargaining. It is far better and more efficient to deal with recognised and reputable trade unions to get through the negotiating process. In so far as section 62(1)(e) regarding the Employee Ombudsman is concerned, the answer is simple. It deals with the functions of the Employee Ombudsman and states that one of his functions is to represent employers in proceedings, other than unfair dismissals, if the employer is not otherwise represented and if it is in the interests of justice that such representation be provided.

It is simple: the Employee Ombudsman is not acting as a partisan party principal. Section 62(1)(e) contemplates the employee going to the ombudsman and seeking advice, counsel and representation if necessary, in those stated circumstances. In the greenfields site situation, to which the Minister refers, the Employee Ombudsman is acting as a partisan party, a party principal, negotiating directly with employers the wages and working conditions of prospective employees. That is an entirely different set of circumstances and not one that sits well with the general philosophy underlining the Employee Ombudsman, which is to be one step removed from being party principal but to offer advice and representation where necessary for employees but not to act in effect as a *de facto* trade union official.

The Hon. G.A. INGERSON: Our amendment provides that the Employee Ombudsman would act only in a representative capacity and that the agreement may not impose obligations binding on the Employee Ombudsman personally. That has been put in to enable, at the greenfields site, the Employee Ombudsman to act in a representative capacity as he is in many of the enterprise agreements that have already been registered.

I point out to the Deputy Leader that on three occasions the Employee Ombudsman has been involved with the employer and the unions to settle a dispute to enable the enterprise agreement to be entered into. His role is a daily one, unfortunately, because on average only 30 per cent of people are members of unions in this State: there is a huge gap for the 70 per cent. Whilst it was never intended by the Government that the Employee Ombudsman have a specific role only in the area of representation, because of the dwindling membership of unions in this State his role in the representation area is growing. We have no qualms whatever in having that specific role as part of this exercise.

The Deputy Leader is still living in the days when the majority of people might have been members of unions. The reality today is that that is not the case. That is not the fault of anyone in the community: rather, people are choosing not to join a union, and they are doing that in droves. A couple of large unions to which I was talking yesterday pointed out to me that they are now spending more time trying to recruit membership by all sorts of means. The reason for their being out there trying to get union membership is that it is dwindling rapidly, and there is a need for the Employee Ombudsman to have a significant representation role.

We believe that it is better to use the Employee Ombudsman than the union, if that is the choice of the owner, in that that provides an impartial position, which is only provisional in any case. It sets out what sort of enterprise agreement you can talk about to future employers. Within six months it must be recommitted and agreed to by the new employees who apply to the agreement. We see no problem with the Employee Ombudsman in this area because, on average, 70 per cent of employees have no union affiliation: the days of the trade union movement in South Australia having exclusivity, where there is 100 per cent membership, are gone.

Amendment negatived; clause passed.

Clause 5—'Negotiation of enterprise agreement.'

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

Page 2, lines 33 to 35—Leave out subsection (7) and insert:

(7) This section does not apply to negotiations on the terms of an enterprise agreement that is to be entered into on a provisional basis.

The reason for this amendment is a drafting error in the clause.

Mr CLARKE: The Minister says that there was a drafting mistake. What is the practical effect of the difference between what is in the Bill and what is contained in the amendment?

The Hon. G.A. INGERSON: It recognises that in this instance the enterprise agreement is with the Employee Ombudsman and not with the association. The correction ensures that that occurs.

Mr CLARKE: For reasons I have previously stated, the Opposition opposes the amendment.

Amendment carried; clause as amended passed.

Clause 6—'Approval of enterprise agreement.'

The CHAIRMAN: The Minister's next amendment on file involves a typographical amendment, consequential on the passing of the Minister's subsequent amendment, and will be clerically adjusted.

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

Page 3, after line 25—Insert—

(8) The commission may approve an enterprise agreement that could not otherwise be approved if an undertaking is given to the commission by or on behalf of one or more persons who are to be bound by the agreement about how the agreement is to be interpreted or applied and the commission is satisfied that the undertaking adequately

meets objections that might otherwise be properly made to the approval of the agreement.

(9) Before the commission rejects an application for approval of an enterprise agreement on the ground that its provisions do not meet the criteria for approval, it should identify the aspects of the agreement that are of concern to the commission and allow a reasonable opportunity for the renegotiation of those aspects of the agreement.

My first amendment in relation to proposed new subsection (8) results from our discussions with the enterprise agreement commissioner. It is his view that, if we provide him with an option to be able to accept an undertaking and include that option in the conditions under which he can work, in many instances that would enable him to approve an agreement on the undertaking that something was going to occur. Obviously, if that undertaking does not transpire, he can revoke that agreement.

In relation to proposed new subsection (9), before the Commissioner actually rejects an application, he wants to be sure that, if some of the criteria are not met, he can identify those criteria in terms of any agreement and make comments to allow a reasonable opportunity for renegotiation to occur. They are recommendations by the enterprise agreement commissioner regarding the practical application of some of the issues that have already come before him, and they are provided for in the Federal Act.

Mr CLARKE: Whilst I do not have a concern with respect to proposed new subsection (9)—I can see a number of advantages in that—I do have some concerns about proposed new subsection (8). I have not had the advantage of speaking with the Deputy President or the enterprise agreement commissioner. I am a bit reluctant to speak to any member of the Industrial Commission, either privately or publicly, in case they end up on the Minister's hit list. However, I may take up the opportunity to talk to the enterprise agreement commissioner to find out how these matters are being processed on an administrative basis.

I understand what the Minister is saying with respect to proposed new subsection (8), and I will stress my own credulity a little and say that I believe that his intent is honourable. However, my concern is that, given my dealings with the Industrial Commission, whilst parties can give undertakings, in the main in the past they have dealt with registered associations. Registered associations have legal standing and officers who, through elections, are accountable to their membership. There is also a defined system of enforcing an organisation's rules if an officer acts contrary to those rules.

Under the principal Act, any scab association can be produced with rules that do not have to be incorporated. Non-registered associations can provide for election of officers for life. They do not have to produce financial returns to their members. There are no legal obligations whatsoever on these so-called associations. If they are an incorporated body, they are caught by the Incorporations Act, but if they are unincorporated and certainly unregistered, under this legislation, these staff associations or scab shows can have any rules that suit their circumstances and the people who run them with no accountability to anyone.

I am also concerned with respect to individuals, because the Act provides for individuals to be represented by one of their number, or anyone else for that matter, in proceedings before the enterprise agreement commissioner. Any Johnny-come-lately can come along and purport to represent the interests of employees and give undertakings that certain things will be carried out or employers may undertake that these words mean such and such. However, as I have found to my cost at times in the Industrial Court, when seeking to enforce an industrial agreement or award, what has been written and undertakings that might have been given and recorded on the transcript before the court do not amount to a row of beans.

So, whilst it may be administratively cumbersome or tiresome for the enterprise agreement commissioner, I believe that in any situation in which he finds defects with respect to enterprise agreements—it may be inadvertent—the system should start again in order to get it right so that all the employees who are parties to the agreement understand clearly when they sign the agreement what their rights and obligations are and do not suddenly find when they appear before the commission that someone purportedly represents them. I do not know how a non-unionist can represent anyone because, unlike a registered association, they are not accountable to their fellow workmates and have no legal obligations or anything of that nature; there is no structure.

We must remember that some of these agreements may be written up not by experienced industrial practitioners who understand industrial law and can frame clauses to say what they mean and reflect the intentions of the parties but by the manager or owner of a business who says that these words mean something and 18 months after the business has changed hands twice the new owner says, 'I know nothing about these undertakings; I did not give these undertakings.' When employees seek to enforce those undertakings in court, they find no legal feather to fly on.

I would be interested to know whether under this Act or in the Minister's amendments undertakings made by employees or employers will be enforceable in the Industrial Court, particularly retrospectively in terms of rates of pay, penalty rates and things of that nature. Can the Minister assure me that in the Industrial Court and under the Acts Interpretations Act and every other safeguard I can think of the magistrates or the judges will be obliged to give effect to such undertakings, and that those undertakings are of an ongoing nature, so that, if a business is sold or transmitted to another organisation, those undertakings will be carried forward?

I well remember a bit of industrial law—I do not know whether this is applicable, and the Minister's adviser may be able to give some advice on this matter—regarding an undertaking made by one registered association to another that it would not poach members. That undertaking was solemnly signed by the President and the Secretary, stamped with the great seal of the organisation and passed by the relevant committee of management, and five years up the track there was a new committee of management, a new General Secretary and a new President, and they blatantly flouted that undertaking.

When they were taken back to the Federal Court, the Federal Court said that for the time being a committee of management could not bind subsequent future committees of management to that undertaking. In those circumstances, I think it would be better to remove proposed new subsection (8)—although I support proposed new subsection (9) because I think that is a practical answer and would be of assistance to all parties. If the Deputy President does not want to certify a particular agreement, he should at least be able to identify the shortcomings so that the parties can try to address them.

The Hon. G.A. INGERSON: I just point out again to the Deputy Leader that, under the Federal Act (sections 170MF and 170NF), in the area of enterprise and certified agreements, the Federal Minister in his wisdom recognises that

undertakings in certain areas can be accepted. In this instance, the undertaking is not about conditions but about how the agreement is to be interpreted and applied. In other words, it involves the mechanics of the exercise. To which group of people will it apply? Who is in, who is out? That is an undertaking that can be given. If that undertaking is not adhered to, as the Deputy Leader would know, there are ways and means for employees or the employer to go back to the commission and have something done about it. It is a fairly consistent system in the Federal arena, and we want it in the State sphere, because it will enable some of the issues that cannot be written or are not written into the agreement to be better qualified. I would have thought that, since it was in the Federal Act and that it appears to be working quite well in the Federal jurisdiction, it is one of the things that we could be consistent with and accept in our State system.

Mr CLARKE: The Minister is nothing but consistent with inconsistencies on these matters involving the Federal Act. I well remember his regaling me in March this year about how he was tied to the Federal system and about how he was going to strike out on a new path. I am glad that several months later he has recognised that I had some influence on his thinking, but obviously not much. However, the Minister has not been able to point to me where these undertakings are legally enforceable. I will give an example. The undertaking is that these clerks are covered, although we do not mention them in this scope clause, but the employers for the time being will give that undertaking. It may mean a $20 a week pay rise.

A couple of years might pass by, and new or even existing people take over; some employees might be recruited (for example, new pay officers) and they are not aware of these undertakings. They may not be union members and, therefore, are not aware of their rights. The $20 rise might not be not passed on to them. One of these employees may well say, 'I've just discovered that I'm entitled to $20, because of this undertaking.' That employee goes to the boss, who says, 'I'm sorry, that undertaking was given by a previous owner or manager of the business; I won't pay you that $20.' The employee goes straight back to the enterprise agreement commissioner and says, 'They've ratted on me, Sir: the undertaking hasn't been honoured.' The enterprise agreement commissioner might be able to do something about the matter prospectively, but not retrospectively regarding the pay.

That employee then goes along to the industrial division and says, 'I want back pay for the past two years for $20 a week.' The Industrial Court then says, 'That was no more than an undertaking. You were ratted on but there is nothing we can do about it. You might morally be entitled to the $20, but we cannot enforce it, because it is not legally enforceable.' I am concerned whether the enterprise agreement commissioner would have the authority even to make any order retrospective with respect to an enterprise agreement to give effect to that undertaking. The argument applies even prospectively, if that agreement has another two or three years to run. I believe—and I have not checked the principal Act—that there are a number of problems with an enterprise agreement commissioner unilaterally varying the agreement without the consent of the parties.

So, the legislation is fraught with dangers. I just do not think that the enterprise agreement commissioner should countenance any undertaking, because you cannot rely on its enforceability. Therefore, what the enterprise agreement commissioner should do is say, 'Thanks very much; I strike out this agreement. I know you are honourable people. Here's the reason why I've struck you out; now go away again and get it right.'

Amendment carried; clause as amended passed.

Clauses 7 to 10 passed.

Clause 11—'Representation.'

Mr CLARKE: I move:

Page 4, line 27—Leave out paragraph (c).
Page 5, lines 1 to 8—Leave out paragraph (c).

From the Minister's reply to the second reading, I understand that he has taken on board some of my concerns. I appreciate what the Minister is saying: in unfair dismissal legislation, where a person has been dismissed and they are not represented by a union or legal practitioner, particularly if it is a young person, they might like to bring along a member of their family (their mother or father) to assist them. Quite frankly, in these circumstances it is my experience they are best not to have any family member there, whether it be mother, father, uncle, aunt or whatever, because people become far too emotional, and they do not look at their circumstances in a sufficiently detached manner to be able to receive frank advice as to their chances of success or otherwise. I do not want to encourage people on a gratuitous basis to come into the commission, whether it involves unfair dismissals or any other proceedings in the commission.

I take on board what the Minister has said. I do not want to deprive a 16 year old employee who has been sacked by some small or large retailer from being able to utilise the services of their parents, if they want their parents to hold their hand when they go into the commission. For the public record, all I would say is that they are far better not to have that type of assistance but to go along to a professional outfit, in particular, join a registered trade union that covers their calling so that they can get decent advice for the price of union membership. The Opposition will oppose these amendments, but we will take on board what the Minister has said, that in the passage of this Bill between here and another place he will look at another form of words to try to limit the representation area purely to unfair dismissals.

I ask the Minister and his staff to consider the idea of unnecessarily encouraging the involvement of people who are not trained in the area of unfair dismissals—and I know the Minister's adviser is very experienced in this area: they often get very emotional and upset and, in the case of parents, do not give proper advice to their children. They are obviously biased towards their children's fate and all the rest of it, for good and cogent reasons (and being a parent myself I can understand that) but it does not necessarily work in the best interests of the affected employee.

The Hon. G.A. INGERSON: This is a fairly important issue as far as the Government is concerned. As I mentioned in my second reading reply, there are quite a few occasions in the unfair dismissal area where this whole issue of representation should be much broader than it is currently. I said that I would look at this issue and see whether the provision needs to be more specific. However, I point out that there is a fundamental right in our system and in our society for people to be represented. That fundamental right does not link it to any qualifications. Basically, this gives people the right to go before any of our courts with support. I do not believe that the commission or the court should have any set of rules different from that applying in the normal court system. So, I oppose this amendment, because fundamentally this is a right that we think everyone should have. However,

as I said earlier, the Government will look at the ramifications.

Amendments negatived; clause passed.

Clause 12—'References to industrial agreements.'

Mr CLARKE: I take it that this new section 7A will mean that, for example, under the Long Service Leave Act no enterprise agreements can be entered into that would contain provisions less than is provided by that legislation unless the commission certifies the agreement. The Minister may be able to assist me in this matter; it has been a while since I have looked at the Long Service Leave Act. You can seek an exemption under the Long Service Leave Act, but you can do so only if the new agreement provides conditions that are no less favourable than those in the Act. Hence, no enterprise agreement would be able to touch long service leave unless it was either the same as, or provided for conditions better than, those contained in the State Long Service Leave Act.

The Hon. G.A. INGERSON: The reason for this is in line with what the Deputy Leader has said. It was an area that needed to be corrected because, in the case of long service leave, the Long Service Leave Act obviously applies. An enterprise agreement can vary that Act only if it is done by agreement and obviously identified and supported by the commission. That is basically the only reason for its being there. However, other Acts may be involved in that specific area, and we believe that this provision clarifies that issue.

Clause passed.

Title passed.

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

That this Bill be now read a third time.

The House divided on the third reading:

AYES (32)

Allison, H.	Andrew, K. A.
Armitage, M. H.	Ashenden, E. S.
Baker, D. S.	Bass, R. P.
Becker, H.	Brindal, M. K.
Brokenshire, R. L.	Buckby, M. R.
Caudell, C. J.	Condous, S. G.
Cummins, J. G.	Evans, I. F.
Greig, J. M.	Hall, J. L.
Ingerson, G. A. (teller)	Kerin, R. G.
Kotz, D. C.	Leggett, S. R.
Lewis, I. P.	Matthew, W. A.
Meier, E. J.	Oswald, J. K. G.
Penfold, E. M.	Rosenberg, L. F.
Rossi, J. P.	Scalzi, G.
Such, R. B.	Venning, I. H.
Wade, D. E.	Wotton, D. C.

NOES (9)

Atkinson, M. J.	Blevins, F. T.
Clarke, R. D. (teller)	Foley, K. O.
Geraghty, R. K.	Hurley, A. K.
Rann, M. D.	Stevens, L.
White, P. L.	

Majority of 23 for the Ayes.

Third reading thus carried.

SHOP TRADING HOURS (MEAT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 November. Page 981.)

Mr CLARKE (Deputy Leader of the Opposition): The Opposition does not support this Bill but finds it difficult to oppose it outright because of some of the reasons given by the Minister in his second reading explanation. However—

Members interjecting:

Mr CLARKE: If the member for Unley wants to keep going this way, I am more than happy to keep it going beyond 6 o'clock. If the honourable member wants to invite me, I will certainly do so.

Mr Brindal: While you are talking, I will leave the Chamber.

Mr CLARKE: Please do. I have discussed this matter with the Meat Industry Union and the employer organisations with respect to this Bill, and I might say that the employers, the small butcher shops, are extremely upset at the manner in which the Minister has brought about this legislation. They have not had an opportunity to speak to the Minister directly on the issue, they were not aware that he was going to go about issuing certificates of exemption under the proclamation provisions of the legislation and they fear that there will be significant adverse consequences not only to the livelihood of their employees but also to themselves as self-employed butchers. In South Australia today there are around 540 small retail butchers; in 1985 there were about 872 butcher shops. Progressively, with the commencement of late night shopping and the like, the small butchers' businesses have suffered significantly. That is beyond dispute.

It is also beyond dispute that in Queensland, New South Wales and Victoria, where there have been extended trading hours allowing for the sale of fresh red meat to allow the major retailers to compete against the small retailers, there has been a substantial decline in the employment of butchers and small retailers. Is it the Government's intention, at least for the life of this Parliament, to allow retailers with greater than 400 square metres of space to open on a Sunday? At the moment, the one advantage small butcher shops have is that they are less than 400 square metres and would be allowed to trade on a Sunday, if they chose to do so and if they could afford to do so, as far as the sale of red meat is concerned, because they are covered by Federal awards, as I understand it, which contain provision for overtime payments and the like.

A very real concern that these small butcher shops have is that the Government, given its about face on shop trading hours generally in this State (and I will not deal with that at the moment), will do another about face and amend the Act to allow these large retail operations to declare, in effect, that if their butchering area (which, although contained within a floor or building area well in excess of 400 square metres is usually less than that) is less than 400 square metres they should be allowed to trade in the same way as any other small butcher shop. That is a genuine concern, and these small butcher shops will need to have the opportunity to adjust to the emerging trading patterns, in particular, to give them time and breathing space to be able to establish their niche markets in competition with the large retailers.

They cannot compete on price; they have to be able to compete in terms of the quality of meat sold and in the different sorts of product sold, particularly given the double income families that are working and the parents who do not want to take the trouble of dressing their meat for cooking but who want to be able to go to a butcher shop and get a roast almost fully prepared, where all they have to do is put it in the oven ready for cooking. As the Minister is no doubt well aware, the superannuation funds of many of these butchers

are effectively tied up in the goodwill of their stores, which has been seriously eroded over time because of the competition with the large supermarket chains. They are also concerned that any competitive advantages they do have left with the large retailers will erode, they will not be able to sell their shops and, effectively, they will lose their goodwill in their stores, thus losing their superannuation.

I will also be interested to hear from the Minister what family impact statement, if any, was made to Cabinet with respect to this application. Whilst I am sure the Minister can point to some people who are able to say, 'It is enhancing the family lifestyle; we can buy red meat any time of the week we like now and are not restricted', there is nonetheless an adverse consequence for many butchering companies and the families of sole butchers who do not want to work seven days a week and who, even if they do open seven days a week, have real difficulty in being able to pay the wages necessary to allow them time off and to allow their staff to work. Those are the major issues that have been raised with me, principally by employers.

Whilst the Government may say, 'Look, the butchers can go about getting enterprise bargaining agreements, they are covered by Federal and not State awards and, in any event, in the main they employ fewer than three employees', it is very difficult for those butcher/owner/managers not familiar with industrial proceedings to go about the business of entering into an enterprise bargaining agreement. For those reasons, the Opposition does not support the Bill. However, we will not oppose it.

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

That the time for moving the adjournment of the House be extended beyond 6 p.m.

Motion carried.

Mr VENNING (Custance): I rise very briefly to support this Bill. For years and years, long before I came to this place, when I was a Young Liberal this was an issue.

Members interjecting:

Mr VENNING: The T Fords were phased out but it was not quite that long ago. I was always absolutely amazed that, after half past five, I could buy a chicken in a shop but I could not buy beef or mutton. I could not explain it. This has been an issue for many Governments over many years. Labor Governments could not handle the situation. They could not see democracy being an issue. I admit that the previous Liberal Government could not handle it, either. I spoke to the Hon. Roger Goldsworthy when he was Minister handling this issue. He could see the merit of my argument but, for some reason, it never saw the light of day. Surely this is a democratic move, a move of equity and a move of fairness.

Why for so many years has red meat been banned from sale after certain hours when other meat, particularly chicken, has been available? We have seen chicken meat skyrocket in popularity because it has been promoted as a fast food, whereas beef has been trading with its hands behind its back. We will now see fairness and equity. This issue has been bubbling away for years. Why has this issue taken so long to be resolved? As I said, previous Governments did not see the wisdom in this issue and did nothing to rectify the problem, and the previous Liberal Government could not do it, either. As far as I am concerned, it has been a breach of a basic right of trade.

Red meat growers, particularly beef, have been discriminated against. Beef growers have had a very tough time over recent years. What morale would you have when you know that your product, which particularly relies on the domestic market for most of its sales when the export market is not very good, cannot be bought after 5.30 p.m. and everybody who came in and who wanted meat could buy only chicken? It really got up their nose. Today beef growers are experiencing much better times. Now that they will be able to trade fairly in the marketplace I am sure that it will give them a lot of encouragement. I am sorry about the butchers. I know that they will wear the brunt of this legislation. However, we live in a deregulated market environment. We are all market and consumer driven. I have much pleasure in supporting the Bill. It is high time we saw justice in this crazy issue.

Mr LEWIS (Ridley): I am dismayed at the attitude of the member for Ross Smith, not only the way in which he has conducted himself in this place today but more particularly the way in which he set about measuring this debate to suit his own interests. It was typically arrogant. It is equally hypocritical that he bleats about the plight of self-employed butchers or those who have a few employees, saying that they have to pay a Federal award and cannot make enterprise arrangements with their employees to reduce the impact of costs and the like, when the fool knows very well that it would be a simple matter if he and his colleagues would just tell his—

The SPEAKER: Order! The honourable member cannot refer to another member as a fool. I suggest that he withdraw the comment.

Mr LEWIS: I withdraw, Mr Speaker. I would forgive other people who thought of him as being foolish, and accordingly on their behalf put the view that he pretends to apply a tourniquet around their wounds politically with the remarks that he has made in a patronising fashion when all he has to do, given the man's former involvement in the union movement, is come into the twenty-first century with his ideas and enable employers to make arrangements with their employees in a way which would ensure that they could not only survive but prosper in the process of providing the better service which their consuming public may seek from them.

It is not reasonable for us in law to prevent florists from selling flowers after a given hour each day, and prevent them from selling flowers on Sundays altogether. It is not sensible for us to attempt to do that. Yet, that is what we do under the current law in respect of red meat. Flower growers would be disadvantaged if only red flowers and no yellow, blue or orange flowers could be sold after 5.30 p.m. on Fridays. Indeed, we could prescribe in regulation that no scented flowers be sold and it would make about as much good sense as the present law does in relation to red meat. That law is crazy.

So is the law which precludes butchers who have been involved in selling red meat from being able to employ people who would willingly look after their shop at less than the price they have to pay for such work at the present time under the arrangements that have been forced on them by law—and a crazy law at that, because it does not recognise reality. Over the past couple of decades the consumption of red meat has fallen to an increasing degree. It has fallen exponentially, which means that the rate of consumption has fallen by a greater amount as time goes by. One of the most significant factors contributing to that fall in consumption is

the lack of convenience available to consumers when they go to shop. As the member for Custance has just pointed out, you cannot get your chop after 5.30 on Fridays.

Mr Becker: So what!

Mr LEWIS: To my mind the member for Peake, although he interjects in his place, is nonetheless out of order in suggesting that it is appropriate to exclude producers of red meat from having access to the consumer market when it is lawful to allow producers of white meat, fish meat and other protein to continue selling. That does not make sense, and it is not fair. I have not noticed, incidentally, that any fish shops or chicken shops have gone broke through trading after 5.30 on Friday, through Saturday and Sunday, whenever it has suited their convenience. Mr Speaker, have you noticed any? I am sure that you have not. Those of us who represent the producers of red meat know how unfair and unreasonable it is to those producers to have their product literally banned from sale according to arrangements made in which they have no say—arrangements made by a strong-arm group of unionists and representatives of a retailing industry said to be representatives of the industry. Well, I dispute that point.

Whilst I can understand the difficulties that might confront some small retailers, they will not be forced to open. This merely enables anyone who wishes to sell the meat and who has hygienic premises from which to sell it to do so. I commend the Minister for the good sense he has shown in introducing the legislation. I beg the House to give it swift passage so that farmers who currently suffer more than any other sector of the economy at the present time will at least get some relief in that regard.

Mr BECKER (Peake): I suppose I have been here too long—24½ years. I have heard some nonsense in my day. I have often listened to the debate on the sale of red meat after normal trading hours, and on every occasion I have yet to hear any logic to allow butcher shops to open seven days a week. I remember when butcher shops were closed on Saturday mornings. The member for Ridley who just sat down and the member for Custance were probably still in their nappies. I also remember that the banks were closed on Saturday morning, yet nobody went without any money. Nobody starved in this country because you could not buy red meat on Saturday morning. We had a Labor Government in South Australia, and rural members kept asking the Government to extend the trading hours for butcher shops because, they said, we would sell more red meat. Rubbish! You put 30 per cent of the butcher shops in the metropolitan area out of business. The Deputy Leader has just confirmed those figures: 30 per cent of butchers lost their businesses. How many people did you put out of work? How long are you going to continue to put legislation through Parliament to create unemployment? I thought we were in Parliament to create employment.

I thought that we were here to create the opportunities, the climate and the economic situation to assist workers in this country in getting a job. Instead of that, the Opposition is putting them out of business. It is all very well to say, 'Let's deregulate all the hours; let's deregulate everything.' That is okay, because the greedy take over, and then what is left? Those who battle, struggle and work hard go down the tube. We have seen that happen so many times. Not one extra piece of meat will be sold. If there is a drop in consumption of meat, members should find out what has been going on through the medical profession and health centres, and why people are not consuming large amounts of red meat with fat stuck on the side of it.

Mr Brokenshire interjecting:

Mr BECKER: It is not incorrect propaganda at all: it is absolute nonsense. It is about time the Opposition stood up for small business. If members say they stand up for small business, for God's sake they should preserve the poor blokes and give them a chance to get on with their lives. If members go down Jetty Road, Glenelg, or Henley Beach Road in my electorate, they will find that the number of butcher shops in those areas has declined by at least one-third. Those who were trained as butchers and did their apprenticeship are no longer butchers: they are like most of the migrants who came to this country—they were trained as skilled tradespeople but have to do some other job or are unemployed. We are supposed to be considering legislation for the good of the people, not what some members may think will help some of their constituents.

The member for Custance had the gall to say that he felt sorry for the butchers who will be affected by this. All members have to understand and appreciate what Woolworths and Coles are up to. All they are interested in is increasing their turnover by 1 or 2 per cent a year: 2 per cent would be a huge turnover for them. Bit by bit, over the years and over the generations they have picked off small businesses where they can make a reasonable profit, putting those people out of business. Along Jetty Road, Glenelg, or Henley Beach Road the only butcher shops surviving, as I said 15 years ago, are the ones that have become gourmet butchers. They take the risk of preparing their meats sometimes at 3 a.m. or 4 a.m. for Fridays. They prepare and marinate the various cuts of meat and have them ready for sale in the hope that they can sell them in a normal day's trading. Now they have to stay open until 9 p.m. What a long day.

The member for Ridley (who does work long hours) should work those hours as a butcher. A single person in small business cannot afford to employ too many people today, because there is just not the income. We do not have the population or the turnover, and we do not have the opportunity for retail sales. Of course, no-one in this country will say anything about overproducing. They will not say anything about that at all, and that might be part of the problem, because people in the rural industry have been slow to acknowledge the problems and diversify their interests. I do not see why we should be putting people out of business. I put forward the strongest protest I possibly can. I did it in the Party room and I will do it here: I have been doing it for 24 years.

I have been standing up on behalf of the butchers and small business people in my electorate. I have been standing up for some of those who were employed by butchers, because I feel for them and their families. They are the next lot of people who will go by the way side, because somebody believes that, if you deregulate and open up trading hours, there will be more sales and jobs will be created. That is rubbish. Woolworths, Coles and Bi-Lo could not care less. All they are interested in is increasing their turnover. Shopping centres such as Westfield will force the shops to open during extended trading hours, and the Remm Centre in the city and so forth will force small butchers to stay open.

How many butchers have gone through the Remm Centre? One of my friends had a butcher shop there. Members should find out how he was treated by the Remm Centre and how much it cost him to try to keep a shop open. They should find out why even a chicken shop could not stay there any longer.

It is a myth that, by deregulating and extending, sales will be created, because the money is just not there. The people who are hurt and who become unemployed bare the brunt of this type of legislation. At some stage somewhere and somehow, on behalf of the one-third of people who have lost their jobs, business, good will and fortune, somebody has to protest and hope to goodness that Parliament at some stage in the future will come back to sanity.

Let me warn members that in the past 48 hours an article in the press stated that Woolworths wants to extend its fresh fruit and vegetable centres in all its supermarkets so that it can create more business. Members will be back here soon trying to help the small fruit and vegetable shops. They will be the next to go out of business. God help you if you put the Central Market in the city out of business, because that is what will happen from the extended trading hours in the city with Sunday trading. Members should stop and think about whose interests they are representing before they vote on this sort of legislation. Are members thinking of the selfish interests of a few people or of the people who make up the bulk of the community in the city? Not one consumer in my electorate or in the metropolitan area in 24 years has come to me and said that they wanted to buy red meat seven days a week. Whose interests are we protecting today? Give the small business person a fair go.

The Hon. G.A. INGERSON (Minister for Industrial Affairs): I thank all members (and particularly those learned members) who made positive contributions to the debate. The Deputy Leader, in his contribution, asked whether retailers with shop areas greater than 400^2 metres would be able to open on Sunday. So that the rumour mill cannot run wide, I point out that the position of the Government is as it has been all the way through: the City of Adelaide is the only area that has unrestricted trading on Sundays. When I say 'unrestricted', I mean trading within a fixed set of hours but unrestricted in terms of the businesses that can open. There is no intention to enable any further extension of trade in the metropolitan area other than when the Minister grants special exemptions for special reasons: they are not long-term intentions. In effect, that means that no stand alone supermarket in excess of 400^2 metres will be able to trade on Sunday. I commend the Bill to the House.

Bill read a second time and taken through its remaining stages.

[Sitting suspended from 6.8 to 7.30 p.m.]

REPUBLIC

The Legislative Council transmitted the following resolution in which it requested the concurrence of the House of Assembly:

That in the opinion of this Council—

1. Australia should become a republic and there should be wide-ranging community debate on the options for constitutional change;
2. The South Australian Parliament should examine the implications for South Australia's constitutional structure of Australia becoming a republic; and
3. The concurrence of the House of Assembly to this motion be requested.

LAND AGENTS BILL

The Legislative Council intimated that it had disagreed to the House of Assembly's amendments.

Consideration in Committee.

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

That the House of Assembly insist on its amendments.

Motion carried.

CONVEYANCERS BILL

The Legislative Council intimated that it had disagreed to the House of Assembly's amendments.

Consideration in Committee.

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

That the House of Assembly insist on its amendments.

Motion carried.

LAND VALUERS BILL

The Legislative Council intimated that it had disagreed to the House of Assembly's amendments.

Consideration in Committee.

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

That the House of Assembly insist on its amendments.

Motion carried.

LAND AND BUSINESS (SALE AND CONVEYANCING) BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendments.

SOUTH AUSTRALIAN WATER CORPORATION BILL

Returned from the Legislative Council with amendments.

LAND AGENTS BILL

The Legislative Council requested a conference, at which it would be represented by five managers, on the House of Assembly's amendments to which it had disagreed.

The House of Assembly agreed to a conference, to be held in the second floor conference room at 11.30 a.m. tomorrow, at which it would be represented by Messrs Atkinson, S.J. Baker and Cummins, Ms Hurley and Mrs Penfold.

ADJOURNMENT DEBATE

The Hon. S.J. BAKER (Deputy Premier): I move:

That the House do now adjourn.

Mr EVANS (Davenport): I wish to take this opportunity to update the House on the situation involving land known as the Blackwood experimental orchard, or Hawthorndene forest, which abuts Coromandel Valley, in my electorate. This land, comprising 52 acres at Hawthorndene, was purchased by the State Government in 1908. It was used as an experimental orchard up until the early 1960s. However, due to suburban expansion and the concern of residents about using agricultural sprays in built-up areas, a four acre section was planted with pines in about 1952. Due to their growth rate, a further 20 acres was planted in about 1971.

In 1972, the then Government suggested even greater plantings on the area. However, due to local residents' concerns about bushfires, a petition was successful in preventing further plantings. In the early 1980s, the then Government decided to thin the forest; however, due to the

efforts of local residents a petition was successful in preventing any significant thinning of the forest. Therefore, within 10 years the community had indicated to the Government that it did not want any more or any fewer pine trees on the property. From this point of time on, any State Government faced a dilemma as to what to do with the land.

In 1985, the then Labor Government set up a local community committee to investigate possible uses for the land. The then local member, Mr Stan Evans, was appointed chairman of that community committee by the Labor Government. I congratulate that Government on its bipartisan approach, and I trust that that bipartisan approach will continue. This community committee sought ideas from the local community as to what it perceived as options for the land. One suggestion was that it be left as open space to join the open space scheme (the metropolitan open space system) and that it be incorporated into the second generation parklands. That is one option that is still very popular today within the community.

A second suggestion was that the Catholic Church be given some access to the land for a primary school site. It was requested that the site be used for equestrian facilities. Another suggestion was that the Anglican Church be able to place a high school on the site. Of course, naturally, sport and recreation uses were suggested, including netball courts and tennis courts—the then Hawthorndene Tennis Club needed 10 courts at that stage—and passive uses such as walking tracks and picnic areas were also suggested. Arguments were put forward to either remove or retain the pine trees. Residential accommodation, including aged care facilities, was suggested as a use for some sections of the property. A city farm, not dissimilar to the children's farm that existed in the then Collingwood council area in Victoria was also suggested for consideration. Also needed was a community centre with meeting facilities for about 100 to 150 people.

With this variety of suggestions, it became obvious to the community committee that it would be impossible to satisfy all the community's wishes. It therefore decided to recommend four options to the then Minister. The first option was to leave the property totally as open space. The second option was to develop it partly as a city park with community stabling, picnic areas, agistment areas and a high school site, with the pine trees being retained, and this would be funded by some residential development. The third option was the same as the second option but rather than a high school site a primary school site was suggested. The fourth option was simply to retain the pine trees and develop the land into a city farm or a children's farm.

Although the current Government has no formal use for the land, the community certainly has used the land over the years. Picnickers, walking groups and particularly school and university science groups consistently use the land, as do nature lovers, particularly bird watchers, as it is the home for the yellow breasted black cockatoo, which moved into the district only after the Kuitpo forest fires in the 1950s.

Prior to the State election in December 1993, a public meeting was called to discuss the future of the land. At that meeting, it became apparent that the then Labor Government had been negotiating to sell the land to the Mitcham council. I understand an offer of $1.2 million was made for the land, but it was rejected by the Labor Government, as it was looking to receive about $1.6 million or $1.7 million.

I understand the council was looking to develop the land into a mixture of housing and open space recreational parks. Like any proposal to construct residential accommodation on such an area, the cost to the community needs to be considered. Apart from the loss of the open space, which is of concern to a majority of people living in the Hills area, particularly after the Craigburn debacle, the infrastructure upgrade needs to be carefully considered. I understand the sewerage system has already been upgraded to take any development on this site, and this has been confirmed with me as recently as this week. However, the locals certainly know that the area cannot take any more road traffic, and it would be a pointless exercise by the Government to the sell the land to raise $1.6 million if it needs to spend $2 million or $3 million on upgrading roads to get traffic out of the area (given the steepness and the winding nature of Old Belair Road, that is quite a possibility).

Bearing in mind my building background, I am thankful that some of the land is so steep that the whole area cannot be used for residential development. Another consideration that should concern not only Governments but the community is: who pays for the maintenance of the open space? Will it be local, State or Federal Government authorities, or a combination of all three? That matter certainly needs to be considered during discussions on this issue. Another concept that has been suggested by the community is the development of a community trust to raise funds to maintain if not purchase the property. If that eventuates, I hope that the newly formed Southern Hills Community Foundation, which is administered by the various service clubs of the district and which is truly community owned, is entrusted to fulfil the task. As that body is already established, that seems to be the ideal legal vehicle for such a trust—if it eventuates.

At the public meeting prior to the election, I suggested that, while in an ideal world I would love the land to remain as open space, due to the economic position of the State it was likely that some minimal development would have to take place to raise the capital required by the Government to keep the vast majority of it as open space. The then Australian Democrat candidate, now Leader of the Democrats in another place (Mike Elliott), referred to the need to develop some of the site to be able to keep the remainder as open space.

David Wotton, the then shadow Minister for the Environment, gave an undertaking that, if the land remained surplus to Government requirements, under the Liberal Government he would promise full community consultation. With this in mind, he has appointed Peter Jensen and Associates and Hassell Planning as consultants to canvass and consult widely with people in the community about what they wish to happen regarding the site. These consultants have been working with the community committee of which I am a member to develop the terms of reference for a later community committee that will help advise consultants on what the community wishes to do with the land. Ultimately, the consultants will advise the Minister on a number of options, and the final decision, of course, rests with the Minister.

It is apparent that the common belief in the community is that about 40 per cent of the land will end up being residential accommodation, with possibly some aged care facility, and about 60 per cent as open space recreational ground. In particular, it should be used for sporting grounds for the Coromandel Valley Primary School, which badly needs new grounds due to a large expansion of its student numbers. This expansion was recognised recently by the Government with a grant of $650 000 for desperately needed capital works at the school. A decision on the future use of the land, involving

considerations that have been going on for over 20 years, is due by mid-1995.

The community, the council and Governments have now been involved in discussions on the land's future use for well over two decades. This Government, committed to resolving the matter, has undertaken a wide community consultation process, and I urge all the community to become actively involved in that consultation process so that it is not hijacked by any one single issue group or a vocal minority within the community.

I am pleased to see that already the Coromandel Valley Primary School, St John's Grammar School from Belair and community groups, including walking groups, the Happy Valley Horse Owners' Association, the Mitcham Council Open Space Committee and many others, have become involved in the process. I encourage all interested individuals and groups to become involved in what will ultimately be an important decision on the future of the land.

Motion carried.

At 8.20 p.m. the House adjourned until Thursday 24 November at 10.30 a.m.