HOUSE OF ASSEMBLY

Wednesday 2 July 1997

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

SUMMARY OFFENCES (PROSTITUTION) AMENDMENT BILL

Petitions signed by 119 residents of South Australia requesting that the House urge the Government to support the passage of the Summary Offences (Prostitution) Amendment Bill were presented by Messrs Brindal, Kerin and Venning.

Petitions received.

LICENSED CLUBS

Petitions signed by 724 residents of South Australia requesting that the House urge the Government to allow licensed clubs to sell liquor to a club member for consumption off the premises were presented by Messrs Becker, Brindal, Caudell and Venning.

Petitions received.

TOTALISATOR AGENCY BOARD

A petition signed by 309 residents of South Australia requesting that the House urge the Government to support the establishment of a TAB agency at the Salisbury North Football Club was presented by Mr Becker.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* Nos 76, 99, 106, 108 to 110, 114, 118 and 119.

TELEPHONE TOWER, COBBLERS CREEK

The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources): I seek leave to make a ministerial statement.

Leave granted.

The Hon. D.C. WOTTON: Yesterday, during Question Time I was asked by the member for Napier whether I had signed a lease giving Vodafone access to a section of Cobblers Creek Recreation Reserve. In reply I stated that I had signed the lease last Friday. This statement needs some clarification. Last Thursday, I wrote to the Director of Natural Resources, Mr Allan Holmes, stating that I was prepared to enter a lease agreement with Vodafone and instructing him to finalise the lease. Consequently, Mr Holmes wrote to Vodafone agents advising them of my position and approving their immediate access to the site.

Members interjecting:

The Hon. D.C. WOTTON: It is exactly the same situation.

Members interjecting:

The SPEAKER: Order! The member for Hart has started off very badly today.

LEGISLATIVE REVIEW COMMITTEE

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

That the report be received.

Motion carried.

QUESTION TIME

POLICE, ALLEGATIONS

Mr CLARKE (Deputy Leader of the Opposition): My question is directed to the Minister for Police. Was there a police investigation into claims made by the former Police Minister, the member for Bright, that his wife was deliberately run off the road by a patrol car? Was a group of officers warned over such behaviour after that inquiry? Will he table any police report in relation to these extraordinary allegations? The member for Bright told the House last night that, while a Minister, his wife was, and I quote:

> . . . forced off Lonsdale road at 90 km/h, in broad daylight, by a marked police patrol car. I can never accept that the police officers concerned gave her the traditional one finger salute and skidded off in front of her. I am grateful for the Police Department at the time investigating the matter, endeavouring to identify the officers and, upon failing to do so, warning a group of officers that such behaviour should never occur again.

The Hon. G.A. INGERSON: I thank the Deputy Leader for his question. This morning I was advised by the Police Commissioner that he has noted these very serious allegations. It is his intention to mount a formal inquiry, as he was not the Police Commissioner at the time. It is his intention to make sure that the inquiry is full and complete and will take into consideration during his investigation not only the public comments but those made within this House.

INDUSTRY ASSISTANCE

Mr BROKENSHIRE (Mawson): My question is directed to the Premier. What effect has the Government's assistance to industry had on job creation and investment in South Australia? In my electorate of Mawson a company with a history of 20 years of economic development for the region has recently been working with the EDA and as a result is now looking at a major expansion to see processed turkey meat exported to Asia. People in my electorate have been asking me what assistance the Government is putting forward.

The Hon. J.W. OLSEN: I am pleased to respond to the question about industry incentives and the net benefit to the South Australian economy in rejuvenating and rebuilding the economy of South Australia. Much has been said in recent times both by the Leader of the Opposition and the Deputy Leader that in fact the Government's policy directions and plans and strategy for rebuilding the economy are not working. Challenged with that from both the Leader and the Deputy Leader I asked this morning for the Economic Development Authority to do an assessment—three years up to 30 June 1994 and the three years subsequent to 30 June 1994—and it gives very graphic detail of how successful the current policies are in attracting investment.

In the three years from the period to 30 June 1994 some 5 149 jobs have been created as per the investment and incentives put in by the former Labor Administration; in contrast to the three years post 30 June 1994 when there were

15 847 jobs created and $1 200 million of new investment in South Australia. That is a three-fold increase in the number of jobs created compared to our predecessors' previous three year period. That strategy has seen job creation in companies such as Hardie Australia, where 45 jobs have been secured and created. We will see General Motors-Holden's proceeding in August with the second production line of the Vectra, hot on the heels of the tariff decision, hot on the heels of Mitsubishi's decision to also invest and create jobs in South Australia. Caroma is relocating some of its New Zealand operations in Adelaide, South Australia. SAFCOL is relocating its headquarters out of Victoria back to South Australia, with 115 jobs created in that respect. Vision Systems is to create 150 jobs over the next three years; and Link Communications—400 jobs in the next three years.

We can add those to the list of those other examples which I gave to the House yesterday and which I have given on previous occasions. Clearly, it is a strategy, and there are call centre and back office operations, consolidation of manufacturing operations, expansion of defence and the electronics industry in South Australia, the attraction of further investment in the wine industry in this State and investments in agriculture industry in South Australia. These are all designed for job creation and looking at export market potential and opportunity.

One of the fundamental things that we had to get right when we came into Government was stabilisation of the debt so that investment houses would know that South Australia was a good place in which to invest and that it was not a threatened place in which to invest because of high debt levels and the prospect of high taxation levels and competitive advantage being removed from South Australia. We had to put that qualification there, so that we then had the tools of trade, so to speak, to argue for investment in South Australia. The track record demonstrates clearly our performance outstripping three-fold the performance of our predecessors in terms of attracting investment and jobs into South Australia. Add that to the other areas of the capital works budget that the Cabinet has signed off on this year, with a $250 million plus increase in the capital works budget. I will run through some of the programs that are designed specifically for job creation, and Treasury's estimates as to the jobs that will be generated by the investment that we are putting into these programs.

We have announced additional funding for police, and there will be 125 additional police officers; we have put in a record $106 million capital works spending on schools, which will sustain 1 706 jobs; we have put in $3 million for external painting and repairs to 700 schools in South Australia, which will add another 50 jobs, particularly in the small business sector; we are expending $30 million on the Southern Expressway, which is sustaining 500 jobs; the Burra to Morgan road, for example, will sustain something like 116 jobs from the $7 million worth of investment; the Kangaroo Island south coast road sealing, a $3 million investment, which will generate and sustain 50 jobs; the $87 million upgrade to more than 3 000 Housing Trust homes and to redevelop older Housing Trust estates, which will sustain 1 450 jobs in that industry sector; the first stage of Mawson Lakes of some $6 million, where 100 jobs will be created; and the Glenelg development of $17 million, which will sustain 283 jobs.

It is interesting to note that all the external marinas at Glenelg have been sold, and deposits have been placed on 65 of the units, off the plan. The sales record of that development is outstripping what even the proponents thought would be possible and feasible. One can go on and talk about Western Mining, the Gawler-Craton, SANTOS Exploration and the other development in road works and other capital works programs in South Australia, in addition to the Deposit 5000 scheme and the stamp duty relief.

What we will see is a gradual turnaround and a sustained economic recovery. Our objective is not to have a boom and bust: it is to have a sustained economic recovery so that the jobs which are generated and created are maintained in the longer term. That is the objective and the strategy that we have in place. That is the basis of $1 200 million worth of additional new investment in this State in the first three years; and, as we see that investment expended, so you will see the jobs created and a sustained recovery in the economy of South Australia.

However, there is more work to be done, and we have a long way to go. But what ought to be acknowledged, at least by the Opposition, is that our track record and performance in three years has surpassed what was done in the previous three years, and it has built a foundation for the future, not decimated the economic base of South Australia, as members opposite did with their financial failures, topped by the State Bank collapse.

POLICE, ALLEGATIONS

Mr CLARKE (Deputy Leader of the Opposition): Will the Minister for Police inform the House whether complaints were laid with police by the former Police Minister (the member for Bright) over alleged death threats he received during the police industrial dispute? What was the outcome of any investigation, and were police given access to answering machine tapes containing the threats?

An honourable member interjecting:

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

Mr CLARKE: Last night, the member for Bright told the House that, while he was a Minister, his wife received more than 20 death threats over the telephone and levelled at the member, as the Police Minister presiding over an industrial dispute. Today on radio, the member for Bright said his wife was the recipient of those calls, 'by ear, because they were on the answering machine'.

The Hon. G.A. INGERSON: I made mention yesterday of political stunts and the Police Force, and I want to remind the member opposite of what I said a couple of minutes ago. The Police Commissioner has advised me that he regards the allegations as serious and that it will be a high-powered inquiry, run by him personally. All of the issues brought forward by the honourable member need to be cleared up as part of the inquiry, and I am advised that that is the intention of the Police Commissioner. I find it quite amazing that this is now the third instance of potential political grandstanding involving the police.

Members interjecting:

The SPEAKER: Order! The Minister will resume his seat. Yesterday, the Chair was very tolerant.

The Hon. Frank Blevins interjecting:

The SPEAKER: I warn the member for Giles. I will deal firmly with anyone who sets out to disrupt Question Time. This is an important matter.

The Hon. Frank Blevins interjecting:

The SPEAKER: I warn the member for Giles for the second time.

The Hon. Frank Blevins interjecting:

The SPEAKER: The honourable member will be on his way. This is a very important issue. I will not have the answer disrupted by foolish interjections, which are irresponsible and do nothing for the House.

The Hon. G.A. INGERSON: As I said earlier, this is a very serious issue. The Police Commissioner has made a statement which I have relayed to the House. I think that is where the matter ought to finish until his inquiry is made public.

SMALL BUSINESS

Mr CAUDELL (Mitchell): Is the Premier aware of the recent release of the Opposition's small business plan and the claim that it is a 'radical plan to take the brakes off small business to allow for the creation of jobs'? The first part of this so-called three-part plan states:

A Labor Government will convene a series of small business hearings to be held around the State.

The SPEAKER: Order! The honourable member is commenting. I have given the honourable member some latitude, but it is doubtful whether the question is in order,because the Premier is not responsible for the comments of the Leader of the Opposition. I suggest to the honourable member that he get his explanation in order or I will rule the question out of order.

Mr CAUDELL: I have finished my explanation, Mr Speaker.

The Hon. J.W. OLSEN: I did notice a small report on the Opposition's small business policy. In part, it talked about—

The Hon. S.J. Baker: A small report.

The Hon. J.W. OLSEN: Yes. In fact, it stated that the Opposition was going out to listen to small business in the future so that it could design a policy. This outstanding piece of rhetoric poses some immediate questions. What has Labor been doing for the past 3½ years—

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart.

The Hon. J.W. OLSEN: —in terms of developing a coherent policy? The answer is: nothing! Incredibly, the Labor Party proposes to wait until it gets into Government, whenever that might be in the long-term future, to convene a series of small business hearings. The Leader of the Opposition happened to say on 5DN the other day:

Well, I've been going to a small business every week, or a small business and a factory, so it's something I do as a discipline for the last two years. I go and talk to them and say, 'How are you going?' First of all, 'What do you need to take on jobs?'.

If the Leader has been talking to small businesses for two years, where is the policy? If in an election year any political Party that is worth its salt wants to focus on options for the electorate, it is incumbent upon it to put its policies on the table. The Opposition has no policies other than listening. Members opposite talk about Labor listening, but we well know the example of Labor going out into the electorate to listen. On one occasion, when the Leader said that Labor listens, only one member of the public and the spouse of a member of the Liberal Party turned up to listen to the sequence of events.

Clearly, the public is not interested in talking to the Labor Party. It has no credibility, no standing and no respect in the broader community because of what it inflicted upon South Australia. In 3½ years it has done absolutely nothing to re-establish itself in the broader community. The only policy direction that we have seen recently is the Leader of the Opposition talking about enterprise free zones—that is, tax benefits for some enterprise zones. That was a failed policy of the Bannon Labor Government when it had two or three tax-free zones in South Australia.

The Labor Party cannot even develop a new policy of its own. It is still using a failed 1980s policy, which disfranchised many sections of the South Australian community, because if you were not in one of those designated tax-free zones you received no benefit, and if you wanted to locate elsewhere in South Australia you got no support from the previous Labor Administration. We declared South Australia an incentive capable zone so that, no matter where businesses wanted to locate in South Australia, on merit we would give consideration to incentives, tax incentives, training support and purpose-built factory schemes for those businesses. Whether it was at Lonsdale, Elizabeth, Salisbury, the Riverland, the South-East or wherever, those businesses would qualify for support if they, first, put in place a business that created jobs and, secondly, were looking for export market opportunity and potential.

In addition, in the past three years we established the Office of Small Business Advocate. Ms Fij Miller, who previously was chair of the Small Business Advisory Council, has just established that office for the purpose of assisting small business in South Australia. Also for small business we have put in place up to 34 per cent rebates in electricity charges, greater retained earnings, greater profitability and greater capacity for those small businesses to put in place new plant and equipment and to consider employing additional people.

On top of that we have put in place the youth employment strategy to remove some of the costs of employing school leavers of last year or anyone unemployed for more than two months—a strategy designed to assist small business to grow. We have also put in place the Small Business Emergency Service, in conjunction with the Adelaide Central Mission, the Institute of Chartered Accountants and the Society of Certified Practising Accountants—another practical, tangible policy to assist small business in South Australia. We have assisted something like 145 businesses with programs we have put in place, and 140 calls have been received on that emergency line.

They are tangible policies, not rhetoric but action put in place delivering services to small business—practical services to small business to expand in South Australia. That is in stark contrast to the Labor Opposition, which has no definitive plan or policy for small business growth in this State.

POLICE, ALLEGATIONS

Mr CLARKE (Deputy Leader of the Opposition): My question is directed to the Minister for Police.

Members interjecting:

The SPEAKER: Order! The Deputy Leader.

Mr CLARKE: Has the Minister discussed the serious allegations made about the police with the member for Bright and has he approached the former Premier, now Minister for Industrial Affairs, on this issue and, if so, what was the outcome of those discussions? The member for Bright last night claimed that his wife was run off the road by police.

The SPEAKER: Order! The honourable member has already given that explanation to the House. I suggest that it is not necessary to go into repetition.

Mr CLARKE: He told the House, 'Many of those things should not have occurred. The former Premier and I dis-

cussed making them public at the time and believed that to do so at that time would have reflected unfairly on the majority of decent, law-abiding, law-enforcing members of the Police Force.' On radio today the former Premier confirmed that the honourable member had 'certainly raised all of these matters with me and that I counselled him on a number of occasions'.

The Hon. G.A. INGERSON: I thank the Deputy Leader for his question. I have already made clear to the House the serious nature with which I as Minister regard this matter. I have had discussions with the Police Commissioner this morning—

The Hon. M.D. Rann interjecting:

Mr Brindal: Oh, shut up.

The SPEAKER: Order! I warn the member for Unley and the Leader of the Opposition. If they want to have an argument, they should go outside the Chamber, otherwise I will arrange for them both to be out.

The Hon. G.A. INGERSON: I do not treat this as a trivial interjection issue, as the Leader of the Opposition does. I happen to believe that, when allegations of this type are made, they should be treated seriously—by whoever they make them to. Being the Minister responsible, I have taken up the matter with the Police Commissioner. An inquiry will take place and that is where it ends.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition for the second time. The member for Morphett.

STATE ECONOMY

Mr OSWALD (Morphett): Will the Premier advise the House of the latest economic statistics released today and what they indicate for the state of the South Australian economy?

The Hon. J.W. OLSEN: The ABS today has released retail sales and building approval figures for the month of May. We have been indicating for some time that the Deposit 5000 scheme and the stamp duty mortgage relief scheme would give some impetus to the building and construction industry of South Australia. We have seen those policies, put in place in October last year and January this year, have a significant effect in relation to dwelling building approvals. May was the seventh consecutive month of increases, and it put dwelling approvals 34 per cent higher than their level 12 months ago. In seasonally adjusted terms, retail sales figures, for example, rose by 3.9 per cent compared with the national average of 2.9 per cent. The May rise has more than offset falls over the previous three months and is the highest State retail sales level since August last year on a seasonally adjusted basis.

Members interjecting:

The Hon. J.W. OLSEN: There are those positive indicators signifying renewed consumer confidence in the purchase of large items such as homes and in the retail sector of the community. There has been a return to consumer confidence. As the policies we have put in place to add economic stimulus start to wind their way through the economy, we will see encouraging trend lines in the future, not the figures being a snapshot and an answer but the trend line. That is the important thing with all ABS figures. The trend line in both building approvals and retail sales is encouraging for South Australia in the future.

POLICE, ALLEGATIONS

Mr CLARKE (Deputy Leader of the Opposition): In an effort to establish the validity of the member for Bright's claims in relation to the police and to ensure the good name of our Police Force, will the Premier now release a copy of the honourable member's letter to the former Premier in which he calls for the splitting of the police and emergency portfolios and in which he effectively resigned from the police ministry?

Members interjecting:

The SPEAKER: Order!

Mr CLARKE: In the House last night, the member for Bright said he would 'always be grateful to former Premier Brown for accepting a letter from me and acting upon it to split the emergency services and police portfolios'.

Members interjecting:

The SPEAKER: Order! The member for Mawson.

The Hon. J.W. OLSEN: First, if a letter was written between the member for Bright and the former Premier, that is a matter for them, not for me. Secondly, I will not be intervening in that process. However, I will go on to say this: the Deputy Premier and Minister has indicated to the House that this matter is being investigated by no less than the Police Commissioner. That is where the matter ought to be left at this stage, not the pursuit of a political witch-hunt, which is political one-upmanship and which is the wont of the Opposition, to get into cheap Party politics.

The most important issue before this State is the economy and jobs. This Government is interested in only one thing—the rejuvenation and rebuilding of the economy of South Australia, and the creation and sustainability of jobs in this State. I simply implore the Opposition to get onto the main game in South Australia to show some interest in what South Australians want—job certainty, job security, job prospects, not only for them as individuals in the work force but certainly for their own family environment. I repeat that the matter is being investigated; the matter ought to be left there.

EMPLOYMENT

Mr ROSSI (Lee): Will the Minister for Employment, Training and Further Education say what effort is being undertaken by the State Government to create jobs in South Australia after listening to firms, young people and the community, and not being like Labor members opposite—

Members interjecting:

The SPEAKER: Order! The honourable member is starting to comment; he should ask his question or explain it.

Mr ROSSI: Sir, I will let the Minister answer the question.

The Hon. D.C. KOTZ: Almost every week this Government is adding to the long list of job creation programs and projects in its unrelenting effort to boost employment opportunities in this State.

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. KOTZ: Just last week I launched the Riverland Regional Job Exchange, which is one of five exchanges being set up across rural South Australia under a $900 000 program which will provide 1 000 jobs over the next three years. During the next few weeks I will be announcing several Community at Work and Job Shop projects which are among the many components of this Government's $30 million youth employment strategy. This

Government is extremely active in job creation programs, and I can only suggest that anyone who denies that is either ignorant or playing cheap politics. What the State Government will not do—unlike the former Labor Government—is provide meaningless training and employment programs for jobs that do not exist. That is why we have in this State some 17 industry training advisory boards which receive more than $2 million in State and Federal funds to identify where the jobs of the future are and what training our young people need in order to obtain those jobs.

That is why I have recently signed off more than $4 million in State and Federal moneys for skill training centres which are meeting the staffing needs of major industries in this State; that is why we are injecting the Public Service with some 500 permanent and ongoing jobs for young people; and that is why we are targeting industries of the future, such as the Coal Centre Industry, to establish in South Australia, and offering a pool of specifically trained workers to make those industries successful in this State. That is why we are pumping $500 000 into expanding the group training schemes so that we will have the apprentices and trainees who will provide the skills base for the future. In fact, some 2 750 apprentices will be employed in the group training schemes by the year 2000. That is why we are pouring more than $250 million into the vocational education and training sector in this State, to guarantee quality and relevant training which is second to none in Australia.

That is why we have a $30 million youth employment statement which has already provided 1 000 real jobs for young South Australians and will indeed create many more hundreds by slashing red tape and making it easier and cheaper for employers to recruit. As much as the Opposition may continue to harp on the negatives, I tell the House that those jobs are there if people are able to gain the relevant skills. Let me advise the House of the electronics sector, for example. In this State we currently have a $1 billion electronics industry which is experiencing incredible growth to the point that it is expected to become a $2.5 billion industry by the year 2001. This growth translates to some 1 000 jobs being created in that industry over the next three years. However, on current projections we show, unfortunately, that the electronics industry will offer 1 500 more jobs than the number of people we will actually have as skilled workers.

So, the clear message is that there are jobs out there, and it is incumbent not only on this Government but on industry itself and our education system to point our young people in the right direction when determining a career path. With a further $20 million boost from the Federal Government and of course the crucial industries area, some 8 000 young people could have the opportunity to take up an apprenticeship this year here in South Australia.

The Government is working extremely hard to redress unemployment, and in due course we will reap the rewards that we have now set in place, but we certainly cannot do it alone. I am afraid that I for one am sick and tired of hearing the constant blaming and whingeing that comes from Opposition members when they have done so much to contribute to the unemployment that we have in this State. In fact, while they are sitting there whingeing and blaming, being unproductive, I am reminded of a comment that the Leader of the Opposition made along those lines about whingeing and blaming. I just happen to have that particular quote here. The Leader of the Opposition, just four years ago, said:

> I see whingeing and blaming as a substitute for lack of ideas and a lack of guts.

This is one time that I agree totally with the Leader of the Opposition.

POLICE, ALLEGATIONS

Mr CLARKE (Deputy Leader of the Opposition): Will the Minister for Industrial Affairs table the letter from his former Police Minister in which the member requested the splitting of the police and emergency services portfolios?

The SPEAKER: Order! The Minister for Industrial Affairs no longer has responsibility for the allocation of portfolios or the general policy of Government. The Chair is, therefore, of the view that the question is out of order. The Premier did indicate that it was a matter for the Minister, if he so desired. I will, therefore, allow the Minister, if he wishes, to answer the question, but the Chair is of the view that it is a course of action which should not be encouraged.

The Hon. DEAN BROWN: I can confirm the fact that the then Minister for Emergency Services wrote that letter to me as he indicated to the House last night. I regard it as a letter between a Premier and a Minister. I do not believe it should be released, but I can confirm that what the Minister said to the House, in fact, reflects the nature of the letter.

SMALL BUSINESS FORUMS

The Hon. H. ALLISON (Gordon): Will the Minister Assisting for Regional Development and Small Business provide details to the House of the small business forums which are being held in metropolitan and regional South Australia and which I understand are being hosted by the Minister?

The Hon. R.G. KERIN: In conjunction with the Small Business Advisory Council and certain regional development boards, I will be hosting a series of meetings for small business around the State. Since January I have had a number of meetings with the Small Business Advisory Council which, appointed by the Premier, has active input into policy initiatives and has the ear of the Premier and Government in all matters affecting small business.

As a result of discussions with the council, it was decided that we hold a series of forums to achieve several outcomes: first, to listen to the concerns of small business; secondly, to inform small business of the latest initiatives to help them; and, thirdly, to get feedback from small business on a range of initiatives currently implemented. Like the Premier, I see last week's press release from the Leader as acknowledgment of our activity, and I was somewhat amused that that long-term friend and champion of small business, the Hon. Terry Cameron, was going to host those meetings.

The forums will be held at Port Pirie, Port Lincoln, Port Adelaide, Mount Gambier, Noarlunga and Berri. Following each forum, a paper will be prepared summarising the issues raised, and we will then be taking those findings into consideration when formatting further policy. This Government is listening and talking to business people. We have already implemented a good number of initiatives including the expansion of the business licence information system to include local government licensing data and the simplification and standardisation of licensing and approval processes for both heavy transport and intensive primary industry activities.

South Australia is also developing an electronic request and notification dispatch system which will enable small business to pass information to a number of Government agencies in a single operation. As the Premier outlined, we have the Small Business Advocate and the Small Business Emergency Service. A total of 124 companies have benefited from the Success Factor scheme, and a further 549 businesses have been contacted about that scheme. We also have a refocus consultancy grant scheme. An electronic request and notification dispatch system has commenced, and a pilot system will be available for demonstration during July. This system will allow users to view information on a number of Government services and requirements, with particular emphasis on services of interest to small business, and will enable them to pass information to a number of Government agencies in a single operation.

The Women in Small Business Management Program was launched in April by the Minister for the Status of Women, and the Employment Advisory Service was launched in March this year. This Government has introduced many initiatives to help small business, and I certainly look forward to discussing these with those small business people who are able to attend the forthcoming forums.

TELEPHONE TOWER, COBBLERS CREEK

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to Minister for the Environment and Natural Resources. Why did the Minister and the Minister for Local Government invite people to a public meeting on 24 June to tell them that the construction of a tower at Cobblers Creek recreation reserve had reached such an advanced stage that it had to proceed under Federal legislation, when this was clearly not true?

The SPEAKER: Order! I point out to the Leader that he is not allowed to impute improper motives to any member. I would suggest that he is getting very close to imputing improper motives to the Minister.

The Hon. M.D. RANN: Thank you, Sir. The office of the Federal Minister for Communications has advised the Opposition that 'under construction' means the pouring of concrete or an equivalent. Yesterday, the Minister confirmed that any—

An honourable member interjecting:

The Hon. M.D. RANN: Have it out with your Federal Minister. Yesterday, the Federal Minister confirmed that any project—

The Hon. E.S. Ashenden interjecting:

The SPEAKER: Order! The Minister for Local Government will not interject again.

The Hon. M.D. RANN: Yesterday—

The Hon. E.S. Ashenden interjecting:

The SPEAKER: Order! I warn the Minister for Local Government. Just because someone sits on the front bench does not make them immune from being named. The Chair is absolutely resolved in that particular course of action if it is necessary.

The Hon. M.D. RANN: Yesterday, the Minister confirmed that any project proceeding under the Federal legislation would need to have included 'substantial physical construction' to avoid State regulation after 1 July. Work has not even started at Cobblers Creek and it is now 2 July. Today, the Minister has confirmed that he did not sign the lease before 1 July, before the Federal deadline, despite his statement to Parliament yesterday.

The SPEAKER: Order! The Leader is commenting. The honourable Minister for the Environment and Natural Resources.

The Hon. D.C. WOTTON: I stand by the response which I gave to the question I was asked yesterday—

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. WOTTON: —and which was backed up by a statement presented to this House by the Minister for Housing and Urban Development. The only difference to the statement I made yesterday was clarified earlier this afternoon in a ministerial statement.

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart will come to order.

FORT LARGS POLICE ACADEMY

Mr BASS (Florey): Will the Minister for Police advise the House on the progress of police training at the Fort Largs Police Academy? The budget revealed plans to increase numbers in our Police Force, and I now ask the Minister to enlarge on the time frame involved in bringing the new officers through training and having them operational.

The Hon. G.A. INGERSON: Some things progress in this State despite the member for Hart. One of the most important changes in policing in this State is the process that has now been put in place at Fort Largs. As the public knows, the Government has made a commitment to have 100 new police officers commissioned by the end of June next year. For that to occur, we need to change significantly the current training programs. Some 25 young South Australians will enter the academy in early August and, by June next year, 140 will have progressed through the program. The new program comprises 26 weeks training and 18 months continuous training in the Police Force under the supervision of senior officers.

Another important issue is the commitment of the Government to make sure that the attrition rate does not fall off and that training continues right through the process. That means in excess of that 140 will come through next year and each year thereafter so that we can keep up with the attrition rate as well. The extra 25 administrative support staff appointed will make sure that the Police Force is redesigned and re-engineered in line with the new Commissioner's direction.

One of the exciting things in South Australia has been the appointment of our new Commissioner and the view that he will take our Police Force from where it is today into the next decade and beyond with a whole new training program. That will be highlighted at Fort Largs and will give us a brand new direction and training method for all our young police officers. There is absolutely no doubt that we have the best Police Force in Australia. We now have a Commissioner bringing into the State some brand new programs, so that we make sure we stay at the leading edge in terms of policing in Australia.

FAMILY AND COMMUNITY SERVICES, FINANCIAL MANAGEMENT

Ms STEVENS (Elizabeth): Given that in both 1995 and 1996 the Auditor-General expressed serious concerns about financial controls in FACS, will the Minister for Family and Community Services confirm that there are continuing

financial management problems in the department and, because the situation has deteriorated, officers from the Auditor-General's office have spent several months in FACS this year? The Opposition has received advice from two separate sources within FACS claiming that there are serious deficiencies in the department's accounting procedures that have resulted in auditors being in the department for up to nine months, that a senior financial manager has been on extended stress leave, and that field units believe that the deficiencies may impact on their ability to access funds.

The Hon. D.C. WOTTON: There will be no difficulties in accessing funds as far as FACS is concerned. I can clarify that members of the staff of the Auditor-General's Department have been working in FACS. That statement was recognised when the Auditor-General's Report came out last year, and it was suggested that some follow-up action should be taken. People from the Auditor-General's Department have been working in FACS for some months. As I understand, that process is working well, and the report that I received only yesterday informed me that the progress being made was quite acceptable.

INDUSTRIAL RELATIONS

Mr WADE (Elder): Will the Minister for Industrial Affairs advise the House of certain predictions made in 1993 and whether they have come true? In the 1993 election campaign, the South Australian Labor Party predicted dire consequences for the industrial relations system in South Australia if a Liberal Government were elected.

The Hon. DEAN BROWN: I am sure that all members of this House, and the public, can recall the sorts of predictions made by the Labor Party prior to the last election as to what would happen under a Liberal Government in a whole range of areas. One particular newspaper that the Labor Party published and distributed throughout metropolitan Adelaide and parts of the country highlighted the sorts of dire consequences that would result from putting a Liberal Government into office. Let me remind members of the Labor Party of what they predicted:

> Labor guarantees fair working conditions. Mr Brown will drive down wages and abolish your working conditions. Holiday pay, sick pay, maternity leave, penalty rates and public holidays could all go when you are told, 'Take this contract or take the sack'.

Let us analyse what—

Mr Clarke interjecting:

The SPEAKER: Order! The Deputy Leader.

The Hon. DEAN BROWN: —has occurred over the past 3½ years. The Labor Party claimed that we would drive down wages. The fact is that the safety net has had three increases under this Liberal Government, and there is about to be a fourth. So, there will be four safety net increases in less than four years. If you look at the increase in salaries under this Liberal Government in South Australia compared to the four previous years under Labor, you will find that wages have gone up more frequently and by a bigger percentage than under the previous Labor Government.

Holiday pay has not been changed. The next prediction was that sick pay would be taken away. It has been this Liberal Government that has expanded the rights under sick leave so that people can take sick leave to look after their own sick children or immediate relatives, a move where this Liberal Government was a pioneer for the whole of Australia. Rather than abolish sick pay, this Liberal Government has expanded the rights under sick pay. Maternity leave has not been diminished at all. Penalty rates have not been diminished at all. The public holidays that apply today are exactly the same public holidays as those which applied under the Labor Government.

I bring to the attention of this Parliament and the public the fact that today we will debate some industrial legislation. I have heard further predictions about what will occur under the unfair dismissal provisions. I just ask the people to look at the facts because I can assure them of one thing: what the Labor Party and, in particular, the Deputy Leader of the Opposition predict will occur will not occur at all.

MINISTERS' CODE OF CONDUCT

Mr ATKINSON (Spence): Will the Premier assure the House that all his Ministers are complying with the provisions of the Cabinet handbook in regard to the prohibition on Ministers of the Crown being actively involved in any business? Will the Premier inform the House what constitutes a breach of that section of the ministerial code?

The SPEAKER: Order! The honourable member is getting very close to asking a hypothetical question.

Mr CLARKE: Mr Speaker—

The SPEAKER: The Deputy Leader will resume his seat. It is entirely up to the Premier whether or not he wishes to respond.

Mr Clarke interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition has had more warnings and has been counselled enough. If he steps out of line again, he will be named today.

The Hon. J.W. OLSEN: I would have thought that the Cabinet handbook was self-explanatory.

MOTOR VEHICLE ACCIDENT CLAIMS

Mr LEGGETT (Hanson): My question is directed to the Treasurer. What action is the Government taking to reduce fraudulent motor vehicle accident injury claims? During the weekend I heard a radio commercial seeking the public's assistance in stamping out the rorters who try to use the compulsory third party fund to make false or fraudulent claims. What response has there been so far to these commercials?

The Hon. S.J. BAKER: There is always someone trying to beat the system with the CTP fund into which all motorists pay their insurance. There is no exception. The estimate is that about 5 per cent of claims are fraudulent and, with about $210 million being paid out, we estimate about $10 million worth of fraud is occurring for which motorists are paying. We have been fairly active in trying to prevent that fraud. Last weekend we launched the second round in a campaign for the public to tell the CTP or the Motor Accident Commission exactly who is doing it, how they are doing it and what they are doing to the CTP fund.

A number of schemes are being used to rip off the CTP scheme. One example is that after an accident someone declares that they have been a passenger in a vehicle involved in the accident. There have been occasions where motorcyclists have fallen off their bikes, for a variety of reasons, and then suddenly become pillion passengers. There have been occasions where people have been injured in other circumstances—at home or on a sporting field—and then have obtained some help to inform the CTP fund that they received such injury from a motor vehicle accident. There is a scheme whereby a person can hire their place in a car to have a mythical accident so they can claim on the fund. A number

of schemes are operating. Whilst some of these schemes are becoming more detectable due to computerisation and the increased capacity to link events, a number have been picked up simply through the edit process. There is a range of other people who tell particularly good stories and who are cheating the system.

I do not believe that anyone in this Parliament would condone such behaviour. It is costing everyone additional sums on their CTP insurance. People who do these things quite often talk about it around the bar, or to other people, explaining how they have beaten the system. We would like to know about those people. We would like to be able to investigate those people, and save the motorists of South Australia large sums of money in terms of their CTP premiums. At the same stage last year, we had received 21 calls for the first three days: this year, we have already received 30 calls. Overall, over the nine weeks during which the program ran last year, we had about 400 calls. We believe that through the information given—and some of it was not accurate but other parts were—we have saved the CTP fund about $1 million. We are hoping that we can save a lot more this year through the better information that will come from the public.

Whilst I am talking about fraud and the measures designed to prevent it, I will put on the record for everyone the Opposition's statement about Cobblers Creek. The Federal legislation quite clearly shows—

Mr CLARKE: I rise on a point of order, Mr Speaker. I refer to Standing Order 98, in relation to the Minister's answering the substance of the question. Is it in order to talk about Brown's cows when we are asking questions about the sea, or something else?

The SPEAKER: Order! On this occasion, the Chair is of the view that the Deputy Leader is absolutely correct. I suggest to the Treasurer that he has answered the question, and he can make a ministerial statement if he wishes to further his explanation.

The Hon. S.J. BAKER: I was going to tell the Parliament about a potential accident at Cobblers Creek and explain why—

The SPEAKER: No, the Treasurer will not do that.

EDS BUILDING

Mr FOLEY (Hart): Will the Premier please advise the House whether the Government has signed the head lease with Hansen Yuncken for a 15 year lease on the 11 storey EDS Building on North Terrace and, if not, why not?

The Hon. J.W. OLSEN: No, the head lease has not been signed as of today, but I would expect it to be signed shortly.

HOME AND COMMUNITY CARE PROGRAM

Mr VENNING (Custance): Will the Minister for Family and Community Services explain how funds from the Home and Community Care program are being used to assist mobility and access to services of frail, elderly and disabled people, particularly in regional South Australia? Community consultations undertaken by the Office for the Ageing, the Office for the Status of Women and the Passenger Transport Board have highlighted the desperate need for affordable and accessible passenger transport, particularly in the country.

The Hon. D.C. WOTTON: This matter is of vital importance to the regional areas of South Australia, in particular. As the member has mentioned, the issue of—

An honourable member interjecting:

The SPEAKER: The member for Mitchell will not engage in cross-chatter.

The Hon. D.C. WOTTON: The issue of transport is vital for the well-being and lifestyle of so many frail, aged or disabled people throughout South Australia, and particularly in regional areas. It is one thing to make services available in the community, but it is another thing entirely for people to get to those services so as to be able to make use of them. Mobility and access are key issues in any planning relating to aged care, and the previous Labor Government failed dismally in this area. It was only when the Government brought down the 'Ageing—A 10 year plan' report last year that high priority was given to the provision of accessible passenger transport for all South Australians. I am pleased that that commitment is being carried out by this Government.

Under the Home and Community Care program, community transport for the frail, elderly and younger disabled in regional South Australia is being boosted by $221 600 annually, to assist those people in regional areas. I have joined with my colleague, the Minister for Transport, to announce an expansion of community passenger transport networks throughout South Australia. Half of the funds have already been committed from the State Government's Passenger Transport Board. The other half is new, matching HACC funding—HACC being a joint State and Federal Government program to help people who might otherwise need long-term residential care. I remind the House that, since the Liberal Government came to office, total Home and Community Care funding in South Australia has been lifted by $20 million (or 42 per cent) to $67.7 million, in stark contrast to Labor's neglect of the aged, the disabled and their carers in this State.

The State Liberal Government, through the PTB, has helped community groups, the Red Cross and local councils develop a growing number of community passenger transport networks across the State. People in regional areas need a much more flexible passenger transport service to meet their needs, and that is what we have gone out to provide. The networks provide demand responsive flexible passenger transport to the frail, the aged, people with disabilities and their carers who are, in so many cases, unable to drive or are without access to a car. For far too long, these people and their needs have been neglected in the metropolitan area and, more particularly, in the rural areas of South Australia.

These networks are managed by a transport coordinator, who is responsible for taking passenger bookings and matching demand with the available resources in the community, to allow a passenger to access services within or outside a local region. They are ideally suited to South Australian regional conditions, because they allow transport to be provided in areas of low population density, where it is not suitable or cost effective to provide conventional public transport to those people.

Existing networks operate in the southern Fleurieu region and the Barossa Valley, with a pilot program also under way in the Murray-Mallee. The new HACC funding is being targeted at networks that will serve the Mid North, the Riverland, the South-East and Eyre Peninsula. The new funding brings to more than $650 000 the State Government's allocation to community transport through the Passenger Transport Board and the Office for the Ageing. The Government is looking to increase funding in future to encourage and support the development of networks in all country regions

by the end of next year. A lack of transport can have a terrible effect on the mental and physical well-being of the elderly, the frail, people with disabilities and those who look after them.

Mr Clarke: The bell has gone.

The Hon. D.C. WOTTON: It might be more appropriate if the Deputy Leader took a bit of interest in what was happening in regional South Australia.

The SPEAKER: It has gone for the Deputy Leader, too.

The Hon. D.C. WOTTON: It would be appropriate for the Deputy Leader to have some understanding of what was happening to those in need in regional South Australia rather than interrupting. This is what is happening under the present Government. The programs and the opportunities that are now being provided to those people to have adequate transport in regional areas is a high priority of this Government, and I have been very pleased, with my colleague, the Minister for Transport, to support this initiative.

GRIEVANCE DEBATE

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

Mr CLARKE (Deputy Leader of the Opposition): I refer this afternoon to the serious and extraordinary allegations made in this House last night by the member for Bright. I am a strong supporter of the South Australian Police Force and, in particular, its deserved high reputation. These allegations cast a slur on all the hard-working men and women who serve as police officers in this State. I support the Commissioner of Police, Mr Hyde, in investigating these allegations. I have no doubt whatsoever that he will come down with a forthright, honest and frank assessment of those allegations. However, what I find extraordinary is the actions of the Minister for Police regarding this matter, because whilst he might have been caught unawares by the member for Bright's allegations last night, as I was, I would have thought that, before he went to the Police Commissioner, in the first instance, the Minister for Police would have at least telephoned his colleague the member for Bright.

The member for Bright was a fellow Cabinet Minister for three years and a former Brown loyalist, as was the Deputy Premier, and I would have thought that he would have attempted to establish the concerns of the member for Bright in some detail before he went to the Commissioner for Police and that he would also have contacted the former Premier—his former boss and now the Minister for Industrial Affairs—to ask him about the allegations and whether he could corroborate the story given to the House last night by the member for Bright.

It would have been quite in order for the Minister for Police to sort out what information was available in the first instance from his former Cabinet colleague (the member for Bright) and his former boss and current ministerial colleague (the Minister for Industrial Affairs). He could have then gone to the Commissioner of Police and said, 'Please hold an investigation into these allegations, because this is what I have heard from the people who are most directly affected.'

So, I call into question the actions of the Minister for Police, because it does not ring true when the Minister says in the House today that he has had no discussions whatsoever with the member for Bright or the former Premier. He said in answer to a question in Parliament—and I am prepared to take it on face value—that he had no prior discussions concerning these allegations before going to the Police Commissioner. However, the former Premier could have corroborated instantly a number of things for the current Minister for Police simply because, as the Minister for Industrial Affairs confirmed today, when he was Premier he held the letter from the former Police Minister which stated why he wanted to resign as Police Minister and split the police and emergency services portfolios. He could have also explained why he counselled the former Minister about these allegations which he made during his term of office as Police Minister.

I have no criticism of the Government or the Minister for going to the Police Commissioner: that is appropriate. It is entirely appropriate for the Commissioner of Police independently and at arm's length from Government to investigate the allegations and report back to the Minister. I take it that any such investigation will be reported to the Parliament as a whole through the Minister. I have no complaint whatsoever about that procedure, but I find it absolutely astonishing that, before going to the Police Commissioner, the Minister did not last night or in the early hours of this morning pick up the telephone and contact the member for Bright to determine the background of these allegations.

I also find it astonishing that he did not call his ministerial colleague and former boss, the Minister for Industrial Affairs, and ask him, 'What is the background of all this, because I want to go to the Police Commissioner and I want to collect as many facts as I can so that the matter can be cleared up as quickly as possible.' It is vitally important, as all members of Parliament know, that, because of the respect that the public have for the police in South Australia, any slur or stain on their character should be dealt with as quickly as possible and, wherever information can be ascertained quickly, that should be done.

Mr Bass: You're a disgrace!

The SPEAKER: Order!

Mr CLARKE: The member for Florey says that I am a disgrace.

Members interjecting:

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

An honourable member interjecting:

The SPEAKER: Order! The Chair will determine who should sit down. The member for Light.

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: I rise on a point of order, Mr Speaker—

Members interjecting:

The SPEAKER: Order! The Chair will make the determination. The Chair called the member for Light.

Mr Foley interjecting:

The SPEAKER: Order! The Chair takes it that the member for Light has given way in favour of the Deputy Premier.

The Hon. G.A. INGERSON (Deputy Premier): I thank the member for Light for giving me the opportunity to put on the record a few comments. One of the things that has distressed me in this whole process, particularly over the past few months, is that the Deputy Leader seems to hold the view that I am the Police Minister and not the Minister for

Police—and there is a significant difference. I think I am right in saying that the Deputy Leader is not suggesting that this should be a police state run by a Police Minister. If the Government is concerned about any matter of public concern involving the police, it is normal procedure for me to go to the Police Commissioner and ask him whether he believes he should investigate the issue. That is the standard procedure right around Australia, and I understand that it was the standard procedure of the previous Government.

Mr Foley interjecting:

The Hon. G.A. INGERSON: Anything could have happened in the Dunstan era.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: That is a fascinating statement.

Members interjecting:

The Hon. G.A. INGERSON: I remember in the Dunstan era something being done about throwing out police commissioners.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The Hon. G.A. INGERSON: I am not interested in what you said; I heard it.

Mr Foley: I said two years.

The SPEAKER: Order! The member for Hart will cease interjecting.

The Hon. G.A. INGERSON: I actually believe that of all the privileges I have been given in this Parliament, one of the highest privileges I have been given by this Government is being made the Minister for Police. I intend to make sure that not only the Government's reputation for handling police but the police generally, their daily record and general integrity, remain at the highest possible level. The worst thing that any Government could do would be to have a Police Minister actually in charge: in other words, for me to take evidence of any allegations from the member for Bright or the Minister for Industrial Affairs and say to the Commissioner, 'Here are some issues that I want you to investigate.' I believe that, following my discussion with the Commissioner this morning, it was necessary for him to do it. It was his decision, not mine.

I find it quite staggering that this comes from the Deputy Leader when only last week in this place he was grandstanding and making allegations about our Police Force without checking the facts. He stood in this place and was grandstanding about a potential murder. Let us go back even further to a couple of months earlier when the Deputy Leader did exactly the same thing in the Holden Hill area. He accused the Police Force of not having the highest integrity and again he was proved—

Mr Clarke interjecting:

The Hon. G.A. INGERSON: It is absolutely correct.

Mr Clarke interjecting:

The Hon. G.A. INGERSON: It is absolutely correct.

The DEPUTY SPEAKER: Order! The Deputy Leader will withdraw that comment.

Mr CLARKE: I will not, Sir. The Deputy Premier is an outright liar on that point.

The Hon. G.A. INGERSON: It is not an outright lie, and you know full well that it is not.

Members interjecting:

The DEPUTY SPEAKER: Order! The Deputy Leader is not only repeating an allegation which should not be made in the House but deliberately defying the Chair. I will give the honourable member a chance to withdraw his comment as the only other alternative he has is to be named.

Mr CLARKE: I withdraw the term 'liar' and replace it with 'deliberate untruth'.

The Hon. G.A. INGERSON: One of the most important things in this State is that there be respect for and integrity in our Police Force. I intend to make sure—

Mr Foley: Tell the member for Bright that; he is your member—he made the allegation.

Members interjecting:

The DEPUTY SPEAKER: Order! I warn the member for Hart.

The Hon. G.A. INGERSON: For a person who goes out into the public arena and in a two-faced way talks about any member on this side, the member for Hart is an absolute disgrace.

Members interjecting:

The Hon. G.A. INGERSON: I will explain myself.

Members interjecting:

The DEPUTY SPEAKER: Order! There is a point of order, Minister.

Mr CLARKE: On a point of order, Sir, the Minister called the member for Hart 'two-faced' and imputed improper motives to him, and that is not parliamentary. He should be made to withdraw.

Members interjecting:

The DEPUTY SPEAKER: Order! The Deputy Leader is showing his almost total ignorance of Standing Orders. If any member is aggrieved by anything anyone else says in the House, the honourable member aggrieved takes the point of order, not his second in charge.

The Hon. G.A. INGERSON: The Police Commissioner will have a formal inquiry on this issue. The Police Commissioner should handle it and the report of the inquiry will be made available publicly.

The DEPUTY SPEAKER: Order! The Minister's time has expired.

Mr BUCKBY (Light): I highlight this afternoon some of the economic benefits of volunteers in our community. Volunteers are an extremely important part of our community: we all know that. They are involved not only through service clubs but also individuals help out on an individual basis neighbours, schools or community organisations within their area. A recent Australian Bureau of Statistics survey put a value on volunteers operating in our community. A wide range of service clubs and community clubs give untiring hours to the benefit of all. We must recognise that these organisations cannot always operate totally within their own ability: the Government must support those volunteer organisations, and it has done so in the past and will continue to do so in future.

The ABS figures showed that some 2.7 million people in Australia provide 433.9 million hours of voluntary service work in our community. If we calculate the value of that at merely $8 an hour, which is a fairly low but average level of value per hour for that worker, we see that this represents an economic value of some $3.5 billion. One can equate that to the total value of the State Bank debt in this State or, as an alternative comparison, to the total value of Woolworths in Australia. That gives us some idea of how much per year volunteers give to our community.

The President of the Australian Council of Volunteers, Mrs Margaret Bell, commended volunteers on this large level

of input into the community and said that 80 per cent of volunteer hours are spent in the fundamental areas of welfare, education, youth development and sport. One does not have to look too far to see the number of people who donate their hours in coaching local school football or netball teams or those who walk into schools and help with reading for those students who are a little behind. Community service clubs such as Apex, Lions, Rotary and Kiwanis have a whole ream of people who operate in those areas.

In hospitals we recognise the volunteer efforts of Lavender Ladies. I am not sure whether they are still called that, but particularly in the Royal Adelaide Hospital the ladies in lavender would distribute magazines and books to patients and talk to them.

The Hon. Frank Blevins interjecting:

Mr BUCKBY: Lads and ladies, now. The highest volunteer rate is for people aged between 35 and 44 years of age, and they represent some 27 per cent of volunteer workers. Women with dependent children are more likely to volunteer, according to the ABS survey: 33 per cent of volunteers fall into that category. Those without dependent children comprise only 17 per cent of women who volunteer. Women employed part-time also have a high rate of involvement, comprising 30 per cent. People are increasingly likely to volunteer the older they get. As our families grow up and we have more time on our hands, obviously there is a feeling for getting involved and giving something back to the community from which we have taken. Almost two-thirds of the volunteers are in paid employment, with professionals and managers volunteering at twice the rate of blue-collar workers, and normally the type of volunteer work undertaken is closely related to their own occupation.

Ms STEVENS (Elizabeth): Yesterday in Question Time the Minister for Family and Community Services spent some time clarifying (that was the word he used) the figures I put forward during Estimates and later in a press release in relation to budget cuts in the Department for Family and Community Services. It was interesting to go back over some of the comments he made. He said that this was an example of the simple arithmetic skills of our Party but, after some of the revelations today in relation to his own department's financial management, he needs to be careful about pointing the finger at other people. The Minister yesterday went on to give a justification, starting with the fact that the budget papers this year showed that the total recurrent expenditure for FACS was $250.15 million. That is true, but that is not what we were saying at all. This amount included both the amount appropriated from the Consolidated Account and the extra money put into the department from the Federal Government and other sources. I will go back over the figures and show members that the $27.9 million that we quoted was absolutely correct.

In 1993-94 the appropriation from the Consolidated Account, that is, State Government funds, was $148.163 million. In 1994-95, it was $147.847 million—a decrease of $316 000. The amount needed to keep pace with inflation would have been $151.094 million and therefore the cut in real terms, compared with 1993-94, was $3.247 million. In 1995-96, the appropriation from the Consolidated Account to the Department for Family and Community Services was $145.298 million, a cut of $2.865 million. As the amount needed to keep pace with inflation would be $155.757 million, there has been a cut in real terms of $10.459 million compared with 1993-94.

In 1996-97, the appropriation was $153.515 million, which is an increase of $5.352 million. However, as the amount required to keep pace with inflation was $161.487 million, there has been a cut in real terms of $7.786 million compared with 1993-94. Finally, this year, the appropriation from the Consolidated Account is $158.733 million, involving a difference in cash terms of $10.57 million compared with 1993-94. However, as the amount needed to keep pace with inflation would be $165.204 million, there has been a cut in real terms of $6.471 million compared with 1993-94.

If we add up $3.247 million, $10.459 million, $7.786 million and $6.471 million, we get a cumulative cut in real terms of $27.9 million to the Consolidated Account in recurrent funding over the past four years. That is precisely what I said in the Estimates Committee and in my press release following the Committee hearing. As I said before, the Minister for Family and Community Services should focus his attention on his own department's financial management rather than on our arithmetical skills, which I have demonstrated are excellent.

Mr OSWALD (Morphett): From time to time, members are requested by constituents to bring matters before the House in the grievance debate, and this afternoon I would like to raise one such matter. I will refer to a letter from the Police Complaints Authority to the Commissioner of Police. That letter relates to a constituent whom, for the record today, I will just call 'David'. I will quote from the complaint as set out by the PCA to the Commissioner. The complaint on this occasion was that 'David', through the office of the Minister for Police on 11 October 1996, alleged that the police had conducted an inadequate investigation into the rape of his fiancee, and the lady in question is named. He claimed that the officer in charge of the Port Augusta Police Station was covering for the suspect.

In the various discussions I have had in my office, 'David' alleged that the suspect is a prominent person in the north of South Australia and that the police are covering up. Of course, I have no knowledge of this, and nor do I impute anything in this regard; this is how the matter has been reported to me. The investigation was subsequently carried out by the Police Complaints Authority, and I quote from the first paragraph of the report to the Police Commissioner, as follows:

> For the purpose of my assessment, I agree with the comments of Superintendent Simons, Senior Investigator, Internal Investigation Branch, in his section 31 report made on behalf of the officer in charge of the IIB. Rather than reiterate the facts, I believe his report adequately sets out the issues and the basic facts and findings on the issues. Accordingly, I quote the report and adopt it as my assessment.

The reason 'David' has asked me to raise the matter today is that in this case the Police Complaints Authority took the advice of the police. I am advised that an investigation eventually led to an interview at Port Augusta. However, all through the inquiry the police are investigating the police—Caesar judging Caesar—and finally a report is submitted to the Police Complaints Authority. The Police Complaints Authority, on reading the report, is alleged to have said, 'Yes, we agree with it; it sounds right.' It was then presented to the Commissioner and signed by the PCA as being in concurrence with the police.

There has to be some inherent issue here for us as members of Parliament to consider. I understand that 'David' was not interviewed by the Police Complaints Authority. Where is the sense of justice if, at the end of the day, after an

inquiry by the PCA, the person who is being investigated does not believe that his side of the story was listened to? It has been alleged that, because 'David' had been arrested on a larceny charge in the north of South Australia, the police were saying, 'He is under arrest for a larceny charge; therefore, he is not to be listened to.' Maybe that is right, maybe it is wrong: who are we to sit in judgment? That issue alone and the events that have occurred over months of 'David's' appearances in various courts in the north have developed into a bit of a soap opera.

Somewhere in this whole matter something is not quite ringing true. As parliamentarians, we should question what happens when Caesar judges Caesar and eventually the PCA puts in a report saying, 'We endorse this', when the person concerned has never been questioned. The PCA should reopen this case, discuss the matter with 'David' and assure him that it has investigated everything and taken into account his views and, if warranted, write another report and recommendation back to the Police Commissioner.

The Hon. D.C. KOTZ (Minister for Employment, Training and Further Education): I refer to comments made by the member for Taylor in this House last night. They were an extremely vitriolic and personal attack on me as Minister in the portfolio area of Employment, Training and Further Education. The comments related purely to the honourable member's inability on a certain evening during the Estimates Committee to have the presence of mind or even the planning and preparation to elicit answers from questions ranging over a number of areas. The honourable member certainly had plenty of opportunity to elicit those answers.

For the member for Taylor to attack another member in the manner in which she did last night, downgrading someone else's integrity, requires a certain amount of credibility on her part. Unfortunately, most of the member for Taylor's comments accompanying her questions, as opposed to the alleged answers I gave, were a mixture of untruths and a great deal of waffle.

The member for Taylor particularly charged me with not knowing anything about the allocations within my budget area. In her comments last night, she asked, 'Of your budget allocation, where does it go? How much do you spend on your employment division? How much do you spend on TAFE, and how much do you spend on administration?' That is an example of her questions I supposedly could not answer. The honourable member forgets that her basic question that started this whole array of whimpering from her, coupled with certain other questions she asked and statements she made, was, 'What proportion of the DETAFE budget is allocated to TAFE SA? In answering the question, will the Minister provide the financial breakdown of the budget for TAFE, VEET, corporate services, the employment division, Youth SA and any other agency that is included?' The honourable member was asking specifically for a statistical proportion of the allocation of the disbursement of funds within the department. It is not an area to which the department had access. Statistical proportion—

Ms White interjecting:

The Hon. D.C. KOTZ: I can relate only to the question the honourable member asked. The honourable member is asking me now whether I have the answer. I will answer the specifics and would have done so on the night. Where statistical proportions are concerned, it is not a part of the budget makeup. It was an answer we took on notice, because it could be answered. The member for Taylor still cannot understand the difference between asking for a statistical proportion of the disbursement of funds and the appropriation of different moneys that may go into different program areas.

Each of the member for Taylor's question areas related totally to page 472 of the Program Estimates. Page 472 is the last page and gives the total program expenditure, to which the member for Taylor continued to relate her questions. She asked for this statistical proportional breakdown. If the honourable member had actually wanted to know the expenditure on any of the individual areas that she talks of now—

Ms White interjecting:

The Hon. D.C. KOTZ: —and she is asking me now about employment or about student or corporate services—I inform her that it was highly incredible (and I am obviously giving her more credit than was due to her), because the whole of the Program Estimates document is there for the honourable member to peruse page by page. That is what the Program Estimates are about. The pages are there and state exactly what the programs are and what the allocation is. When the member for Taylor wants information on the statistical proportional disbursement of funds, she is asking for something different. Unfortunately, she did not have the presence of mind—

Ms White interjecting:

The Hon. D.C. KOTZ: —to change or alter her questioning line. She stuck totally to the fact that she wanted to ascertain a statistical proportional disbursement of the funds of the department which was not available. But the member for Taylor did not have the presence of mind to turn the page and come back through the very papers that the Budget Estimates are all about. On each and every page there is reference to a direct disbursement of funds relating to student services, and it would seem extremely stupid of any member to come into this House with the papers and ask for something that is there already.

Ms White interjecting:

The Hon. D.C. KOTZ: You did not ask that question.

The DEPUTY SPEAKER: Thank you. Somebody, please oil that squeaky wheel.

RACING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 June. Page 1631.)

Ms WHITE (Taylor): This Bill, which amends the Racing Act, has 10 or 12 parts. Therefore, I will not spend a lot of time on making a second reading speech but will address issues in Committee. Although the Bill does several things, I point out that the Opposition is not opposing the measure: in general we support it, but the Leader of the Party has declared certain issues in the Bill to involve a conscience vote, and on those parts of the Bill I will give my personal view rather than my Party's view. Individual members can express their view if it is required later.

The first part of the Bill permits non-registered racing clubs to have TAB and bookmaker betting facilities at their picnic race meetings—generally picnic race meetings—and that is certainly something that we as a Party support. We acknowledge that this is not the case at present because of

changes made to the Act last year, and so we support this measure.

The next measure is to allow the TAB to accept bets in the form of cash vouchers, and I certainly support that provision. There is mention also of a 'smart card' specifically relating to the TAB to be used to accept TAB bets, and I will be supporting that measure also, although I will be asking the Minister questions about that matter in Committee. Two other measures are of an administrative nature and are supported by the Labor Party. They are to bring TAB profit distribution accounting into a 12 accounting period system rather than the 13 accounting period system that currently applies in each financial year, and we support that. There is also provision to make one payment from the TAB to the Racing Industry Development Authority (RIDA), which will then distribute the funds to each of the racing codes. That will also be supported by the Labor Opposition.

There is then the introduction of all sports betting, and I certainly support that measure but, again, I will ask the Minister some questions about that in Committee. There is a provision for fixed odds betting with the TAB and for the distribution of those funds into the Recreation and Sport Fund, that is, Treasury. A further provision allows the TAB to enter into agreements with interstate and international authorities for all sports betting purposes, a measure that I will be supporting also. Finally, there are provisions to authorise licensed bookmakers to operate at any prescribed place without that place having to be prescribed by regulation. I will be supporting that but, again, I have some questions to ask of the Minister. Having said that, I will save the rest of my comments for the Committee stage of the Bill.

The Hon. G.A. INGERSON (Minister for Racing): I thank the member for Taylor for her comments on the second reading and for her overall support of the Bill, and I look forward to questions at the appropriate time.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4.

Ms WHITE: When I think about all sports betting I think about the Northern Territory and the type of wagers that people from all States have been placing in the Northern Territory. My question relates to bookmakers such as Mark Read from Darwin All Sports. I read recently what has occurred in the Northern Territory and New South Wales, where they are involved in a pool, similar to the racing pool involving both South Australia and Victoria. When I read the article I understood that there had been a threat to that agreement because a big operator (like the bookmaker that I mentioned) pooled so much business that the New South Wales Government and the TAB were losing revenue. There was a threat to break this arrangement between the States and to expel the Northern Territory from the arrangement.

South Australia is a small State. Has the Minister considered the effect on our agreements or arrangements with other States if a big operator came into this State? Does the Minister foresee a potential threat of other States expelling South Australia, similar to the threat of expelling the Northern Territory? What are the ramifications to South Australia if big bookmakers come in and upset the revenue of other States under our arrangement?

The Hon. G.A. INGERSON: There are two distinct issues here. Mark Read runs a bookmaking operation in the Northern Territory, but there is no pooling with anyone else. He runs that operation as a private individual. He finances his own book and runs it; basically, the same as John Thornton who runs his own private, individual bookmaking operation. There is no pooling in the Mark Read operation.

The agreement between the TAB in New South Wales and the Northern Territory is similar to the agreement that we have with TABCORP in Victoria and with Western Australia. We pool trifectas and pick four with Western Australia and Victoria, and win and place and trifectas with Victoria. There are two different agreements in place.

One of the major issues with the privatisation of TABCORP and the potential privatisation of the TAB in New South Wales is where the smaller operations will fit into this new conglomerate industry. As I have said publicly in the past month or so, privatisation in Victoria was not a big issue for South Australia in terms of its future but, following privatisation in New South Wales, the two biggest TABs in Australia will be privatised and will have the potential to discount and to change the whole system of agreement—which is presently a 15 per cent return in terms of win and place. The potential to alter those fixed percentages is then very great.

Once private operators own it, whilst there is distribution still to clubs and to Governments, the private operators can adjust their own return—which in Victoria is about one-third—and make the whole system very competitive and, consequently, affect dramatically the dividends or potential dividends in South Australia. Our arrangement with TABCORP requires six month's notice in terms of breach or change of agreement, so we have limited protection should they choose to go down the discounting trail and we decided that we did not want to do that.

The whole process over the past three or four months and the initiation of the New South Wales privatisation has caused Queensland, Western Australia, Tasmania (but less so) and South Australia to look at the sort of operations we can have in the future. Do we need to privatise; do we need to corporatise or form alliances; do we join with other smaller States to form a very big privatised or corporate group? All those options are now being forced upon us by the decision of the New South Wales Government to privatise. Basically, we would become a very small player in a very big and growing market which included not only the TAB. In Victoria, the poker machines are involved; and it has been suggested in New South Wales that the privatised corporation will include poker machines. We would become far less competitive if we stayed by ourselves in the long term.

In the short term, I suspect that a lot of work needs to be done to ensure that the racing industry in South Australia is protected from any losses from the TAB; and, more importantly, it will need to decide where it will go in the future. It is a very uncertain future in terms of small TABs because of the conglomeration of the two big organisations in New South Wales and Victoria.

Ms WHITE: Although I listened to what the Minister said, it did not sound to me like the scenario I was painting had been considered. Have you talked to other States about how they feel about us going down the All Sports betting track, bearing in mind that somebody like Mark Read might set up in South Australia? As a result of what I have read about the New South Wales-Northern Territory arrangement and the Victorian situation, I believe that they are thinking of expelling the Northern Territory from their pricing service. Has the Minister considered the balance of the benefit in terms of how we would be placed if a bigger State indicated

that too much revenue was being drawn from it and it wanted to expel us?

The Hon. G.A. INGERSON: The honourable member misunderstands what is happening in the Northern Territory. In the Northern Territory, Mark Read runs both a sports betting book and a racing book. The ACT-New South Wales TAB has no sports betting at all; it is only racing. The only sports betting is with TABCORP and also racing in Victoria. There is not a TAB sports betting link into the Northern Territory. Mark Read runs a bookmaking operation; there is no TAB connection at all. There is no sports betting at all from New South Wales in that combination of the TAB. It is only bookmakers.

Clause passed.

Clause 5.

Ms WHITE: I want to ask about the smartcard idea for the TAB and electronic transfers that do not allow the holder to obtain money on credit. How will the Minister implement that? I understand from the second reading explanation that punters will be able to reload the card from their savings accounts. How will the Minister prevent money on credit being loaded onto a smartcard?

The Hon. G.A. INGERSON: It is a debit card. In other words, you buy it and put money into it. So, you put in $50 and, when the $50 is used up, you have to buy another card. In other words, you have to put another $50 into the system. It is a smartcard in that sense. If you win, you can put money back in up to a certain level, but again it has to be deposited back into the system. There is no way the card can be used on credit at all. It requires a deposit of cash into the system to buy the smartcard.

The Grange Golf Club, where I am a member, is a good example. Each month $50 is deposited on the card, and that becomes a debit on my card at the golf club. If I use that money, it goes back to zero and I cannot use the card any more. So I have to put more money in to use it. It is a smart card in the sense that, if there is no money, it does not work. If I take it into the TAB and there is no cash there, it does not work. I have to put money into the system through the smartcard process for it to work again. It requires me to make a conscious effort to put in the money. There is no drawing on credit in any way at all.

Ms WHITE: The Minister's second reading explanation states that these additional funds would be added from the customer's existing debit type accounts. If you have a debit account attached to a Mastercard or some other account electronically connected to a credit facility, I am not sure that I understand how the Minister will prevent someone gaining access to credit.

The Hon. G.A. INGERSON: It is a TAB-based program. We are not linked to any bank or finance company. You have to come in and purchase the card and then put the money in the TAB bank account, which is a smartcard account, exactly the same as you do today if you want a telephone account with the TAB. I have a telephone account in which I put my $100, and that gives me a credit balance in that account. When it gets down to zero, I cannot bet over the telephone any more. It is exactly the same with the smartcard. You will put the money into a smartcard and, when it reduces to zero, the card no longer works. It is a specific account for the TAB. It is not linked to a bank. It is exactly the same as the phonecard that you buy from Telstra. When it runs out, you cannot use it again.

Ms WHITE: The Bill refers to the distribution of TAB profits. Comparing our State with, say, Western Australia and the way the TAB operates there, will the Minister comment on how we have been faring in relation to TAB profit and the way Western Australia has been developing? I see Western Australia and South Australia as similar sized States. Are there differences in terms of our profits? If so, what are the reasons for those differences?

The Hon. G.A. INGERSON: The Western Australian TAB is worth about $650 million, whilst ours reached $525 million this year. Our increase this year of 5.7 per cent, from $495 million to $525 million, is the highest in the nation. Western Australia experienced a smaller increase, amounting to about 3 per cent growth last year. Theirs is a different operation to ours in that they have a franchise arrangement with their agencies. We own all our agencies. The Western Australian franchises are similar to our pub TABs, but a different percentage is paid in Western Australia compared with South Australia. They are about half of one per cent more profitable than we are at the current time. It is basically because of that mix of franchises and the different way they pay their franchise agencies compared with the way we pay our hotels.

Basically it is the difference in the wages costs between the franchise agents and our hotels. We pay more to our hotel operations than they pay to their franchisees. That is basically the difference. I am advised that it is about half of one per cent overall net profit difference.

Clause passed.

Clause 6 passed.

Clause 7.

Ms WHITE: I do not have an objection to the purpose of this clause but I wonder whether it is clear enough. Obviously the purpose of the clause is to allow for one payment from the TAB to RIDA to be distributed to the three codes rather than as it is now distributed from TAB directly to the three codes. I did wonder about the wording of the clause, and I have spoken with Parliamentary Counsel about this. Would the Minister consider a clarification of this clause to ensure that the proportions of the dividend split between the three codes remained as intended? The current wording provides:

> The funds may instead be paid by TAB to RIDA to be paid or advanced to or shared between those funds.

It is really the words 'shared between' that bother me. Is it possible to change those words so that it is absolutely clear that the share that each of the codes receives is the share as intended by other parts of this legislation?

The Hon. G.A. INGERSON: My understanding—and this goes back to advice from Parliamentary Counsel—is that this does not change the clause in relation to distribution. The current situation is that RIDA is the intermediary and receives the funds from the TAB. We currently receive three cheques, and we have three separate funds. This will enable us to receive one cheque to be distributed on an agreed basis straight through to the codes.

One of the things that the previous amendments to the Act set up was the ability of RIDA to insist on certain financial and management issues to be put in place, and to ensure that that occurs there needs to be some pressure within the RIDA system. In essence, this does that but it does not change the distribution in any form whatsoever. That is the assurance I have been given by Counsel. I will inquire as to how we can clarify that, because it is clearly not meant to change any distribution percentage in that regard. If that was to occur, we will come back and argue that as an amendment to the Act. But it is definitely not meant to do that: it is purely and

simply to make it easier for administration of the cheques as they come out of the TAB.

Clause passed.

Clauses 8 to 11 passed.

Clause 12.

Ms WHITE: This clause deals with the application of the amount of bet. There is a provision which takes out a section in the Racing Act which allowed for the Minister to apply a portion of the profit back to the sporting body that held the event. I understand that it might be difficult, with some events that may come under the gamut of all sports betting, to decide what a sporting body is, but why is that to be taken out? I also note that the profit from betting on football is treated differently in the current Racing Act and that the Minister has retained the section that sends half the profits back to the SANFL. What is the rationale for choosing to have that funding going back to the SANFL when a lot of my other favourite sports are not mentioned as having that opportunity?

The Hon. G.A. INGERSON: To answer the last question first, the football league involves a long-term agreement and it is para-mutual betting, which is the existing contract and existing betting. Under the new system, it will be fixed odds betting, and there will be a different pool run for fixed odds betting in relation to all the sports, of which football will be a part. But the existing para-mutual—which is a $2.50 instead of the 4 to 1, and that sort of exercise—is an existing contract. This legislation still enables the TAB to run the existing para-mutual system and fixed odds; you can have both. The existing agreement with SANFL is under the old para-mutual system. The new system will have all the pools going to the sports fund.

We are recommending that because we believe it is better for the Minister for Sport to make the decision as to where the funds, in total, ought to be going, and allocated to sport and recreation, than for us to enter into individual agreements in relation to all the sports. There are two reasons for that: first, there is the overall view that the Minister ought to do it; and, secondly, from the point of view of the TAB, we do not have to enter into a lot of individual agreements every single time with every sport,and it might be only a very small sum of money. However, at the end of the day, if we get a decent sum of money—expected to be $500 000—to go into the sports fund, where the Minister responsible for the TAB will allocate it, not me, we believe that that is a better option.

The football association has expressed some views in terms of fixed odds betting and how it would like to enter into another agreement with us, and this legislation enables that to occur if football or a big operator wanted to do that. However, I would be resisting that pretty strongly in the fixed odds area, because football will get its share out of the Recreation and Sport Fund, as it does now, and it would be done, I would suspect, by the Minister on a reasonable proportional basis, in any case.

Ms WHITE: The Minister said that the Government could, under this Bill, enter into an agreement with any sporting body. However, my understanding, as I read the legislation, is that under the current Racing Act that would be the case but under the new legislation that would not be the case because you have removed from section 84J subparagraph (iii), which allowed you to do so. Have I misinterpreted that?

The Hon. G.A. INGERSON: I correct my comment. I misinterpreted that; I made the error in making that comment. In relation to the fixed odds sports betting, all the fixed odds go into the sport fund. But at any stage there could be—and this is where I confused it—a marketing promotion decision made by the TAB with football or any of the other sports which would enable that to be paid out of this fund and/or our marketing budget. So, you may be able to enter into a marketing agreement to promote the particular sporting fixed odds program but the balance of the money will go into the sport fund. So, what I said earlier was incorrect.

Clause passed.

Clauses 13 and 14 passed.

Clause 15.

Mr OSWALD: I seek clarification from the Minister in relation to this clause, particularly as it relates to clause 10, which we have already passed. The Minister is aware of my views (which I have expressed in the Liberal Party room) that the South Australian TAB must not, through this Bill, be put in a position where it can, of its own volition or the determination or decision of the board, bring in fixed odds betting for sport in South Australia. The Bill, under clause 15, takes that into account in that it states that the TAB may, with the approval of the Minister, enter into an agreement with an interstate or overseas authority to act as the agent of that authority. In other words, the South Australian TAB will be able to have an agent, and that agent will carry the risk.

I suppose I could have raised this issue under clause 10 but I believe that they link together. I am seeking an assurance from the Minister that clause 10 cannot be used by someone to circumvent clause 15 when the Minister is not there and other Ministers are in place and a different board may be in existence; I seek an assurance that, if we wanted to set up an agency interstate but the TAB decided to go it alone to set up fixed odds betting in South Australia, with its own hardware and software, someone cannot go back to clause 10 and use some sort of drafting issue to get away with it. Will the Minister place on the record an assurance that this is an absolute watertight piece of legislation and that the State TAB cannot set up fixed odds betting for sport in this State without having to come back to Parliament?

The Hon. G.A. INGERSON: I have given guarantees before in this place, but I do not think any Minister could give an absolute guarantee that any legislation is watertight. I am advised by Parliamentary Counsel that, as the honourable member has suggested, we will have to piggyback on the back of other organisations, such as TABCorp or the New Zealand one, which are the two that we have looked at. That is what this clause enables us to do. Also, on the advice I am given it will prevent the State TAB from doing it by itself. I think that answers the honourable member's question. Between now and when the matter is debated in another place, I will make sure that I have that matter checked, but that is the intent and the advice I have been given regarding the setting up of the new fixed odds sports betting system.

Mr OSWALD: I thank the Minister for that assurance. I am sure that the industry will be pleased to hear it. This is a drafting issue. I thought the clause was slightly vague in homing in on the powers that we are giving to the TAB. I am concerned for the following reasons. Sports betting on a fixed odds system is not foolproof, and there will be days when there are losses—there is no question about that. The reason it works in New Zealand is that New Zealand has a huge TAB, and it can bury its losing days with its winning days and, at the end of the year, it comes out slightly in front. The same thing will apply if we link in with the TAB in Victoria, because it has very large pools with a multi-billion dollar turnover. If it has a running loss for a weekend, it can

be buried in the profits at the end of the year, and it comes out.

As we know, the South Australian TAB is fragile, it has a small turnover, and I do not believe that it is in a position to carry a loss. This Government should not endorse the TAB to get into the business of being a bookmaker when there will be losses on some days. The Minister has taken this into account and, from my reading of the legislation and his assurance, what we are setting up in South Australia will give the South Australian TAB an excellent opportunity to be competitive and to provide a service which we should provide in this State.

We have now taken away the risk so that it will be carried by TABs interstate or it could be linked with the ACT, where I understand a bookmaker carries any losses and the ACT TAB acts as an agent for the bookmaker. Either way, it does not really matter as long as someone else carries the risk and our TAB does not have to do that, mainly because of its small size. The situation would be different if we had a billion dollar TAB in this State. Hopefully one day we will, but I imagine that is pie in the sky and that in actual fact it will be sold off by then. Until such time as those decisions are taken, I am assured that there is no risk to our TAB. That is reassuring, because the flow-on effect is that you could not then use the sport and recreation fund as a repository for profits if you are in a loss situation, because you would start diluting what is in the sport and recreation fund which exists for the betterment of sport through capital investment. I am pleased with and I thank the Minister for what he has done.

The Hon. G.A. INGERSON: I thank the member for Morphett for his comments. We have followed his advice, and we acknowledge his understanding of the industry. Clearly, in comparison with pari mutuel where there is a guaranteed return on every bet, his opinion of fixed odds betting is that there is a return on an event, and it may be plus or minus. By linking ourselves into other States we will obviously reduce that potential loss considerably.

It is our understanding on advice from Victoria that over every three month period there has not been a loss, but that, if you did it on an event by event basis, you would have a different outcome. That is the difference between pari mutuel, which is probably the best business in Australia where you are taking out your 15 per cent before anything is allocated, versus the competitive issue of trying to run a book which is usually run at somewhere between 2 and 4 per cent.

Ms WHITE: The member for Morphett's comments prompt me to ask a question about the software needed for fixed odds betting. What role might South Australia play in the development of that software, or when we enter into these agreements where might the program be sourced from? Has any software been developed? I have in the back of my mind that some software has been developed in this State for this purpose.

The Hon. G.A. INGERSON: Because of the need to piggyback on existing operations, whether they are in Victoria, New Zealand or the ACT, those software packages have already been designed. Consequently, in respect of any upgrading of our existing base frame for the TAB and the need to make a new package compatible with that, no software IT opportunity to develop software packages will emerge from this today. However, as we look into the future obviously there will be opportunities for anyone in the gambling industry to develop new software packages.

The principle of this exercise is to not need to do that but to pick up what exists and piggyback on the back of existing pools, minimise our capital outlay and get it going as quickly as we can. If it is working and if it is compatible with our system, it would not make a great deal of sense to reinvent the wheel with all the costs associated with that.

Clause passed.

Clause 16.

Ms WHITE: Regarding the definition of 'approved event', will this be akin to the Northern Territory betting on elections or on flies crawling up walls? What will 'approved event' mean, and what criteria will this Minister or any future Minister apply to decide whether an event is covered by this legislation?

The Hon. G.A. INGERSON: The intention is to cover any sporting event, national or international. Other kinds of approved events opens up the opportunity to bet on elections, as the honourable member suggests. However, the event will need to be approved by the Minister. Consequently, regulation will be required for that to occur. If the Parliament is unhappy with that, it can delete it, but the reality is that this opens it up to sporting and other approved events. By inserting the word 'approved', in essence the Minister can approve the event. It is not intended to have a broad meaning, but that is what it does.

The Hon. FRANK BLEVINS: I am somewhat disappointed with the Minister's answer.

The Hon. G.A. Ingerson interjecting:

The Hon. FRANK BLEVINS: I had a lot of support for this provision, because I thought that was exactly the intention.

The Hon. G.A. Ingerson interjecting:

The Hon. FRANK BLEVINS: Yes, and anything that the Minister chooses to declare as an event, whether it be an election or anything else—and I see that this is already happening in the Northern Territory, and I read today that it will happen in New South Wales—

The Hon. G.A. Ingerson: I am not saying anything against it.

The Hon. FRANK BLEVINS: You said that that was not the intention.

Ms White interjecting:

The Hon. G.A. INGERSON: It is my intention to focus on sport, but as the honourable member pointed out, it opens up the opportunity for elections. If the Minister approves that, which was her example, then it can occur under this clause.

The Hon. Frank Blevins interjecting:

The Hon. G.A. INGERSON: You have to do it by regulation if you have to approve it. That is my understanding. It means that the Minister can approve it.

The Hon. FRANK BLEVINS: I thought so, and I agree with it completely. It was bringing it back by regulation that gave me some problems.

Ms WHITE: Certain sporting and Olympic bodies do not like betting on their events. Is there anything in this legislation that precludes betting on events of certain bodies? The Netball Association may be another body that has a policy against bets being taken on its events.

The Hon. G.A. INGERSON: The Government's existing policy is that for betting on any sporting events the support of the individual sporting body is required. That is not in the legislation. It is a Government policy and, in the case of the IOC, it takes it out of the hands of the Government because it prohibits betting on Olympic Games in the contract with the country involved. Because Australia has entered into the contract, that is part of the condition with the IOC. So, there will be not be any betting on the Olympic Games.

Clause passed.

Clause 17.

Ms WHITE: This clause refers to where bookmakers can operate. The day the Minister introduced this Bill in Parliament there was a front page article in the *Advertiser* with the headline 'Gambling parlours and TAB revolution'. The first paragraph of that article says:

> A string of gambling parlours, including TAB facilities, poker machines and bookmakers could be operating across the State within five years.

Does this clause, clause 19 or any other part of the legislation allow for tabaret-style gambling parlours? If so, is it the Minister's intention to introduce those sorts of venue in South Australia?

The Hon. G.A. INGERSON: Unfortunately that article was misleading. It was the result of a discussion I had with the journalist concerned. I advised him that I was going to Melbourne the next day to look at taberets in Victoria at the Caulfield racecourse and at the new Sandown Park racecourse. The interpretation put on what I said was that there would be tabarets right across the State. That is not the intention of Government. We have had only one inquiry in terms of a racing club wanting to develop a tabaret-type facility, and that was from the SAJC. Its proposal was to look at developing a tabaret, which is virtually a hotel, with a bookmaking, TAB and poker machines operation on licensed premises on Anzac Highway. It currently owns all the land alongside Bell's Restaurant.

The SAJC wants to upgrade that significant amount of land and run licensed premises under the Gaming Act and existing legislation that currently permits poker machines in licensed premises. It envisages making a significant amount of money for the racing industry. Currently an auditorium at Morphettville is going all right, although It has not been as successful as it was hoped. The idea was that that auditorium would be transferred to Anzac Highway, with poker machines, licensed premises and an entertainment area owned and run as a hotel complex.

All hotels do not currently have bookmakers. The auditorium at Morphettville has bookmakers and a TAB but no poker machines. The new operation would be a licensed hotel run by the SAJC. It is envisaged that about $1 million extra in income for SAJC would result, enabling it to increase stake money.

The article was about a quarter right, and the principle of it was to look at tabarets that had been set up in Victoria. I looked at the older one at Caulfield and the new one at Sandown. The turnover in Sandown in the first week was $2 million, in the second week $2.5 million and in the third week $3 million. It is a huge profit-making exercise. The number of poker machines there is significantly higher, but the whole operation was family driven with excellent food and entertainment in terms of the TAB and poker machines, concerning the use of which the public were making a choice. It is my view that it is a choice exercise: if you do not want to use it you do not.

It is my long-term view that we ought to have a maximum of three of those types of operation—one for the galloping code, one for the trotting or harness racing code and one for greyhound racing. The important issue is location. It does not matter how good is a business: it must be well located. If it were decided to put it at Angle Park that would be the wrong location, as would be Globe Derby Park. However, the SAJC property on Anzac Highway is obviously a significant site on a major highway and it would be a successful operation. That is how we got to the position outlined in the article, although it was not as accurate as it could have been.

The Hon. Frank Blevins interjecting:

Ms WHITE: To repeat the words of my colleague the member for Giles, in essence the Minister is saying that, yes, this clause allows for those sorts of venue to be set up.

The Hon. G.A. INGERSON: This clause does not, but existing law does. Under existing law you can set up licensed premises and have poker machines, TAB facilities and bookmakers on those premises right now. That requires consideration of all the probity issues—the police checks of ownership, and all those issues involved in connection with the setting up of the Casino or poker machine legislation. The existing rules will allow this to happen right now. This legislation does not enable anything new. It is not extending in any way the existing law, but purely and simply recognising that bookmakers can operate in a venue where there is not a race meeting being held at the same time. Existing law says that they have to be at a race meeting.

Ms WHITE: I understand that the hotels contribute about 45 per cent of TAB revenue, according to its association. Did the Minister consult with the AHA in the drafting of this Bill and the effect that it might have on its membership and, if so, what is its view?

The Hon. G.A. INGERSON: No, I did not consult with the AHA when the Bill was drafted, but since the article appeared in the newspaper I have had discussions with Peter Hurley, who is totally supportive of any expansion of the licensed hotel type of operation and/or clubs. He is quite happy with and supporting that as a licensed premises operation.

The Hon. FRANK BLEVINS: When I read the *Advertiser* article, I thought, 'This is good.' I was very disappointed when the Minister subsequently said that the article was not 100 per cent correct. I thought that was a great pity, because I think—as the Minister thinks—that there will be a significant role for tabarets. I cannot imagine ever going into one myself. I have yet to go into a TAB, never mind a tabaret. An awful lot of people would patronise a facility that provides the whole range of gambling facilities in an atmosphere that shows respect for those people who wish to gamble. It is not some kind of hole in the wall operation but a perfectly legitimate form of entertainment for people to buy. I do not choose to buy my entertainment that way, but that has nothing to do with it. The fact is that an awful lot of people do.

I am constantly annoyed with people pronouncing publicly that gambling is a terrible thing, that people ought not to engage in it and that anybody who plays a poker machine is a moron. This is in effect what they are saying. They are saying that people who back a horse are morons and that they ought not do that. They are saying that they ought to be spending the money in a way that those who pontificate suggest is proper. That is patronising and offensive in the extreme. If people wish to gamble—provided it is using their own money and provided they pay tax (and I must admit I like the tax on it)—they have the right to the same respect as people who choose to spend their money in another way.

Small business is complaining about the amount of gambling, and tabarets will add to the distress that small business feels it is going through. All I can say is this: most of the operations in hotels are small businesses. As I understand it, the recent increase in gambling facilities has meant the employment of 4 000 people in those small businesses. We apparently have a transfer from some small businesses

to others. That is what the market has determined. The same people who complain about the competition from other small businesses are the first to say that they support the free market. Of course, they do not support the free market. What they want is a monopoly for their own little corner of it, and any time that monopoly can be broken down will be of benefit to the community.

With regard to the location of tabarets, I was a little concerned when the Minister said the number ought to be limited to three and placed only in certain locations. I thought, 'Hello, here we go again.' It seems to me that the market ought to decide the location of these things. If people want to put in these tabarets and invest their money in every corner of South Australia, they ought to be allowed to. However, they would probably be very foolish to do so. They will probably come running to the Government afterwards to protect themselves from the dreadful corner shop where people, as they would see it, were wasting money on food and rent, and things such as that, and not in their tabaret. Let us not have a Government deciding where these things would operate. I am sure a wise word from the Minister would go down well with the racing clubs or whoever else wanted to operate one of these tabarets. The market should decide these matters.

Also, I remember having a word to the Lotteries Commission some time ago about its getting involved instead of whingeing about poker machines or about how the pokies were going to damage the commission's operation. I told it that, where appropriate, it should get in bed with them and produce some facilities that people would be encouraged and welcome to use in a comfortable atmosphere. If they want to bet on some of the products provided by the Lotteries Commission, as well as those provided by the TAB or any of the other gambling operators—and I do not think there are any more; there are only poker machines—that is the way to go for the Lotteries Commission rather than crying about it—and the same with the TAB. I congratulate the Minister on his comments in the *Advertiser*. I took them as gospel, as I do most things I read in the *Advertiser*, and I hope that eventually he will follow through with it.

The Hon. G.A. INGERSON: The member for Giles misunderstood me when I said it was limited. There is no limit, but it is my view that there will probably be only three or four of them. Unless you have a good location, the chance of falling over is pretty much the rule of business. A long time ago, my father said to me, 'There are only three rules in surviving in the retail operation, that is, location, location, location.' I have never forgotten that. In terms of the Lotteries Commission, the honourable member's comment was picked up by the TAB, that is, there is no point in whingeing: you ought to get out and market your product. This year, we have had a 5.7 per cent increase by getting out and marketing the product and selling it in competition with lotteries and the poker machines. We have upgraded the pub/hotels and our own TAB image. We have introduced a no smoking policy. We have been doing a whole range of things through the TABs to encourage both men and women, if they wish to bet, to bet in a better environment and give them more options.

So far, it has been reasonably successful; there has been a 5.7 per cent or a $27 million increase in turnover. For the first time in four years it has started to increase again. We believe that, with good marketing and promotion of the TAB, it can continue to grow. Whether we can get it again at 5.7 per cent is another issue. One thing you have to do in any business is recognise that there are no bounds. If you say, 'Today's model is tomorrow's model', you are already going down the gurgler. Our hotels—which, in essence, are tabarets—that have really developed a professional gambling and entertainment operation will be the ones that expand in the future, and they will continue to expand. The actual tabaret style of operation is already here. The hotels are the ones that have fundamentally picked it up. The racing industry needs to recognise that opportunity and get out and be competitive and grow as well.

Mr OSWALD: I would like to make a few comments in relation to—

An honourable member interjecting:

Mr OSWALD: Yes, I'd take it back tomorrow.

Mr Clarke interjecting:

Mr OSWALD: Don't tempt me. Clause 17 opens up the ability of bookmakers to become far more involved, and I support that. Their ability to get involved in tabarets is essential. It is also important that bookmakers have the opportunity to get involved in venues where there is only the TAB, and the Arkaba is a classic example of that. A lot of the punters do not realise that many of the big professional bettors go for the bookmaker's odds and bet them either on the books or back onto the tote.

Conversely, the bookmakers lay off their potential losses on the tote and we pick up turnover. The worst thing that can happen to the racing industry in this State is for the bookmakers to continue to decline in numbers, because they have a huge influence—not only because they add colour to the course, and that is fine, but because of the way they set the markets and lead with the odds. Of course, the odds vary, and that is important. I would also use this clause to send a clear message to RIDA to have one thing very much in mind when it starts sending bookmakers out to unregistered picnic meetings.

This clause is also known as the gun clause. It is the clause that members in remote areas have been looking for for some time to allow the TAB and bookmakers to field at picnic race meetings. As I interpret it, this Bill will allow that to happen. At picnic race meetings at the moment there are no stewards; there is no photo finish; stewards are provided by the club, but they are not official stewards from the SAJC racing authority; and no swabbing is available. If you have bookmakers on course and TAB betting, unless it is properly managed and organised, the integrity of racing could come under question. My comment today is to say to RIDA that, whatever it does with regard to picnic meetings, it should consider the integrity of racing. It should not do anything to cause people to say there is a potential for ring-ins at those venues. Other than that, if bookmakers can use this clause to get back into the profession and do something about their turnover, I applaud them and tell them to go for it.

The Hon. G.A. INGERSON: I thank the member for his wise words. One reason there has been difficulty in the past with the Jockey Club, as the registering authority, has been the issue of the integrity of racing. The reality is that, if these picnic race meetings are one-off events as important carnivals in particular areas, it is our view that we ought to put in place some boundary rules to allow them to occur at a level less stringent than at a major race meeting in metropolitan or country areas. I accept the comments of the member for Morphett and I am sure that RIDA, in taking up the capacity to issue these permits, will take all those comments into consideration.

Ms WHITE: I confirm my support for the opening up of betting and getting bookmakers more involved in the industry, as mentioned by the member for Morphett. My question is about fixed odds betting and how it will work. Perhaps I should have mentioned it under the previous clause. How will the market be set, given that people in this State and interstate will be involved? Will a panel set the market and, if so, will it include bookmakers? Will SPs be involved somehow? How will you set the market for the pool?

The Hon. G.A. INGERSON: As explained earlier, we will not have any role to play in the setting of the market: we will simply put our money into the market. I have been advised that it will be set by a panel of experts in the sporting field. That will be done by the managing group, which will be the TAB in Victoria and/or New Zealand (whichever we use), and people will be employed by that group to set it. We do not have any role to play as the agent. In essence, all we do is put money into the pool. All the rules are set by the managers of the pool. We accept the integrity of that as part of the agreement. In other words, we have to be guaranteed that the people who run the pool have the integrity that the owners say they have.

The Hon. FRANK BLEVINS: I support this, and I just want to comment on a couple of things. I have seen a presentation on how the TAB could set fixed odds if the South Australian TAB wished to go ahead in its own right. I have no doubt whatsoever that, over a period—and this would be the same for most people who set fixed odds—they win. That is one of the reasons why I do not bet: the odds are set so that over a period you cannot win. I have no fear about that. I rarely speak in these debates because of my great ignorance in respect of how the industry works. I could never understand why there was any restriction on the number of bookmakers and betting shops, and I was always patted on the head and assured, 'You do not understand it Frank, so just sit down.' By and large, I did sit down because I did not understand it. However, I think I have been conned over the years.

My understanding is that people who bet in a serious way will bet only when they know what they are going to win. They are not interested in knowing that it may be this or that. When they are investing large amounts of money, they really want to know what the financial outcome will be if they win. It also seems extraordinary to me that we allow SP bookies to operate: granted, the law said that they ought not to but I think we all know that they did.

I have no objection to SP bookies. My only objection was that they did not pay tax, and I just thought that that was anti-social. I did not think that betting was anti-social—I thought not paying tax on the money invested was the part that was anti-social. So, I hope again that at some time in the future bookmakers, besides being at picnic races, which this clause allows, will be allowed to compete throughout the community against the TAB; and, if competition really means anything, the TAB will be all the stronger for that competition. As regards picnic races, I do have a slight interest in this (not a personal interest), given that my electorate—

The Hon. S.J. Baker: There are plenty of picnic meetings up there.

The Hon. FRANK BLEVINS: I can tell the Minister that there are a lot of picnic meetings up there. In the far flung parts of my empire picnic races have occurred in the past. I am not sure what the state of play is with them now but it seems to me that, if anyone has any doubt about the integrity of these races and there is some doubt about the wisdom of investing funds in those areas, all I would say to them is not to bet. There are enough avenues for betting as it is. No-one is compelling anyone to bet on the third race at some place 1 500 kilometres from Adelaide. There is no law that says they have to bet. Again, I say buyer beware if you are not sure of the integrity of what is going on, and the same applies to the bookies.

As I understand it, bookmakers are not mugs and will not accept a bet if they feel that a race meeting is not being conducted under the rules that give them a fair go during the conduct of a race. I do not see any great problems for either the bookmakers or the punters at these race meetings because, if they do not think it is okay, they can bet on some race meeting which has a more established reputation and which perhaps is conducted under tighter rules. I commend the Minister on this clause, as I do on the other clauses in the Bill in adding to the opportunities for people to enjoy themselves using their own money.

The Hon. G.A. INGERSON: I am advised that, in accordance with the proposed powers under the Bill, RIDA would incorporate policy guidelines such as restricting all betting on local events which use unregistered horses and unlicensed trainers and jockeys to persons at the race meeting. RIDA would not, for example, allow oncourse totalizator investments at a picnic meeting to be pooled with other offcourse TAB investments. By insisting upon this separation of investments, any problems or difficulties that might be encountered at a picnic meeting may be contained at that venue. That is what we intend to do.

Clause passed.

Clauses 18 and 19 passed.

Clause 20.

Ms WHITE: This clause deals with section 119 of the principal Act and provides that information cannot be given out to someone and a fee charged for the result of a race or event. The clause provides that this cannot happen within or outside of Australia, and the words 'in relation to which a bookmaker is authorised by permit under this part to accept bets' have been added. It appears that this offence has been narrowed. Why has that been done? As I interpret the clause, it provides that it is an offence only if a bookmaker is involved. Why has it been altered?

The Hon. G.A. INGERSON: It is a consequential amendment. Currently, there is a restriction on information as to the location on the racecourse. If you allow it to be done in places other than a racecourse, you need to be able to control that betting information to that other place as well. It allows betting to occur in places other than a racecourse or a place where a race is taking place. This is a consequential amendment that enables those controls and rules of transfer of information to go to only that place which has been registered and not be generally broadcast everywhere. Currently, the transfer of information is from racecourse to racecourse. If you enable another place to do it, you have to enable that information to go to that other registered place. This is the consequential amendment that enables that to occur.

Clause passed.

Clause 21 passed.

Clause 22.

Ms WHITE: We talked earlier about smartcards which are to be introduced by the TAB. Is there any potential for criminal money laundering through TAB cards and, if so, what will you do to ensure that that does not occur?

The Hon. G.A. INGERSON: The answer is obviously 'Yes', because it can happen in telephone betting. If you have a system where you can deposit large sums of money, the usual position applies. If the member happened to go in with $10 000 or more and put it into a telephone account, as long as it was cash from Australia it would be accepted as such. It is exactly the same situation for smartcard. You must deposit the money, and I do not believe that any mechanism will enable you to check that. The TAB has no process to check whether money is being laundered. I think that it would place an amazing burden on the TAB if it had to do that.

Clearly, if there is any attempt to break the TAB in terms of gambling systems, we would be watching that. We monitor the situation all the time via internal security. If someone lodges cash, the TAB would not check whether or not it had been laundered, and I do not believe it would know how to do it in any case.

Ms WHITE: Perhaps the Minister could seek advice from the NCA on that matter. In relation to the indication by the Minister that the TAB may be sold, privatised or corporatised, does a TAB sale—if that is what the Government decides to do—require legislation? Does this current legislation aid or affect that at all?

The Hon. G.A. INGERSON: I am advised that if we sold or changed any function of the TAB it would require legislation. Clearly, if the Government at any stage in the future decided to go down that track we would have to come back to Parliament to do that.

Clause passed.

Title passed

Bill read a third time and passed.

ROAD TRAFFIC (U-TURNS AT TRAFFIC LIGHTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 June. Page 1638.)

Mr ATKINSON (Spence): Before the privatisation of some bus depots, it was usual for buses to start their runs in an Adelaide suburb, travel to the city and then travel to another Adelaide suburb on a different side of the city. When I was a pupil at Unley High School, our buses would start at Kingswood, go to the city, travel along Hutt and Wakefield Streets and King William Road, before turning east to St Peters. The bus followed the old tram route.

For years, my current bus (No.253) started at Port Adelaide and travelled to the city via Arndale, Hawker Street and Barton Road, and then travelled south along King William Road to Victoria Square where it turned right and passed through the square behind the statue of Queen Victoria and past the Central Market on its way to Glenelg and Seacliff. The buses from Seacliff and Glenelg travel to Port Adelaide via the city.

Now that the Government has changed the public transport system by privatising some depots, many buses do not run through the city. These buses, both privatised and TransAdelaide, stop in the city, turn around and travel back to the suburbs whence they came. These buses lay over on city streets: that is to say, they park for 10 or 15 minutes before returning along their route. So, my bus no longer travels to Glenelg or Seacliff but instead stops at Victoria Square and lays over there next to the old tram shed on the Angas Street corner. It then turns around at the southern end of Victoria Square, passes the Hilton and travels back to Port Adelaide. It is this change that has given the impression there are vastly more buses on city streets than there were.

The concentration of buses has been enormous at Pennington Terrace next to the Memorial Hospital and opposite the Cross of Sacrifice. Buses from the southern suburbs turn and lay over here. Owing to complaints from North Adelaide residents, the Minister of Transport, herself a North Adelaide resident, has looked at a few proposals to overcome the concentration of buses. A turning circle at Adelaide Oval was considered but rejected on the grounds of cost.

The Minister is now proposing that southern suburbs buses travelling along King William Road, north of North Terrace, do a U-turn at the Torrens Parade Ground, namely, at the intersection of King William Road with Victoria Drive. The buses would then return to the Central Business District and thence the suburb whence they came. To implement this proposal, the Minister needs to persuade Parliament to change the road rules to create an exception to the rule against U-turns at traffic rights for buses at the junction of Victoria Drive and King William Road. This will be achieved by two provisions: the first is inserting into the Road Traffic Act a provision exempting some buses from the rule against U-turns in circumstances defined by regulation; and the second is by gazetting a regulation defining those circumstances as buses doing a U-turn at the intersection of King William Road and Victoria Drive.

On King William Road at this location, a bus light will be added to the traffic light. We have experience of these bus lights at a number of intersections around Adelaide. At those intersections, for 30 metres before the lights, a lane is dedicated to buses only. If the lights are red, the bus stops at the traffic lights and, when the B light is illuminated, the bus proceeds across the intersection ahead of the other traffic. So, the bus light allows a time for buses exclusively to use the intersection. At the intersection of King William Road with Victoria Drive, this bus light would allow buses to do a hook right turn across King William Road and travel back the direction whence they came. So, all other traffic—motor cars and pedal cycles—would be halted at that intersection in both directions while TransAdelaide buses did a hook right turn and went back the other way along King William Road.

A hook right turn is defined elsewhere in the Act. It involves a vehicle turning right by approaching the intersection from the extreme left-hand side of the carriageway and clinging to the left-hand side while executing a right-hand turn. Members can see buses doing hook right turns any peak hour just outside Parliament House at the corner of King William Road and North Terrace. To do a hook right turn, one has to delay one's right turn until all the other traffic has gone by, because obviously doing a hook right turn simultaneously with the rest of the traffic would involve collisions.

It seems to me that the permission for TransAdelaide buses to do U-turns at the intersection of King William Road and Victoria Drive will substantially inconvenience other traffic.

Mr Brindal interjecting:

Mr ATKINSON: The member for Unley interjects, 'Will it be safe?' I presume it will be safe, because buses will be able to execute the hook right turn and U-turn only while the bus light is on. I presume that, while the bus light is on, traffic proceeding north and south on King William Road at that point will be halted by a red light. This will involve considerable inconvenience to motorists and cyclists at that point, because all traffic will be stopped while many buses execute a U-turn.

However, the Government has decided that, on balance, the inconvenience to Pennington Terrace residents of 400 buses a day laying over outside their units should be discontinued and the inconvenience transferred to motorists using King William Road at its intersection with Victoria Drive. I am pleased to see that the Government has stipulated that there be a 12 month trial because this matter could usefully be reviewed at the end of 12 months to see whether the balance of inconvenience is correct.

The Minister was asked whether there needed to be a study of this change and her answer was quite peculiar. She said there did not need to be any study because King William Road and other relevant streets were owned by Adelaide City Council and not the State. I assure the House that motorists using King William Road who are inconvenienced by this change in the phase of traffic lights at the intersection with Victoria Drive will blame not the Adelaide City Council for the inconvenience but the State Government. But the Minister has decided to implement this proposal, and the Opposition is willing to acquiesce in it.

The Hon. DEAN BROWN (Minister for Industrial Affairs): I appreciate the comments of the honourable member and his support for this matter. I must confess that, until his last sentence, I was not sure whether he was supporting or opposing the Bill. I think he was having a bob each way as far as his speech was concerned. We appreciate the support he has given in his last sentence. I therefore urge the speedy passage of this Bill because it makes a great deal of commonsense.

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

CONSTRUCTION INDUSTRY LONG SERVICE LEAVE (TRANSITIONAL PROVISIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 May. Page 1449.)

Mr CLARKE (Deputy Leader of the Opposition): The Opposition has studied very closely the second reading explanation and the Bill, which is short. The Opposition concurs with the views expressed therein and agrees to the legislation.

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

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

A quorum having been formed:

LIQUOR LICENSING BILL

Received from the Legislative Council and read a first time.

The Hon. S.J. BAKER (Treasurer): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill represents a major new policy initiative of this Government in the important area of liquor licensing in South Australia.

The Minister for Consumer Affairs, the Hon K.T. Griffin commissioned Mr Tim Anderson QC, on 30 March, 1996, to review the *Liquor Licensing Act, 1985* and its operation in accordance with agreed terms of reference, which included, among other things, National Competition Policy.

A Public Notice was placed in 'The Advertiser' on Wednesday, April, 3rd, 1996, advising of the Liquor Licensing Review and requesting written submissions by the 31 May, 1996. Likely interested bodies were informed directly of the review and invited to make submissions.

Seventy nine public submissions were received and were examined and considered during the review process. Further, Mr Anderson QC consulted with a number of other representatives of industry interest groups, drug and alcohol abuse prevention bodies, the members of the licensing authority and interstate and overseas licensing bodies. The final Report, containing recommendations for reform of the liquor licensing area, was presented to the Minister for Consumer Affairs on 23 October, 1996 for consideration.

As soon as the Report was finalised, there was intense interest in the liquor industry and community, in gaining access to the recommendations and, accordingly, the Report was released publicly on 20 November, 1996. At that time, the Government indicated that the report contained proposals for sweeping changes to the existing system of sale and supply of liquor in this State. On release of the Report, the Government indicated that, at that time, the only recommendation in the Report which was supported was that harm minimisation and responsible service principles should underpin the sale and supply of liquor in this State.

The Government also indicated that it was establishing a Working Group, comprising industry groups, drug and alcohol abuse prevention groups and other relevant stakeholders, to consider the recommendations of the review with a view to having a draft Bill prepared for introduction into Parliament.

Since that time, the Working Group met regularly and refined a series of draft Bills, in order to agree to the provisions of this Bill. The Government is pleased to report that the Working Group operated in an atmosphere of goodwill and co-operation and thanks all the members of the Group for the hard work which they put into the development of this Bill.

There is also a keen interest in the provisions of the Bill in the community and opportunity to comment on the provisions of the Bill was afforded to other interested parties, including local councils and ordinary citizens, during the Parliamentary recess. A number of amendments were made to the Bill to satisfy concerns raised by members of the legal profession, industry groups and other interested bodies. These amendments have been considered in another place and are now included in the Bill.

This Bill seeks to rationalize the many confusing differences between various licences, give more power to local communities as well as placing a much greater emphasis upon responsible service of alcohol and minimisation of harm as the foundation of liquor licensing law.

The development of the Bill has involved the consideration of a number of controversial issues, not the least of which was whether the holder of a producer's licence should be the subject of a licence fee after a certain amount of sales. The Anderson Report recommended that retail sales at cellar door should be exempt from licence fees up to an amount of $20 000 per annum and, further, that all retail sales by mail order should be subject to licence fees on the grounds that such licence holders are acting as retailers or wholesalers.

This recommendation was met with considerable concern from the wine industry who submitted that $20 000 was a very low amount and that the imposition of licence fees above this amount would result in small struggling wineries having to close their doors. The Government considered this recommendation and took the view that no fee should be imposed on sales from cellar door.

In reaching this decision, Cabinet recognises the significant contribution that the wine industry makes to the attraction of tourists to South Australia as well as the wider contribution of the wine industry to the economy of South Australia. In August 1985, the then Government abolished licence fees on retail cellar door sales in recognition of 'the economic and tourism significance of the wine industry to the State'. The licence fee was replaced with a minimum fee, now $179 per annum.

This left the matter of mail order sales to be considered, and meetings were held with representatives of the largest mail order wine retailer in this State to discuss the recommendation in the report. Subsequent to this, a Working Group was established, comprising representatives from Treasury, Economic Development Authority and the Liquor Licensing Commissioner. After consider-

ation of the matter, the Group submitted a final report which recommended that mail order sales by holders of a producer's licence not be the subject of a licence fee. In other words, the status quo should be retained. The Bill has been drafted on that basis.

In short, the Bill provides for a new era in the sale and supply of liquor. The major changes inherent in this Bill include:

- encouraging responsible attitudes towards the promotion, sale, supply and consumption and use of liquor, to develop and implement principles directed towards that end and to minimise the harm associated with the consumption of liquor;
- increased advertising requirements for the grant, removal or transfer of a licence or a change to the trading conditions of a licence, in order to ensure surrounding residents are informed of the application and, further, a requirement that the applicant specifically notify the local council and occupiers of land or premises adjacent to the licensed premises;
- increased rights of intervention in proceedings before the licensing authority for the Commissioner of Police, a local council, a particular body or person who the licensing authority has specifically directed be notified of the application and the Liquor and Gaming Commissioner (in proceedings before the Licensing Court);
- a wider general right of objection to an application for any person, including the ground that the grant of the application would not be consistent with the objects of the Act or that the application is not necessary in order to provide for the needs of the public in the area;
- to reduce the cost and time involved in making application for a grant, removal or transfer of a liquor licence by increasing the matters which may be considered by the Liquor and Gaming Commissioner and allowing for the Commissioner to seek to facilitate an agreement between the parties by conciliation of a contested matter, before referral to the Licensing Court;
- higher penalties for the offence of sale or supply of liquor to an intoxicated person and to a minor;
- removal of anti-competitive provisions in the Liquor Licensing Act, 1985 i.e. the provision requiring certain clubs to purchase their liquor from a nominated hotel or bottle shop;
- wider trading conditions for the holders of a liquor licence, including the ability for a restaurant to be approved to supply liquor without a meal to persons whilst seated at a table and for a club to admit members of the public, without the requirement to sign in (this puts clubs without gaming machines on the same footing as clubs with gaming machines);
- the removal of the general facility licence, providing for holders of this licence to retain their present trading conditions for two years, within which period they may apply to the licensing authority to have the licence converted into some other licence category considered appropriate by the licensing authority;
- the creation of a special circumstances licence which is only to apply in circumstances where a licence of no other category could adequately cover the kind of business proposed by the applicant and where the proposed business would be substantially prejudiced if the applicant's trading rights were limited to those possible under a licence of some other category;
- that Sunday trading for hotels with a full extended trading authorisation be as follows:
  a) for consumption on the licensed premises between 8am and midnight;
  b) for consumption off the licensed premises between 8am and 9pm.

  Further, that the ability for the licence holder to apply for extended trading from midnight until 5 am on Monday be available, if able to satisfy the licensing authority that the conditions for extended trade have been met, and there is no disturbance, etc, to local communities (this will achieve a more rational approach to late trading than the misused general facility licence);
- extended trading hours for sale and supply of liquor, but only if the licensing authority is satisfied that the grant of the extended trade would be unlikely to result in undue offence, annoyance, disturbance, noise or inconvenience and that the licensee will implement appropriate policies and practices to guard against the harmful and hazardous use of liquor;
- the retention of existing trading hours for Good Friday and Christmas Day (at present trading on Christmas Day from 9 am to 11 am has been retained). The hotel industry indicated a desire to trade into the first few hours of Christmas Eve and this has been accepted with extended trade between midnight and 2am on Christmas Day. The Government has accepted that members of the community see these extra few hours of trade into the morning of Christmas Day as an extension of Christmas Eve celebrations.

There are other changes in process and substance in the Bill. The Government is of the view that they all provide a proper balance in the complex area of liquor licensing.

I commend this Bill to honourable members.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

Clause 3: Objects of this Act

This clause sets out the objects of the Bill.

Clause 4: Interpretation

This clause contains definitions for the purposes of the Bill.

Clause 5: Lodgers

This clause sets out when a person will be considered to be a lodger for the purposes of the Bill. Conditions relating to the supply of liquor to lodgers are relevant to hotel licences, residential licences and club licences.

Clause 6: Persons with authority in a trust or corporate entity

This clause sets out the circumstances in which a person will be taken to occupy a position of authority in a trust or corporate entity for the purposes of the Bill. This is relevant to determining whether an applicant for a licence is a fit and proper person.

Clause 7: Close associates

This clause sets out the circumstances in which persons will be considered to be close associates for the purposes of the Bill. This is relevant to preventing plurality of certain licences (namely, a wholesale liquor merchant's licence must not be held together with a hotel licence, a retail liquor merchant's licence or a special circumstances licence).

PART 2

LICENSING AUTHORITIES

DIVISION 1—THE COMMISSIONER AND STAFF

Clause 8: The Liquor and Gaming Commissioner

The office of Liquor and Gaming Commissioner is to continue as an office in the Public Service.

Clause 9: Inspectors and other officers

This clause provides for staff of the Commissioner.

Clause 10: Delegation

This clause allows the Commissioner to delegate functions or powers.

Clause 11: Collaboration with other liquor licensing authorities

This clause allows disclosure of information to corresponding authorities in other jurisdictions and in other ways that the Commissioner considers to be in the public interest.

DIVISION 2—THE LICENSING COURT OF SOUTH AUSTRALIA

Clause 12: Continuation of Court

Clause 13: Court to be court of record

Clause 14: Constitution of the Court

Clause 15: Judges

Clause 16: Jurisdiction of the Court

These clauses continue to make provision for the Licensing Court of SA. The clauses recognise that former District Court Judges may constitute the Court and that the Court, separately constituted of different Judges, may sit at the same time to hear and determine separate proceedings.

DIVISION 3—DIVISION OF RESPONSIBILITIES BETWEEN THE COMMISSIONER AND THE COURT

Clause 17: Division of responsibilities between the Commissioner and the Court

This clause sets out when the Court is to act as the licensing authority and when the Commissioner is to act as the licensing authority.

Generally, the Commissioner is to determine non-contested matters and contested applications for limited licences. On other contested matters the Commissioner must attempt conciliation. If the matter remains contested the Commissioner may determine it if the parties consent but otherwise the matter must be referred to the Court.

An appeal to the Court is provided on a contested matter determined by the Commissioner.

DIVISION 4—PROCEEDINGS BEFORE THE COMMISSIONER

Clause 18: Proceedings before the Commissioner

This clause provides for informal proceedings.

Clause 19: Powers of Commissioner with respect to witnesses and evidence

The Commissioner is provided with powers to issue summons etc. to ensure relevant information and records are provided.

Clause 20: Representation

This clause provides for representation of parties in proceedings before the Commissioner.

Clause 21: Power of Commissioner to refer questions to the Court

The Commissioner is empowered to refer to the Court any proceedings that involve questions of substantial public importance or any question of law that arises in proceedings before the Commissioner or any other matter that should, in the public interest or in the interests of a party to the proceedings, be heard and determined by the Court.

Clause 22: Application for review of Commissioner's decision

Commissioner's decisions (other than those relating to a subject on which the Commissioner has absolute discretion) are subject to review by the Court.

DIVISION 5—PROCEEDINGS BEFORE THE COURT

Clause 23: Proceedings before the Court

This clause provides for informal proceedings.

Clause 24: Powers with respect to witnesses and evidence

The Court is provided with powers to issue summons etc. to ensure relevant information and records are provided.

Clause 25: Representation

This clause provides for representation of parties in proceedings before the Court.

Clause 26: Power to award costs

Costs may be awarded in relation to frivolous or vexatious proceedings or objections.

Clause 27: Appeal from orders and decisions of the Court

This clause provides for appeals from the Court to the Full Supreme Court except on a decision made on the review of a decision of the Commissioner or if appeal is expressly excluded in a provision of the Bill.

Clause 28: Case stated on question of law

The Court is empowered to state a case on a question of law to the Supreme Court.

PART 3
LICENCES
DIVISION 1—REQUIREMENT TO HOLD LICENCE

Clause 29: Requirement to hold licence

This clause makes it an offence to sell liquor without a licence. Sell is broadly defined in the interpretation provision to include—

- to supply, or offer to supply, in circumstances in which the supplier derives, or would derive, a direct or indirect pecuniary benefit;
- to supply, or offer to supply, gratuitously but with a view to gaining or maintaining custom, or otherwise with a view to commercial gain.

Clause 30: Cases where licence is not required

This clause sets out exemptions to the general requirement to hold a licence.

DIVISION 2—LICENCES

Clause 31: Authorised trading in liquor

The terms and conditions of a licence are to determine the extent of the authority to sell liquor conferred by the licence.

The current categories of licence are continued except that a general facility licence is to be phased out and a special circumstances licence is to be introduced.

Clause 32: Hotel licence
Clause 33: Residential licence
Clause 34: Restaurant licence
Clause 35: Entertainment venue licence
Clause 36: Club licence
Clause 37: Retail liquor merchant's licence
Clause 38: Wholesale liquor merchant's licence
Clause 39: Producer's licence
Clause 40: Special circumstances licence
Clause 41: Limited licence

These clauses set out the terms and conditions of the various categories of licences and the circumstances in which they may be granted.

A special circumstances licence may only be granted if the applicant satisfies the licensing authority that—

- a licence of no other category (either with or without an extended trading authorisation) could adequately cover the kind of business proposed by the applicant; and
- the proposed business would be substantially prejudiced if the applicant's trading rights were limited to those possible under a licence of some other category.

DIVISION 3—CONDITIONS OF LICENCE

Clause 42: Mandatory conditions

This clause sets out conditions that apply to all licences including a condition requiring compliance with relevant codes of practice about minimising the harmful and hazardous use of liquor or promoting responsible attitudes in relation to the promotion, sale, supply and consumption of liquor.

Clause 43: Power of licensing authority to impose conditions

This clause enables the licensing authority to impose further conditions and sets out examples.

Clause 44: Extended trading authorisation

A licence is not to authorise extended trading unless the grant of the authorisation would be unlikely to result in undue offence, annoyance, disturbance, noise or inconvenience and the licensee will implement appropriate policies and practices to guard against the harmful and hazardous use of liquor.

Extended trade is defined in the interpretation provision to mean the sale of liquor between midnight and 5 am on any day, or between 8 am and 11 am or 8 pm and midnight on a Sunday or between midnight and 2 am on Christmas day, but does not include the sale of liquor to a lodger or to a diner with or ancillary to a meal.

Clause 45: Compliance with licence conditions

This clause makes the licensee guilty of an offence if licence conditions are breached. If the condition regulates the consumption of liquor, it makes not only the licensee but also a person who consumes liquor knowing the consumption to be contrary to the condition guilty of an offence.

DIVISION 4—GENERAL PROVISIONS

Clause 46: Unauthorised sale or supply of liquor

This clause makes it an offence for the licensee to sell liquor in circumstances not authorised by the licence.

Clause 47: How licences are to be held

This clause allows a licence to be jointly held and also imposes requirements where a licence is held by a trustee of a business.

Clause 48: Plurality of licences

Multiple licences may be held except that the holder of a wholesale liquor merchant's licence (or a close associate) must not hold a hotel licence, retail liquor merchant's licence or special circumstances licence unless the licensing authority is satisfied that the conditions of the respective licences are such as to prevent arrangements or practices calculated to reduce license fees.

Limitations are placed on more than one licence being held in respect of the same premises.

Clause 49: Special provision for club licences

This clause requires that in most cases the holder of a club licence be incorporated under the *Associations Incorporation Act 1985* and establishes other criteria for eligibility to hold a club licence. However the licensing authority may grant a club licence to a trustee for an association in circumstances where incorporation of that association is not possible or not appropriate.

Clause 50: Minors not to be licensees

A minor is not to hold a licence or to occupy a position of authority in a trust or corporate entity that holds a licence.

PART 4
APPLICATIONS, INTERVENTIONS AND OBJECTIONS
DIVISION 1—FORMAL REQUIREMENTS

Clause 51: Form of application

This clause is of a procedural nature.

Clause 52: Certain applications to be advertised

This clause sets out requirements for advertisement of an application for the grant, removal or transfer of a licence or a change to the trading conditions of a licence.

DIVISION 2—GENERAL POWERS AND DISCRETIONS OF LICENSING AUTHORITY

Clause 53: Discretion of licensing authority to grant or refuse application

The licensing authority has an unqualified discretion to grant or refuse an application and may waive formalities or procedures in appropriate cases.

Clause 54: Order for determining applications

The regulations may determine the order in which applications are to be considered.

Clause 55: Factors to be taken into account in deciding whether a person is fit and proper to hold licence

This clause requires a licensing authority to take into account the reputation, honesty and integrity (including the creditworthiness) of the applicant and authorises the authority to take into account the reputation, honesty and integrity of people with whom the applicant associates.

In relation to managers and supervisors the licensing authority must also consider whether the person has the appropriate knowledge, experience and skills for the purpose and, in particular, whether the person has knowledge, experience and skills in encouraging the responsible supply and consumption of liquor.

DIVISION 3—APPLICATION FOR NEW LICENCE

Clause 56: Applicant to be fit and proper person

The licensing authority must be satisfied that the applicant is a fit and proper person to hold the licence and, if the applicant is a trust or corporate entity, that each person who occupies a position of authority in the entity is a fit and proper person to occupy such a position in an entity holding a licence of the class sought in the application.

Supervisors and managers may be required to undertake specified training.

Clause 57: Requirements for premises

This clause sets standards for licensed premises and requires all relevant approvals to have been obtained.

Clause 58: Grant of hotel licence or retail liquor merchant's licence

Special limitations apply to the granting of a hotel licence or retail liquor merchant's licence. The licence will not be granted unless it is necessary for the purposes of satisfying public demand for liquor for consumption in the relevant circumstances.

Clause 59: Certificate of approval for proposed premises

A certificate may be given in relation to proposed premises.

DIVISION 4—REMOVAL OF LICENCE

Clause 60: Removal of hotel licence or retail liquor merchant's licence

Clause 61: Removal of hotel licence or retail liquor merchant's licence

These clauses impose requirements relating to the transfer of a licence to alternative premises.

Clause 62: Certificate for proposed premises

This clause provides for approvals in relation to proposed premises.

DIVISION 5—TRANSFER OF LICENCE

Clause 63: Applicant for transfer must be fit and proper person

Clause 64: Limitation on sale or assignment of rights under licence

Clause 65: Transferee to succeed to transferor's liabilities and rights

These clauses provide for the transfer of licences (other than club or limited licences).

DIVISION 6—VOLUNTARY SUSPENSION AND REVOCATION OF LICENCE

Clause 66: Suspension and revocation of licence

This clause provides for suspension of a licence at the request of the licence holder and for revocation of a licence if it appears to the Commissioner that the licensee has ceased business.

Clause 67: Surrender of licence

This clause provides for surrender of a licence subject to the approval of the Commissioner.

DIVISION 7—ALTERATION AND REDEFINITION OF LICENSED PREMISES

Clause 68: Alteration and redefinition of licensed premises

The licensee is required to obtain the approval of the licensing authority before altering licensed premises.

DIVISION 8—EXTENSION OF TRADING AREA

Clause 69: Extension of trading area

This clause governs the extension of licensed premises to an adjacent area with the approval of the licensing authority.

DIVISION 9—VARIATION OF NON-STATUTORY CONDITIONS OF LICENCE

Clause 70: Variation of non-statutory conditions of licence

This clause authorises variation of conditions of licence imposed by the licensing authority.

DIVISION 10—APPROVAL OF MANAGEMENT AND CONTROL

Clause 71: Approval of management and control

The licensing authority may approve managers and persons who seeks to assume a position of authority in a trust or corporate entity.

The clause also requires approved managers to wear identification while on duty.

DIVISION 11—LESSOR'S CONSENT

Clause 72: Consent of lessor or owner required in certain cases

The licensing authority is required to ensure that the lessor or owner of premises proposed to be used in connection with a licence consent to that use.

DIVISION 12—DEVOLUTION OF LICENSEE'S RIGHTS

Clause 73: Devolution of licensee's rights

This clause provides for approvals, permissions or temporary licences in various circumstances including death of a licensee, physical or mental incapacity of a licensee, on a licensee ceasing to occupy licensed premises or on surrender or revocation of a licence.

Clause 74: Bankruptcy or winding up of licensee

This clause provides for administration in the case of bankruptcy or winding up.

Clause 75: Notice to be given of exercise of rights under this Division

Notice is to be given if action is taken under this Division without the prior permission of the licensing authority.

DIVISION 13—RIGHTS OF INTERVENTION AND OBJECTION

Clause 76: Rights of intervention

This clause provides a right to intervene in proceedings to the Commissioner of Police, the relevant council, bodies or persons notified of an application and the Commissioner.

Clause 77: General right of objection

This clause sets out the grounds on which objection may be made to applications that have been advertised as required by the Bill.

Clause 78: Lessor's special right of objection

This clause provides special rights to lessors to object to certain applications relating to leased premises.

Clause 79: Variation of objections

Variations are at the discretion of the licensing authority.

PART 5

LICENCE FEES

DIVISION 1—FEES

Clause 80: Licence fee

This clause sets out the amount of licence fee payable for each licence period.

Clause 81: Licence fee where licence granted during course of licence period

This clause provides for the calculation of the fee if the licence is granted during the course of a licence period.

Clause 82: Fee payable on surrender or abandonment of licence

This clause provides for fees on surrender or abandonment of a licence in certain circumstances. It authorises the Commissioner to remit the whole or part of the fee.

Clause 83: Payment of licence fee

This clause sets out the required timing of payments, which may be in instalments. It also provides for a fine on overdue amounts. It authorises the Commissioner to remit the whole or part of the fine.

Clause 84: Deferment of payment of licence fee

The Commissioner may authorise deferment if a licence is suspended at the request of the licensee.

DIVISION 2—ASSESSMENT OF FEES

Clause 85: Commissioner to assess and determine fees

The Commissioner is required to assess and determine the fees payable.

Clause 86: Estimate by Commissioner on grant of licence

The Commissioner is to estimate the nature and volume of trade in liquor where necessary for an assessment.

Clause 87: Power to estimate licence fee where information inadequate

The Commissioner is empowered to estimate as the Commissioner considers appropriate if the licensee fails to provide the necessary information.

Clause 88: Reassessment of licence fee

This clause provides for reassessment by the Commissioner within 4 years at the Commissioner's own initiative or on application by the licensee.

Clause 89: Review of Commissioner's assessment

The licensee is required to pay the assessed fee even if the assessment is subject to review by the Court. Provisions for adjustment after review are included.

DIVISION 3—RECOVERY OF LICENCE FEES

Clause 90: Recovery by civil process

Licence fees and default penalties are recoverable as debts.

Clause 91: Suspension of licence on non-payment of licence fee

Non-payment of a licence fee after written demand results in

suspension of the licence.

Clause 92: Penalty for providing incorrect information

The Court may impose a pecuniary penalty of the amount underassessed if satisfied that a licence fee was underassessed because of incorrect information provided by the licensee or former licensee or because of a failure on the part of the licensee or former licensee to provide information as required by or under the Bill.

Clause 93: Order for the payment of money

The Commissioner may obtain an order of the Court for payment of amounts owed by a licensee under this Part (including payment by a director or related body corporate) and the order may be registered in the Magistrates Court or the District Court and enforced as a judgment of the court in which it is registered.

DIVISION 4—RECORDS AND RETURNS

Clause 94: Records of liquor transactions

This clause obliges licensees to keep records of all transactions involving the sale or purchase of liquor.

Clause 95: Returns

Licensees and auctioneers are required to lodge returns with the Commissioner.

DIVISION 5—INQUIRIES INTO CERTAIN ARRANGEMENTS

Clause 96: Inquiries into certain arrangements

The Commissioner is authorised to conduct an inquiry to determine whether an agreement, arrangement or understanding exists between licensees or between a licensee and any other person, the object or effect of which is to reduce a licence fee.

PART 6
CONDUCT OF LICENSED BUSINESS
DIVISION 1—SUPERVISION AND MANAGEMENT

Clause 97: Supervision and management of licensee's business

This clause requires the business of a licensee to be personally supervised and managed by the licensee or a director of the licensee or a person approved by the licensing authority.

Clause 98: Approval of assumption of positions of authority in corporate or trust structures

This clause makes it an offence for a person to assume a position of authority in a trust or corporate entity that holds a licence (other than a limited licence) without the approval of the licensing authority.

DIVISION 2—PROFIT SHARING

Clause 99: Prohibition of profit sharing

This clause prohibits a licensee entering into a profit sharing arrangement with an unlicensed person or allowing an unlicensed person to exercise effective control over the licensed business.

The Commissioner is empowered to exempt persons from the application of the provision in certain circumstances.

DIVISION 3—SUPPLY OF LIQUOR TO LODGERS

Clause 100: Supply of liquor to lodgers

This clause sets out the conditions that must be observed in relation to the supply of liquor to lodgers.

Clause 101: Record of lodgers

The licensee is required to keep records of lodgers accommodated at the licensed premises.

DIVISION 4—REMOVAL AND CONSUMPTION OF LIQUOR

Clause 102: Restriction on taking liquor from licensed premises

This clause makes it an offence for a person to take liquor from licensed premises contrary to the relevant authorisations of the licence for on premises or off premises supply of liquor.

Clause 103: Restriction on consumption of liquor in, and taking liquor from, licensed premises

This clause makes it an offence for a person to consume or purchase liquor etc contrary to the relevant authorisations of the licence.

Clause 104: Liquor may be brought onto, and removed from, licensed premises in certain cases

This clause caters for BYO arrangements.

DIVISION 5—ENTERTAINMENT

Clause 105: Entertainment on licensed premises

The licensee must obtain the consent of the licensing authority before using the licensed premises (or adjacent areas) for entertainment purposes.

DIVISION 6—NOISE

Clause 106: Complaint about noise, etc., emanating from licensed premises

This clause provides for the laying of complaints about offensive behaviour or noise etc with the Commissioner by the Commissioner of Police or the council for the area in which the licensed premises are situated or a person claiming to be adversely affected by the subject matter of the complaint. Limitations apply to the latter category of complainant.

The Commissioner is required to act as a conciliator but if the matter is not settled must refer it to the Court. The Court may make an order against the licensee resolving the subject matter of the complaint.

DIVISION 7—EMPLOYMENT OF MINORS

Clause 107: Minors not to be employed to serve liquor in licensed premises

This clause makes it an offence on the part of the licensee if a minor is employed to sell, supply or serve liquor on licensed premises. Exceptions are made for children of the licensee or of a manager of or over 16.

DIVISION 8—SALE OR SUPPLY TO INTOXICATED PERSONS

Clause 108: Liquor not to be sold or supplied to intoxicated persons

This clause makes it an offence on the part of the licensee, the manager of the licensed premises and the person by whom the liquor is sold or supplied if liquor is sold or supplied on licensed premises to a person who is intoxicated. Certain defences are provided. The penalties are significant.

DIVISION 9—MISCELLANEOUS REQUIREMENTS

Clause 109: Copy of licence to be kept on licensed premises

A copy of the licence must be displayed at or near the front entrance of licensed premises.

PART 7
MINORS

Clause 110: Sale of liquor to minors

This clause creates offences with significant penalties relating to the sale, supply or consumption of liquor to or by a minor on licensed premises. It also provides a defence in cases where a licensee or some person acting on behalf of the licensee has required a minor to produce evidence of age and the minor has produced false evidence.

Clause 111: Areas of licensed premises may be declared out of bounds to minors

This clause enables a licensee to exclude minors from certain areas with the approval of the licensing authority.

Clause 112: Minors not to enter or remain in certain licensed premises

This clause excludes minors from certain areas of licensed premises during certain hours.

Clause 113: Notice to be erected

In areas where minors are permitted notices must be erected stating the minimum drinking age etc.

Clause 114: Offences by minors

This clause creates offences relating to the supply to or consumption by minors of liquor in regulated premises.

Regulated premises are defined in the interpretation provision to mean—

- licensed premises; or
- a restaurant, cafe or shop; or
- an amusement parlour or amusement arcade; or
- a public place—
  - to which admission is gained on payment of a charge, presentation of a ticket or compliance with some other condition; or
  - in which entertainment or refreshments are provided, or are available, at a charge; or
  - that is used in some other way for the purpose of financial gain; or
  - a public conveyance; or
  - premises of a kind classified by regulation as regulated premises,

and includes an area appurtenant to any such premises.

Clause 115: Evidence of age may be required

Authorised persons are empowered to require production of evidence of age if there are reasonable grounds to suspect that a person is under 18.

An authorised person is defined to mean—

- in relation to regulated premises or a public place—an inspector or a police officer;
- in relation to regulated premises—the occupier or manager of the premises or an agent or employee of the occupier.

Clause 116: Power to require minors to leave licensed premises

Authorised persons are empowered to require minors on licensed premises for the purpose of consuming liquor in contravention of the Bill to leave the licensed premises.

An authorised person is defined to mean—

- the licensee or an agent or employee of the licensee; or
- a manager of the licensed premises; or
- an inspector or a police officer.

Clause 117: Minors may not consume or possess liquor in public places

This clause makes it an offence for a minor to consume or possess liquor in a public place or for a person to supply liquor to a minor in a public place (unless the minor is in the company of an adult guardian or spouse).

PART 8
DISCIPLINARY ACTION

Clause 118: Application of this Part

This clause lists the persons who may be subject to disciplinary action under this Part.

Clause 119: Cause for disciplinary action

This clause sets out the grounds that may result in disciplinary action being taken.

Clause 120: Disciplinary action before the Court

This is a procedural provision allowing the Commissioner, the Commissioner of Police and, in certain cases, a council to lay a complaint before the Court.

Clause 121: Disciplinary action

This clause sets out the disciplinary action that may be taken by the Court, namely—

- in the case of a person licensed under the measure, add to, or alter, the conditions of the licence;
- in the case of a person licensed or approved under the measure, suspend or revoke the licence or approval;
- in the case of any person—
  - reprimand the person;
  - impose a fine not exceeding $15 000 on the person;
  - disqualify the person from being licensed or approved under the measure.

The Court is obliged to take certain disciplinary action in certain cases involving minors.

PART 9
ENFORCEMENT
DIVISION 1—POWERS OF ENTRY, ETC.

Clause 122: Powers of authorised officers

This clause sets out the powers of authorised officers for the purposes of administration and enforcement of the measure.

An authorised officer is defined to mean the Commissioner or an inspector or a police officer.

Clause 123: Power to enter and search premises and confiscate liquor

This clause authorises a police officer to use force to enter and search premises if the officer suspects on reasonable grounds that an offence against the measure is being committed on any premises or that there is on licensed or other premises evidence of an offence against the measure.

DIVISION 2—POWER TO REMOVE OR REFUSE ENTRY

Clause 124: Power to refuse entry or remove persons guilty of offensive behaviour

This clause authorises an authorised person to exercise reasonable force to—

- remove from licensed premises any person who is intoxicated or behaving in an offensive or disorderly manner; or
- prevent the entry of such a person onto licensed premises.

An authorised person is defined to mean—

- the licensee or an agent or employee of the licensee; or
- a manager of the licensed premises; or
- a police officer.

DIVISION 3—POWER TO BAR

Clause 125: Power to bar

This clause empowers a licensee or the manager of licensed premises to bar a person from entering or remaining on the licensed premises for a specified period, not exceeding three months—

- if the person commits an offence, or behaves in an offensive or disorderly manner, on, or in an area adjacent to, the licensed premises; or
- on any other reasonable ground.

Clause 126: Orders

This provision contains procedural requirements relating to orders.

Clause 127: Power to remove person who is barred

An authorised person is empowered to exercise reasonable force to remove a person barred under this Division.

An authorised person is defined to mean—

- the licensee or an agent or employee of the licensee; or
- a manager of the licensed premises; or
- a police officer.

Clause 128: Commissioner may review order

If the period for which a person is barred exceeds one month (or an aggregate of one month in three) the person may apply for review of the order to the Commissioner.

PART 10
UNLAWFUL CONSUMPTION OF LIQUOR

Clause 129: Consumption on regulated premises

This clause creates offences about the consumption or supply of liquor on regulated premises that are unlicensed. See the explanatory note to clause 114 for an explanation of the definition of regulated premises.

Clause 130: Unlawful consumption of liquor

This clause allows organisers of certain entertainments to stipulate that no alcohol is to be consumed at the entertainment and provides for enforcement of such a stipulation.

Clause 131: Control of consumption etc. of liquor in public places

This clause contemplates regulations imposing prohibitions on the consumption or possession of liquor in public places (ie the creation of dry areas).

PART 11
MISCELLANEOUS
DIVISION 1—OFFENCES AND PROCEDURE

Clause 132: Penalties

This clause imposes a penalty for an offence where one is not specifically provided in a provision.

Clause 133: Recovery of financial advantage illegally obtained

The Court is empowered to order payment as a debt to the Crown of any financial gain resulting from an offence against the measure or breach of licence condition.

Clause 134: Vicarious liability

This clause provides for vicarious liability.

Clause 135: Evidentiary provision

This clause provides evidentiary aids for prosecutions and other legal proceedings.

DIVISION 2—GENERAL

Clause 136: Service

This clause sets out the means by which notices etc may be served under the measure.

Clause 137: Immunity from liability

This clause is a standard provision providing immunity from liability for officers engaged in the administration or enforcement of the measure.

Clause 138: Regulations

This clause provides general regulation making power.

SCHEDULE
Repeal and Transitional Provisions

Clause 1: Definitions

This clause sets out definitions for the purposes of the schedule.

Clause 2: Repeal

This clause repeals the *Liquor Licensing Act 1985*.

Clause 3: Existing licences

This clause provides for the continuation of existing licences.

Clause 4: Continuation of other administrative acts, etc.

This clause provides for the continuation of administrative, judicial and disciplinary acts.

Mr ATKINSON secured the adjournment of the debate.

INDUSTRIAL AND EMPLOYEE RELATIONS (HARMONISATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 May. Page 1453.)

Mr CLARKE (Deputy Leader of the Opposition): Mr Speaker, some members opposite may well wonder why I called your attention to the state of the House. They had better get used to it, because I will be raising that as a point during much of the debate tonight. I have a fundamental view that, if members opposite, in particular, want to pass such a morally bankrupt piece of legislation, they have an absolute obligation to sit here and listen to the debate, rather than, as has happened so often in matters dealing with industrial

relations—whether it be this piece of legislation back in 1994, or the Workers Compensation Act during the course of 1995, when substantial violence was done to injured workers of this State—

Mr Cummins interjecting:

Mr CLARKE: I am, in particular, interested in having the member for Norwood present. I understand that business is light on; there is no brief for him today in the Supreme Court, so he cannot collect a few bucks on the side. I can understand his chagrin at having to be here tonight, sitting in this Chamber, trying to do the job of a member of Parliament.

Mr Cummins interjecting:

The SPEAKER: The member for Norwood will not be here.

Mr CLARKE: I would have thought, as a former member of the socialist left of the Labor Party, he would have a little more regard for industrial legislation. As I was saying, I believe it is particularly incumbent upon members of the Government who want to pass this legislation that they at least try to understand it and not just file through, when the division bells are called, to vote like cannon fodder.

Members interjecting:

Mr CLARKE: I exclude the member for Lee, because it would not matter how many hours I spent with the member for Lee on a one-on-one discussion he would never learn. This piece of legislation shows just how morally bankrupt this Government is. Here we have the former Premier, the now Minister for Industrial Affairs, trumpeting this piece of legislation as being the answer, in large part, to the unemployed of this State—both the young unemployed and the massive number of adult unemployed. It is not a Bill which creates jobs; it is not a Bill that says X millions of dollars will be injected into public works to create jobs; and it is not about instilling confidence in the small business sector. It is this Government picking up the cue from its equally morally bankrupt counterparts in Canberra, wondering how it can avoid the embarrassment of confronting high levels of unemployment, and saying to our people, 'Be patient, jobs are near. Just be patient with our economic policies; we will get you jobs.' When they see their stocks falling in the opinion polls, they ask themselves, 'How do we reverse it? Who do we pick on?' It used to be the trade union movement—it still is the trade union movement, in many cases—which was blamed as being the cause of all the ills of this State—

Mr Rossi interjecting:

The SPEAKER: Order! The member for Lee.

Mr CLARKE: I do not mind him.

The SPEAKER: The Chair does.

Mr CLARKE: I accept that point of view. The Minister brings in a piece of legislation that does not pump any money into the economy, and does not create, in a positive sense, one new job. What it does is to say to someone that, because they have been employed by an employer with X number of employees, or as a casual, on a fixed term contract—and, heaven knows, more and more people in this State are on fixed term contracts than ever before since the election of the Liberal Government in 1993—simply because they are one of the unfortunate, but growing, number of employees in this State who fall within the category of exclusions, they are to be denied the right of every other employee of this State of being able to seek a remedy for an unfair dismissal. That is this Government's answer to youth unemployment and to unemployment amongst the many mature aged persons who are in that category.

We also have a situation where this Government boasted, when the Minister was Premier, that it wanted to retain its own industrial relations system. It wanted to distinguish itself from the Keating-Laurie Brereton legislation. What we have here is a State Government which has rolled over to its own Federal Government and has done a copycat of the legislation, or the principles of what that Federal Government sought to get through the Senate, and by regulation, with respect to unfair dismissals. That shows the signs of the bankruptcy of ideas or vision with respect to this Government when it tackles unemployment.

The Hon. S.J. Baker interjecting:

Mr CLARKE: The Treasurer likes to interject. I appreciate his interjections: they are usually not to the point and rather boorish, as is his manner. Nonetheless, the Deputy Premier presides over an economy which, even his own budget papers point out, shows that there is no hope on earth of the Premier's meeting his target that we will reach the national level of unemployment by the year 2000.

The Hon. S.J. Baker interjecting:

Mr CLARKE: No, I am talking to you. You are the Treasurer who produced the budget papers. As a matter of fact, the last time around the Treasurer had to wait only nine months to reclaim his former position as Deputy Leader of the Opposition. He does not have that many more months before he can strike again at the current incumbent to regain his position as Deputy Premier.

This Government now seeks to introduce in the State sphere Australian workplace agreements or individual contracts. The former Minister for Industrial Affairs brought in the principal Act in 1994 and, when the Opposition of the day and the trade union movement said that the Liberal Government was intent on introducing individual contracts, members opposite swore on a stack of Bibles in this Parliament and in their negotiations with the Democrats in another place that it was not and had never been their intention to introduce individual employment contracts. They said, 'We only want enterprise bargaining agreements of a collective nature. Sure, if an employer has only one employee our legislation would apply in respect of an individual contract.'

However, the whole thrust of the principal Act, which was passed nearly three years ago, was for collective enterprise bargaining. All they wanted was to get trade unions out of the road so that enterprise agreements could be made directly between non-unionists and their employer subject to some safeguards with respect to the no disadvantage test, which was an oversight by the Industrial Relations Commission of South Australia.

This Minister and this Government are overturning everything that was promised to the public of South Australia in 1993 and during the debate on the principal Act in 1994, because Australian workplace agreements under State legislation allow unincorporated bodies, partnerships and the like, those which are not picked up by the Federal legislation, to enter into individual agreements on the basis of not what is provided in the State Act but what is provided in the Commonwealth Act.

That means that, once individual contracts have been negotiated and brought into force, they will be referred to the Employee Advocate, not to the South Australian Employee Ombudsman about which this Government made great play in 1994. I might add that, because of the work of the Opposition and the Democrats in ensuring that the Employee Ombudsman was made statutorily independent of the

Government—it was not the Government's original intention to do that in 1994 but it was forced to during the course of the negotiations in another place—non-union employees have been able to be fairly well protected particularly by the open scrutiny of the Industrial Relations Commission of the no disadvantage test.

Under the State system, if this legislation were to pass into law without amendment, the same thing would happen as happens at Federal level now where an individual agreement is entered into and it then goes to the Federal Employee Advocate. Whilst that person is statutorily independent, he does not conduct his affairs in the open. He receives the document, looks at it and judges for himself whether or not it meets the Federal no disadvantage test. That sounds fine except that he does it in secret. It does not go before the Industrial Relations Commission. It does not have to pass a test where other employees or members of registered trade unions can present their arguments in open court and hear the arguments of the employers, where reasons for the decision must be given in open court, and where there is a right of appeal, albeit limited.

As I understand it, that does not happen in the Federal system. What happens is that—and these are the words of the Employee Advocate who appeared before the Senate Estimates Committee recently to say how he handles these things—if, for example, a union believes that an individual agreement does not meet the statutory no disadvantage test, the union can write to the Employee Advocate and state the case. However, it is like sending a letter into a vacuum, because it is not done in open court. They do not hear the arguments of the other side. It is simply received by the Employee Advocate, who presumably reads it, but we do not know for sure whether the Employee Advocate does read the correspondence. He says that he does, but no-one knows because the process is not open and transparent. He then makes his decision.

No reasons for his decision are given, so that no opportunity is provided for the individual parties to complain about an individual contract not measuring up to the no disadvantage test. A decision is simply given. It is final and there is no right of appeal—it is over and done with. The worker and the community have to trust that the Employee Advocate is doing the right thing.

The Deputy Employee Advocate at the Federal level happens to be a former staffer of the Federal Minister for Industrial Relations (Peter Reith). He actively campaigned politically for changes to the Act which would have reduced even further the standards of open scrutiny and accountability which were finally negotiated through the Senate. I am not casting aspersions on the deputy as to whether or not he carries out his statutory functions in an open and impartial manner, but you would have to be a little wary if you were a worker or a trade union member, given his political or partisan views at the time the legislation was debated, of how he would interpret the no disadvantage test.

The South Australian Employee Ombudsman came from a trade union background. The difference in terms of why employees and unions might have confidence in Mr Collis, the Employee Ombudsman in South Australia, concerns the fact that the process is open. The Employee Ombudsman appears before the State Industrial Relations Commission. Unions or individuals who are affected by the proposed enterprise agreement can appear before the Enterprise Agreement Commissioner and argue their case. The Enterprise Agreement Commissioner makes a written decision, gives reasons, and traverses the arguments for and against. It is an appealable decision by an independent court, although it is somewhat sullied by the fact that the former Government introduced a fixed term of appointment of only six years for members of the State Industrial Relations Commission.

I think that is a disgrace to this Government, because it imposes some form of moral pressure on members of the commission who are up for employment every six years. Admittedly, there is a right of renewal with respect to only one extra term, but it puts a lot of pressure on those commissioners, particularly as the State Government is the major employer in South Australia and effectively their employer, given that their appointment is for only a six-year term.

This is the essence of what this Government is saying to the public of South Australia: 'Forget our rhetoric of December 1993 that no worker would be worse off, forget our rhetoric during the course of the debate in 1994 on the new Industrial and Employee Relations Act about an open and transparent process by which we will only support collective bargaining; we just want to get the unions out of the way so that an agreement can be entered into between non-unionists and their employer, but we will accept the amendments of the Opposition and the Democrats to ensure that there is an open and transparent process by which all agreements must go before an independent industrial relations commissioner who can hear arguments on both sides of the fence and who must give reasons for the decision'—and where there is an appeal mechanism.

That is light years away from the position federally and from what is being advocated by the State Government here for a number of employees who would otherwise fall within the State jurisdiction and simply have the rights and protection of a collective award or enterprise agreement being entered into openly and transparently before an independent Industrial Relations Commission. It is light years away.

Let us look at the rhetoric of the Government at the time that it introduced the principal Act in 1994. It follows the so-called logic of this present Government about why it needs individual employment contracts. The theory is simply that in 1994 it was the big bad trade unions and their role in enterprise agreements, having to be party to such agreements, that had stopped thousands of individual workers who were not unionists and thousands of individual employers in this State who did not have union members working for them having enterprise agreements. Let us put that furphy to rest once and for all.

The last time I took out these figures was around February of this year. They would have changed a little in terms of quantum, but as percentages of the work force not a great deal. Around February of this year something like 92 000 workers in South Australia were covered by enterprise agreements under section 75 of the State Act. I went through those figures in February of this year and extracted the number of enterprise agreements that did not have a trade union as a party to that agreement, that is, a purely non-union agreement. I added up the number of employees covered by those enterprise agreements in the private sector. Around 3 000 or 4 000 employees were covered in the private sector by purely non-union agreements, out of a work force of over 600 000 in this State. Over 60 000 of those 92 000 employees were State Government employees; teachers, in particular, form the bulk, along with employees of DENR and a range of other Government agencies. They all had unions as parties to those agreements, such as the union of which you,

Mr Acting Speaker, were formerly a member—the police union.

In terms of purely private sector workers in this State entering into purely non-union agreements where there was no union involvement whatsoever in the agreement, something like around 1 to 1.5 per cent of the work force of this State were covered by such agreements. This should not surprise anyone because, when I was telling the then Minister for Industrial Affairs how all of his rhetoric was based on a false premise, I pointed to examples of the New South Wales Enterprise Agreement Act of 1991 and to how the Greiner Liberal Government had sought to exclude unions. From 1991 in New South Wales until the recent amendments to the legislation there under a Labor Government, we saw a similar trend. That Act, clearing the way for purely non-union agreements to be entered into, had been going since 1991.

An article in the *Journal of Industrial Relations* for the March quarter of this year conducted a study of the 1991 legislation, and it showed the same trends as apply here. A minuscule number of employees in the private sector had availed themselves of purely non-union enterprise agreements. Those survey results published in the *Journal of Industrial Relations* showed that overwhelmingly private sector employers in that State preferred the certainty of the award system. They found the award system flexible enough, and for many small business employers it was too tough to try to negotiate enterprise agreements on their own, one on one or between the employer and a group of employees.

So, it is fallacious to suggest, as did the Minister and this Government in 1994, that we could clear the log jam of enterprise agreements simply by getting rid of the trade union movement as a necessary part of the signing of those contracts.

The Minister was Minister for Industrial Affairs between 1979 and 1982, but did not learn a great deal in that time because the hints towards the reality of the day were explained to him by the Cawthorne Report of 1982. The then Minister for Industrial Affairs in 1981 and 1982 commissioned Magistrate Cawthorne, now Judge Cawthorne, to look at amendments to the then Industrial Relations Act with a view to doing all that he has been trying to do since he has been Premier and Minister in his latest bout in Government, which is clear the decks with respect to the trade union movement and open the door for employers and employees to get together without trade unions. Horror of horrors, the Cawthorne Report, which was never released by the now Minister and the then Minister for Industrial Affairs—it was only released by Jack Wright when he became Minister after the 1982 election—debunked every one of the ideological points that this Minister had at that time with respect to changing the legislation.

I have often wondered why Frank Cawthorne was never made President of the Industrial Court, even though he was the most senior judge after Brian Stanley was cajoled into leaving by the then Minister for Industrial Affairs back in 1994. I often wondered why Frank Cawthorne, who is respected by both sides of the fence and who in many cases was the lawyer acting for employers before he went to the bench in 1976, was never made President or Senior Judge of the Industrial Court and Commission of South Australia. I have always had a bit of a feeling as to whether his report in 1982, debunking the then Minister—the now Minister for Industrial Affairs—may have had some long-lasting consequences for him.

It is unfortunate that the Minister is absent during the second reading debate. I hope that he comes back. He may find Parliament rather boring and tedious in terms of listening to a bit of history from practitioners such as you, Sir, and me on industrial relations. I find it disappointing and I trust that the Minister will be back soon, because we are dealing with a very important piece of legislation and I hope that he will be in a position to respond to the points the Opposition makes in the course of not only our second reading contributions but also when we go into Committee and examine clause by clause the basis of the Government's legislation and see whether any facts support his position. I will come back to the AWAs in more detail in Committee. In dealing with some other parts of the Bill before us, I refer to the unfair dismissal provisions, which I find even more appalling than the importation of AWAs.

At the end of the day, employers in this State will not pursue AWAs in the State arena. They have given non-union enterprise agreements a wide berth over the past three years since the Act has been in operation, because it does not suit their purposes. They find the award structure safe and comfortable for themselves, and they are busy trying to make money and, more particularly, survive in our current business climate. First, employers will not concern themselves with AWAs because, quite frankly, it imports a concept that is alien to this State. Secondly—and just as importantly from a practical point of view—the Federal legislation is an atrociously written piece of legislation. It is gobbledegook and barely comprehensive to the most experienced of practitioners. One only had to attend the South Australian industrial relations convention in March this year—

The Hon. Dean Brown interjecting:

Mr CLARKE: I do. I admit to the Minister that I am a bit rusty. I have not been in the courts for nearly four years, but I know more about the matter than the Minister; and you, Mr Acting Speaker, would know more about it than the Minister from your former occupation. Every practitioner, employer, trade union official and members of the State commission themselves, who are also to a person commissioned under the Federal legislation to handle matters, told the industrial relations conference that they found the Federal legislation almost incomprehensible.

Quite frankly, for the small business person wanting to use AWAs, it will be beyond them. They will lose their business trying to get into individual contracts with their employees, unless they hire a professional lawyer, which is no doubt why the member for Norwood is so keen on this piece of legislation getting through—so he can avail himself of a lucrative bit of business after he loses his seat at the next election. Quite frankly, it is an incomparable piece of legislation—

The Hon. DEAN BROWN: I rise on a point of order, Mr Acting Speaker. Standing Orders clearly indicate that members cannot reflect on another member. I believe that was a reflection, and I ask the honourable member to withdraw.

The ACTING SPEAKER (Mr Bass): Order! I listened very intently, and the Deputy Leader was getting close to reflecting on the honourable member. I ask that he not pursue that line.

Mr CLARKE: Sir, I will not do so any further, as the point is made. No doubt the member for Norwood will be back and can speak for himself. Basically, those small businesses who want to go down the road of the AWAs will only have to look at the Act and the complications in it and they will throw up their hands in horror and say, 'My

business can't afford this; I can't afford the time off to attend to this matter. I cannot afford the lawyers or the Chamber of Commerce's costs; I will give this a wide berth.' Some will do it—

The Hon. Dean Brown: Sit down and don't worry about it.

Mr CLARKE: I do worry about it, because somebody will be disadvantaged. What the Minister does not understand and what I was trying to say earlier is that, because of the way the Employee Advocate operates at Federal level, when they scrutinise these few AWAs that might go through they will find that there is no open accountability of the Employee Advocate as to whether a person is doing their job or whether they are just rubber stamping it. No-one knows, because of the confidentiality provisions of the individual agreements, whether the Employee Advocate is simply rubber stamping agreements and applying any sort of standard. It is entirely at his discretion as to whether it measures up to a no disadvantage test at Federal level. No written reasons are given for decisions, there are no appeal processes, no cross-examination of witnesses or open appearances in court. We will just not wear that. Even if it affects only one employee in this State, we will not allow—without consent, anyway—the importation of that type of exploitation.

With respect to the unfair dismissal part of the legislation—and we will deal with that in more detail in Committee—this Minister has already promulgated a regulation of 29 May which says that, if you work for a boss with 15 or fewer employees and you have fewer than 12 months service, you have no legal rights with respect to an unfair dismissal—none whatsoever. That is apparently his way and his Government's way of creating employment—by taking away the lawful rights of people. It is not just my word. I will refer to some correspondence that was sent to the Minister—and a copy was sent to me and to Mike Elliott—by Professor Andrew Stewart. He is Professor of Law at Flinders University, and he specialises in industrial relations, in particular the issue of unfair dismissals. He has made a study of them. Despite some abuse that the Minister levelled at Professor Stewart—that he was a Labor Party stooge, or words to that effect, to which the professor quite rightly took umbrage—he pointed out to the Minister that he represented both employers and employees and associations; he advised Governments—both Liberal and Labor—and he advised both employer organisations, as well as trade unions.

In respect of the harmonisation aspect of the Federal and State legislation, in his letter to the Minister Professor Stewart says:

> I appreciate the Government's desire to harmonise State and Federal law, but harmonisation is no excuse for the importation of provisions from ill-conceived and poorly drafted legislation.

He refers specifically to the Federal Act. He continues:

> South Australia has a proud history over the past three decades of creating a complaint procedure that has been progressive in offering industrial justice to workers, yet at the same time balanced and above all workable. To copy from a grossly inferior Federal equivalent, as it has been ever since it was originally enacted in 1993 by the Keating Government, makes little sense, especially when there is no evidence that the present State system is causing any problems at all.

The professor goes on to say that it is absolutely outrageous—I am not quoting directly from the letter, but these are the terms of it—for a worker to be denied the basic human right of access to an unfair dismissal remedy. He says that workers in this State have had comparatively unfettered access to the unfair dismissal jurisdiction since 1972. There has been a right for workers to do it, except in instances involving non-award persons who may have been earning salaries roughly in excess of $64 000 at today's rate. It has worked well in this State and has provided for speedy and cheap access to justice for all concerned, yet the Minister wants to import into the State system the very worst features of the Federal legislation.

The original Brereton legislation about which the Minister makes so many bones was itself amended substantially and came into effect on 1 January 1996. It modified and addressed virtually all of the concerns of most employers at that time. As I said to the Minister in the Estimates Committee last week, I am happy to associate myself with the comments of the President of the Industrial Relations Commission of South Australia and the Senior Judge of the Industrial Court, Judge Jennings, in an address to the Industrial Relations Society back in 1996 or late 1995 in which it was pointed out that, with the second wave of the Brereton amendments which came into effect on 1 January 1996, the worst features had gone; it was very similar to the State legislation; and it was eminently sensible and workable. I am happy to associate myself with the views of the President of the South Australian Industrial Relations Commission. However, the Minister is just not content with bringing in this regulation on 29 May which provides that, if you work for an employer and there is less than 12 months' service and less than 15 employees, you have no legal right to unfair dismissal.

The Hon. Dean Brown interjecting:

Mr CLARKE: It is 12 months—that is in your own regulation.

The Hon. Dean Brown interjecting:

Mr CLARKE: That is right. If it is a small business and the employee was first employed by the employer before 1 January 1996—that is the exception—and if the employee has been employed by the employer for more than 12 months or on a regular and systematic basis for a sequence of periods of employment during a period of more than 12 months. I do not know what the Minister is getting at, but at the end of the day—

Mr Lewis interjecting:

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

Mr CLARKE: I appreciate that the member for Ridley has just come in, no doubt inspecting the state of the moon as to where it is on the horizon. The Minister said that he was bringing in his own regulation to harmonise with the Federal legislation. That is an absolute travesty and an untruth because such a regulation does not exist at Federal level. Peter Reith sought to bring it in but it was defeated in the Senate only last week. At least Peter Reith had the guts not to try to go around the Senate after having had the regulation disallowed and did not regazette it as this Minister said he would do if the Legislative Council disallows his regulation of 29 May. Peter Reith said, 'I will come back with another piece of legislation that will be more draconian on unfair dismissals than the regulation I have put up, and I will fight it through the Parliament. If you knock me back there, it may be a trigger for a double dissolution.' At least Peter Reith and the Federal Liberals are going down the parliamentary path to try to achieve their aims.

This Minister says, 'I am bringing in the regulation and, even if the Legislative Council disallows it, I will regazette it the next day. If they disallow that, I will regazette it again and I will keep regazetting it until they give up.' That is an absolute abuse of the parliamentary process, and that is why the Opposition has said to this Government continually,

'Whenever you put up legislation, whatever it is that seeks to give Ministers of the day powers to do things by regulation, we will oppose that power of regulation because you have shown that you cannot be trusted with it and therefore you will pay the penalty by having to negotiate it through the Upper House on every occasion.'

The Hon. Dean Brown: Do you think a Labor Government ever did that?

Mr CLARKE: The Minister interjects with respect to a Labor Government. I am not aware of that, but I am sure the Minister will come back with whatever the Labor Government has done. We have been blamed for everything from the black death to whether the Crows win or lose on a particular Saturday, but the fact is that it is the Liberal Government that has consistently overridden the will of Parliament.

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

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

A quorum having been formed:

Mr CLARKE: I will try to wind up my second reading contribution over the next 10 to 15 minutes. I will conclude on the unfair dismissal provision by referring the Minister and the members of the House to a couple of instances where people would have been severely disadvantaged if the Minister's regulation had been in force when their cases came before the Industrial Relations Commission or, indeed, if this legislation currently before us had been in operation.

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

A quorum having been formed:

Mr CLARKE: Unlike the Minister—and the Government with respect to this matter—who constantly refers by anecdotal evidence to having a cup of coffee or a cucumber sandwich with a small business employer as to how they would recruit and employ more people if the unfair dismissal laws had been relaxed so that they could get rid of anyone they liked without any legal recourse for that individual, let me refer to some real cases which have been referred to the Industrial Relations Commission involving real people whose cases have been dealt with through the Working Women's Centre.

I will give a couple of examples. The client was a single mother working as a casual cleaner at a school for a contract cleaning company. She worked regular set shifts for 11 months. The employer dismissed her three weeks from the end of school term for performance—no warnings or performance counselling. The employer never visited the workplace. He had also just reduced her hours from three to two hours per day. When she found it difficult, if not impossible, to achieve the enormous workload, she was dismissed. She had an expectation of ongoing employment over the Christmas break and for the following year. She believed the dismissal was for financial reasons. The case was settled during the conciliation proceedings.

I point out a very real point: if the commissioner at the conciliation conferences had believed that that employee had no just cause to be before the commission, the commission would have recommended then and there that the case not proceed or for a settlement to be reached. I cite another example. The client was employed as the only employee in an adult book shop—these are all people who are not union members. She was employed as a casual, working full-time hours for a period of 10 months. The employer was abusive every day—yelling, swearing and imposing unrealistic sales targets and so on. He would visit the shop at least four times per day on his rounds to his other shops. The employee received no breaks, was underpaid and worked in appalling conditions. Her grandmother died in Melbourne and she wanted to attend the funeral. She rang the employer very upset and asked for time off to travel to Melbourne. The employer became abusive and told her that everyone had a sad story and refused to let her go. She insisted and was dismissed. The case was settled in conciliation. I will give one last example. There are many others, but I will not take the time to—

Mr Rossi interjecting:

Mr CLARKE: I do not know why the member for Lee would want to interrupt because, after the next election, he could, hopefully, be in his first year of employment and he would not want to be dismissed without recourse to an unfair dismissal procedure.

This is another case study. A 28-year-old full-time employee was dismissed from the position of customer relations officer after eight days of employment. The company had fewer than 15 employees. The dismissal took place after she questioned her wage on commencement. The wage advertised was not to be paid. This employee would have no jurisdiction under the current regulation or proposed amendments to the Act. Despite the fact that she had given up a good job to take up this position, the employee would have had no remedy other than a very costly civil action for breach of contract which was beyond her financial means. The matter was settled in conciliation to her satisfaction. However, if costs was not an issue, it could have been pursued to trial.

As I said, these are actual cases which have gone before the Industrial Commission of South Australia, handled by the Working Women's Centre of South Australia, and where the case—

Mr Caudell interjecting:

Mr CLARKE: Well, no doubt, the member for Mitchell as an employer will want to get up and wax lyrical about how he wants the right to hire and fire at will without any legal recourse.

Members interjecting:

The DEPUTY SPEAKER: Thank you, members. Members should make their contributions by way of carefully considered speeches rather than intermittent interjections.

Mr CLARKE: Thank you, Mr Deputy Speaker. These are real cases before the commission.

Mr Caudell interjecting:

The DEPUTY SPEAKER: Thank you, member for Mitchell.

Mr CLARKE: The interesting thing about this is that an independent commissioner who handles these conciliations proceedings could have said to the employer—and I have been there in actual cases; unlike the member for Mitchell who knows nothing and will never learn—

Mr Caudell interjecting:

The DEPUTY SPEAKER: I warn the member for Mitchell in a kindly manner, but it is a warning nevertheless.

Mr CLARKE: The reality is that that conciliation commissioner would have said to the employee, 'No hope and, if you pursue your case to arbitration, you can have costs awarded against you as provided for in the present Act.' The employer could have taken the case on his or her own in each case or use legal counsel if they wanted to waste money, or

be a member of the Employers Chamber (as I would recommend) and get some professional advice in that area.

The fact is that, under the Minister's own regulation promulgated on 29 May, those employees would not have had recourse to any legal remedy, other than an expensive, time-consuming, very costly civil case. You are dealing with people often with short-term or casual employment who do not have the financial resources to launch such a case in defence of their rights. Yet, this Minister and this Government are saying that denial of the legal rights of workers to challenge an unfair dismissal will create work in this State. That shows the moral bankruptcy of this Government. The only solution to unemployment in this State, according to this Premier, is to take away the rights of the individual worker to an unfair dismissal remedy. That is the moral bankruptcy of this Government.

Mr Lewis interjecting:

Mr CLARKE: That is a very interesting interjection from the member for Ridley. I have not noted that my mortgage is being paid for by the State taxpayer, unlike the member for Ridley so, if he would like to engage in a bit more banter, I am happy to accommodate it.

Mr LEWIS: Mr Deputy Speaker, I consider that remark deliberately offensive, because it does not in any way reflect the truth of the circumstances. I ask the honourable member to withdraw.

The DEPUTY SPEAKER: Does the honourable member have a point of order?

Mr LEWIS: No, I simply ask the honourable member to withdraw the insult.

The DEPUTY SPEAKER: It was hardly unparliamentary. It was a passing observation. I am not sure how the honourable member could take exception to it. Does the honourable member wish to withdraw the remark?

Mr CLARKE: Absolutely not, Sir.

Mr LEWIS: That is in no sense a legal representation of the facts and, if the member said it outside, I would sue him for defamation.

The DEPUTY SPEAKER: There is no point of order. The Deputy Leader.

Mr Lewis interjecting:

Mr CLARKE: If the member for Ridley wishes to pursue this line, I am happy to accommodate him, inside or out of this place—

The Hon. Frank Blevins interjecting:

Mr CLARKE: —or behind the shed, as the member for Giles has suggested. I am more than happy to accommodate him. Dealing with the legislation—

Mr Brindal interjecting:

Mr CLARKE: Members on your side of the House would know only too well what they do.

An honourable member interjecting:

Mr CLARKE: Some, that is true; not all. I will deal with the details of the unfair dismissal proceedings in Committee. In conclusion, I want to make passing reference to a whole range of other clauses of the Bill which are totally unnecessary and which are just mere duplication of ineffective Federal legislation in any event, dealing with the freedom of association. We have it already in the principal Act, but this Government is so slavish to the Howard Administration that it now has to duplicate the Federal legislation. Likewise with respect to issues such as the eligibility for registration of associations and trade unions, which I will deal with in Committee. Again, there is nothing there of any substance.

The real key to this legislation is in the area of Australian workplace agreements and unfair dismissals. I conclude on this point: small business in this State is not interested in unfair dismissal laws in terms of generating employment for their business. What they are interested in are full order books, plenty of sales and people walking into their shops to spend money. That comes about when people are in work or when people have confidence in the State to go out and spend. That is something which is lacking in this State because of the administration at a Federal and State level under the Liberal Party.

The other point is this: there is an intense feeling of job insecurity in this State. It does not matter whether you work for the banks, the Public Service or in areas which were traditionally regarded as redundancy free, or forced redundancy free. Every employee in this State now feels threatened that, no matter what occupation or position they hold—and the Minister could speak freely on this point—

Mr Foley: And the members for Reynell, Hanson, Norwood and perhaps even Mitchell.

Mr CLARKE: Very much so. There is an intense feeling of insecurity. If workers feel insecure, they will not buy goods or services. That is what hurts small business. I will give an example of the data relating to small business on this issue of unfair dismissals: the *Yellow Pages Small Business Index* in April this year shows that just 5 per cent of small businesses are concerned about industrial laws, while 84 per cent are more concerned that the lack of Government action has failed to get the economy moving.

An earlier Australian Chamber of Commerce and Industry (ACCI) survey ranks dismissal laws as a distant seventh out of eight as the main impediment to employment, well behind a lack of sales, a weak economy and a lack of profitability. When will the members of this conservative Government get it through their collective thick heads that, unless you have a happy work force, a work force that feels secure, a work force that feels that their rights can be protected in a cheap and accessible manner, when the work force can believe that, when a boss capriciously sacks them, they can get a cheap and easy remedy, those workers will work and produce?

They will not have a wealthy economy with a cowed, scared work force, and that is what they are trying to get in this State. They are trying to get a cowed, bowed down, kowtowed, touch the forelock work force that will do what the boss says because, if they do not, they will get the sack and have no legal remedy available to them at all. All that that policy has led to in this State is the highest level of youth unemployment in Australia, with the highest level of unemployment in mainland Australia. That is the bankruptcy of the ideas of this Government. That is the bankruptcy of a Liberal Government.

At the end of the day, when the next election comes around, many members opposite, when they seek employment for the first time, within the first 12 months with a new employer with fewer than 15 employees, will come begging to me as the Minister for Labour to rescind that regulation so that their employment prospects will be protected, and I will happily do so because, despite the fact that they know not what they are doing, they at least deserve the protection of the law.

Like every other employee in this State, irrespective of whether they are a casual, part-timer or first-timer, whether they have been there for 12 months or 25 years, they have the right to a cheap and easy remedy to unfair dismissal—the very system we have had that has worked so well in this State

for the last 25 years. If members in the Liberal Party want to tear it down, be it on their own heads. We will fight them through this. They will win in this place, they may get something out of it through the other place, but we will work on them. We will be in the trenches with the bayonets out and, by God, at the end of the day, we will win. Whether it is today or next year, the Labor Party and the workers of this State will win, and members opposite will pay the political price.

That does not include the Minister, who is in a safe Liberal seat. He may be a backbencher ready to head off to London next year, but a lot of his confreres will very much regret his decision, because they will be joining the CES or one of those other privatised employment agencies looking for a job.

Mr BRINDAL (Unley): I do not know what it is about the dinner break that affects the Deputy Leader of the Opposition as it appears to affect him every night.

Mr Caudell: I think it's called shiraz.

Mr BRINDAL: He has some sort of feral injection, because he comes in here—

Mr CLARKE: I rise on a point of order. My point of order is this scumbag, the member for Mitchell. I would have thought he is the last to want to get up and make personal reflections but, if he wants to, by God, I will accommodate him. So, I suggest that the member for Mitchell watch his very loud mouth and very long tongue, or he will likewise be accommodated.

The DEPUTY SPEAKER: Is the honourable member asking for the withdrawal—

The Hon. DEAN BROWN: As the Minister responsible in this House, I would ask that the Deputy Leader of the Opposition have some decorum and withdraw the word 'scumbag'.

The DEPUTY SPEAKER: We already had a point of order before the Chair, Minister. Was the Deputy Leader seeking withdrawal of a phrase, which the Chair did not hear?

Mr CLARKE: The message was given. I will leave it at that.

Mr CAUDELL: Mr Deputy Speaker, I will withdraw any statement that may have been offensive to the Deputy Leader, and I ask that he also withdraw the remark he made.

Mr CLARKE: In the interests of the harmony of the House, I withdraw the word 'scumbag'. There are a lot of other things I could describe him as, but I will withdraw the word 'scumbag'.

Mr BRINDAL: What we hear from the member for Ross Smith—who can contribute to this House by way of debate—is a lot of political diatribe that really comes out of the 1950s. He is constantly on about these sorts of things. I do not believe that I am any different from all members on this side of the House in saying that one of the lasting achievements of this Government, in its full 3½ years, has been in the area of industrial reform and what has been done for the workplace. I acknowledge some of the thrusts made by the member for Ross Smith. It is difficult for small business if the economy is not going well. It is difficult for small business if people do not want to spend money in the shops. The confidence is not really a direct matter for Government. The economy is something the Government can assist with. But what we can do as a Government, and what this Government has consistently done for 3½ years, is look to make it easier for small business to employ people.

The member for Ross Smith waxes lyrical about that being seventh out of eighth, or something. If we have addressed in order those impediments to employment, which I am sure this Minister and the Government under him have done, and we get down to the ninth or tenth, I encourage the Minister to keep going to the eleventh and the twelfth, and to however many it takes to make it better and easier for small business to employ.

While the member for Ross Smith waxes lyrical, I am reminded that when his Party was in power I had a friend who owned three small hardware stores in Adelaide—one at Glenelg, one at Unley and one elsewhere—each employing about five employees. During the course of their Government, so bad did they make the situation for employers that he sold two businesses. His reason for selling two of his three businesses was that the business he runs, in which he employs his family, is viable and that all he was doing in those other two businesses was getting hernias and ulcers. And for what? To pay other people. He was making no profit at all from employing other people and running two businesses. There was a cost to him in emotional terms, in responsibility terms and there was no return.

I do not believe that there is any member in this House, Labor or Liberal, who is so buried in political diatribe as to believe that it is an unfair proposition that someone with capital to invest should get at least some return on that capital. When you get small businesses saying to you that the situation in South Australia is such that their enterprise can never, and will never, expand beyond the employment of family members because they simply cannot afford it, then something is very wrong with the state of the economy in South Australia.

I feel very sorry for the Minister at the table and for other Ministers because, despite their best efforts, the best trick that Labor taught small business in this State was to become efficient. Some of them have learnt to do so well with so little that, even when times start to get better, they know how to run their businesses and, instead of having four employees, they have worked out how to manage with three and they will not employ the fourth one merely for the sake of giving someone else a job. They are saying that they can run an efficient business, provide customer service, and they can do it well and with fewer people.

Ms Hurley interjecting:

Mr BRINDAL: No, it is what Labor and Labor Governments have forced small business to do—to become more efficient, lean and better at what they do. So, the way that they will employ is twofold: it will be when the economy is reviving; when, as the member for Ross Smith says, people are starting to buy again. Of course, small business will have greater demand, to the point where it will re-employ, but it will not re-employ people if there are impediments to doing so.

The Minister at the table and you, Sir (because you were here and participated in the debates), and anyone who was here in the last Parliament know the millstone that was WorkCover. When we came in here the WorkCover liability unfunded was $161 million, and rising. This Government took some hard decisions—some decisions which sometimes have hurt people but they were decisions that had to be taken—to put WorkCover back on track, and WorkCover is on track. And the Government has addressed other industrial affairs matters, to the point where we are now addressing not the first priority but one of the later priorities, which is unfair dismissal.

If the member for Ross Smith says that all is right with the world and there is nothing wrong with the unfair dismissal

laws, I suggest he speaks to the owners of some of the small businesses to whom I speak and who will say that they will not employ people on a whim, because they have to be careful as they are so difficult to get rid of.

Mrs Geraghty interjecting:

Mr BRINDAL: The member for Torrens interjected, 'Yes, but it comes at a cost to workers.' I acknowledge that point. It is very difficult for anyone, it does not matter which side is in Government, to pass a law and get it exactly right so that the law is so balanced that it is entirely fair and no-one is disadvantaged. As I said earlier, in terms of the WorkCover debate, while we have done the very best that I think we can do within the law, I am sure members opposite would be aware of instances where people have perhaps been harshly done by because of the strictness of the current law. No law is entirely fair to everyone. I suppose that with every law it is a matter of best fit. I acknowledge the honourable member's comment, that perhaps even with this law it will be, on occasions, tough on a few, but we always have to consider law that is the best fit, law that does the best we can with the resources available.

Mrs Geraghty interjecting:

Mr BRINDAL: The honourable member says it disadvantages people. I just said that it may disadvantage some. But I can tell you, no matter what anyone in this House thinks, that there is not a Minister in this Government, to my knowledge—and I am certainly talking about the Minister presenting this legislation—who is uncaring for people. Despite the diatribe of the member for Ross Smith, most members on this side are not wealthy capitalists who see workers as some sort of fodder to be eaten up by the machine, thrown out the other end and completely disregarded. Every single person on this side is aware that workers are human beings with families, friends and relations, and no Minister, member of this Government or member of this House wants to see people disadvantaged.

Every Minister—and this legislation is no exception—seeks to get that which is best for the worker, the employer and the whole community. That is the object of this legislation. It is the best that we can do in the circumstances. Instead of coming out with rhetoric of which Frank Walsh would have been proud, I suggest that the member for Ross Smith leap into the 1990s and start to see the world as it is by considering the needs of small business and the stimuli by which we can encourage small business to re-employ people and, instead of being the negative, carping, whingeing person whom we hear every night after dinner, that he give the Minister and the Government some credit and help us to get on with the job in an area where we are achieving and doing particularly well. The Government needs credit not debit in this area and acknowledgment of what it has achieved. The Minister is to be commended for this Bill. I therefore commend the Bill to the House.

Mr FOLEY (Hart): I wish to make a small contribution on this Bill tonight. I begin by saying that I have never known a small business in this State to go broke because it was unable to sack an employee or that has not been able to expand its operations because of having to hire more staff.

Ms Greig interjecting:

Mr FOLEY: The member for Reynell indicates with a nod that she knows of a small business that has gone broke because it has not been able to sack someone. I think that probably has more to do with the fundamental nature of the business than the inability of that company to dismiss an employee.

No-one on this side of the House would seek to defend a situation where clearly from time to time legitimate processes can be undertaken that involve dismissal, but under set procedures and proper industrial law—there are mechanisms to deal with that. To take away that safety net or that provision, to put in place legislation that allows an employer simply to dismiss an employee without due regard for that person's predicament or the particular circumstances involved is totally unacceptable from the Labor Party's point of view.

It always interests me that, when the Tories or the Conservatives are looking for a scapegoat for their inability to revive the economy and provide growth, they pick on the people who are the most vulnerable: the workers of an organisation. It is simply—

Ms Greig interjecting:

The ACTING SPEAKER (Mr Bass): Order! The member for Reynell is out of order.

Mr FOLEY: —proven form of a Tory Government to look for industrial law, to pick on the workers in small companies as an excuse for its inability not only to provide decent economic leadership and growth but to build an economy that employs people. I do not know what the Liberal Party has against workers. I do not know what the members for Reynell, Norwood and Mitchell and other marginal members have against workers. They have a lot of them in their electorate.

Some stark differences are emerging between what a Labor Party will offer at the next election and what a Tory Party will offer. A Labor Party will offer jobs and a future, protection and security for employees. A Tory Government will offer uncertainty, insecurity, the great unknown, and the fact that if you work for a small employer with a small work force your chances of getting the sack for whatever reason will be far greater than under a Labor Party.

Mr BRINDAL: I rise on a point of order, Mr Acting Speaker. I ask you to rule on relevance. The honourable member keeps referring to a Tory Government when there is no such thing in this State.

The ACTING SPEAKER: There is no point of order, but I ask the honourable member to address the Bill.

Mr FOLEY: I am addressing the Bill, Mr Acting Speaker.

Mr Brindal interjecting:

Mr FOLEY: If the member for Unley is offended by the expression 'Tory Government', I will simply rephrase it as a Liberal Government or perhaps a Thatcherite Liberal Government.

Mr Cummins interjecting:

Mr FOLEY: The member for Norwood, the old leftie from the Labor Party who ratted on his mates, who ratted on the workers and the Labor Party and joined the Liberal Party just so that he could get into Parliament, could not beat Greg Crafter for preselection. The old leftie from the Labor Party changed his tune and joined the Liberal Party. They took him on. What mugs the Liberal Party are for taking on—

Mr Cummins interjecting:

The ACTING SPEAKER: Order! The member for Hart will return to the debate in question and the member for Norwood will refrain from interjecting.

Mr FOLEY: I apologise, Sir, but I think that, from time to time, it is important to remind the Parliament whence the member for Norwood came.

Mr Cummins interjecting:

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

Mr FOLEY: I will ignore the inane interjection from the member for Norwood. As has been said, there is no question that there are many pressures facing small business in this State as there are nationally, but there is no bigger issue facing small business than the inability of this Government to make the economy grow. Small business is not employing people because of restrictive industrial law or because it is unable to have the flexible law that it needs in terms of industrial relations; it is simply not employing people because this economy is not growing. We do not have a robust economy, an environment that is giving employers (small or large) an incentive to employ people.

Mr Brindal interjecting:

Mr FOLEY: The member for Unley asks, 'Why don't we have a robust economy?' as if these changes will be a special elixir to give us the fantastic economy which the member for Unley seeks. They will not help. This Government has failed to stimulate the economy. It has failed to deliver a sustained economic growth over the past three years. We have seen a contraction of 1.6 per cent in the last quarter, a 1 per cent economic growth over the past 12 months. They are the issues that must be addressed.

Mr Brindal interjecting:

Mr FOLEY: The figures are correct.

Mr Caudell interjecting:

Mr FOLEY: I tell you those figures are very correct.

The ACTING SPEAKER: Order! The member for Hart will resume his seat. The member for Unley has already spoken. If he wants to take part in the Committee stage I suggest that he remain quiet. I cannot see the member for Mitchell, but I can hear him, and I suggest that he now remain quiet.

Mr FOLEY: I will conclude with this point. It is simply not the Opposition saying that changes to dismissal laws are a major impediment to economic growth. Let us take no greater authority in terms of whom the Liberal Party looks up to than the Australian Chamber of Commerce and Industry. As my colleague the Deputy Leader mentioned earlier, that organisation ranks dismissal laws a distant seventh out of eight as the main impediment to employment, well behind lack of sales, a weak economy and lack of profitability.

I simply say that when you cannot find your way through the economic malaise of this State, when you are unable to make this economy grow, do not pick on the worker, do not look for a scapegoat issue to hold up as a significant economic reform that will drive this economy into a phase of massive growth. We will not cop that. It is not a significant or substantial driver of economic growth. It is a diversion by a Government which is bereft of the ability to create economic activity. It is going into a State election with 9.8 per cent unemployment, with youth unemployment in excess of 40 per cent, and it is looking for a scapegoat issue. The next election will be about jobs. It will not be about diversions or nonsense issues, of which this is one. It will be about who is better placed to provide security, job growth and a future for our young people, a future for our work force and a future for our State. This legislation is a diversion and should be treated as such.

Ms HURLEY (Napier): I have worked for two merchant banks in the past in the corporate services sections. Companies in trouble often came to us for assistance in getting out of that trouble. The companies in trouble, admittedly much larger than the small businesses we are generally talking about now, were overwhelmingly in trouble because their management was inefficient, unintelligent and simply did not cope with the changing conditions. In no case was it due to excessive wages. That was a point that my very conservative employers made time and again. It was not, as many employers like to think, due to wage costs, wage break-outs and restrictive employment conditions. The employers liked to blame their company demise on that, but it simply was not true. My employers said time and again that that was not the case, that they should not concentrate on those issues, that they could negotiate with their employers and with the unions if they wanted to, but the problem with these companies was, without exception, that management was inefficient.

I suspect that this is the case with small business as well. Where small business is suffering in South Australia is probably due to the fact that the economy is bumping along on the bottom and that, in spite of a national recovery, the recovery in South Australia has not happened. People are losing their jobs either in the Public Service or private enterprise or they do not have permanent full-time jobs but casual, part-time and insecure jobs. They are not prepared to spend money and small business is being squeezed. I see that in my electorate all the time. Small business is being squeezed and is undergoing hard times with poker machines eating into the available money that families have to spend. In general, in hard times people do not want to spend money because they are not certain of their job or because they have other essentials on which to spend it such as food, rent, the mortgage or whatever. They simply do not have the money, and the user pays imposts of this Government have not helped. The increases in taxes and charges have not helped, either.

This Government should be looking at its own taxes and charges rather than attacking the worker as it does in this Bill, which has been the thrust of its representations. Small business is suffering and employers are suffering, but we should not condone the Government taking it out of their workers' hide. This is what we are starting to do in this Bill.

I have been quite astonished, since becoming the member for Napier, at the number of young people in particular who have come to me about their employment conditions. These are overwhelmingly young people who work in small business. Their employers have not been paying them adequately, have not been paying them according to the award and have not been paying overtime.

The Hon. Dean Brown interjecting:

Ms HURLEY: I have, and got very little help, I must say. In some cases employers have not been paying the compulsory superannuation contribution. The reflex response of the employers when an employee brings this up is to try to sack them, and this legislation will make it easier for those employers. This is particularly so in the smaller fast food shops—not the big ones like McDonald's and Hungry Jacks—which employ two to four casuals. Their reflex response when an employee complains is to sack them. When I ask these employees why they are not a member of a union they say, 'Because my employer would object; they would not employ me if I was a member of a union. If the union came sniffing around I would be sacked.' This legislation makes that easier, and I object to it.

When employees approach the Department of Labour seeking redress for their underpayment or for the lack of adherence by their employer to award conditions, the employer prolongs the court period for as long as possible,

which increases the legal fees and prolongs the repayment of their underpayment of wages for as long as possible. In other words, the employer drags out the process so that the employee is left in a situation where they have to accept a percentage of the underpayment of their wages over a long period. This is because they are not members of a union or because they cannot afford the legal fees. The Federal Liberal Government's attack on legal aid will not help the situation, either. It has reduced the amount of legal aid and the accessibility of people to legal assistance.

If these young people even think to approach their local member to seek help, which is the great minority, they are very disadvantaged by the current situation, and now this State Liberal Government seeks to make that even worse. It is totally unacceptable that young people in my electorate just starting out in a job have such a bad experience in the work force. It is the young women I feel particularly sorry for. They are often harassed by their employer in other ways and are underpaid for the job they do. They are not valued, and their employer does not treat them with due respect. This is their introduction to the work force. Is it any wonder that these people are not keen about getting jobs or about rejoining the work force?

Is it any wonder that these people are out of work for several years and are not prepared to make a commitment? They have been hit and hit again by employers. Now this Government provides the employers with an even bigger stick with which to hit these young people. As a local member I find that totally unacceptable, and I will strongly oppose the Bill and any similar Bill brought before the House.

Mr Brindal: Do you believe that?

Ms HURLEY: It has happened.

Mr CAUDELL (Mitchell): Before speaking on this Bill today, I gave careful consideration to whether I should speak as a former employer of people in South Australia and whether I would have a conflict of interest in relation to this Bill. After listening to the member for Ross Smith, a former union official, I have to wonder whether there is conflict of interest on both sides in relation to this matter. After listening to members opposite, one would think that 99 per cent of businesses in South Australia are rogue businesses, crooks and shocking employers, after the way the Opposition has spoken tonight.

As a former employer of people in this State I take offence at some of the statements that have been made in relation to employers because most decent employers in this State regard their workers as the strongest asset in their business. Without those very good employees working for them their businesses would not survive. I know very well that in my case, without the very good employees who have worked for my business in the past, it would not have continued to prosper.

Prior to coming into Parliament I had some very good employees. I have also had some very bad employees. Most small business people I have spoken to have said that they have a problem. The economy in South Australia is bumping along the bottom, as the members for Napier, Hart and Ross Smith have said. Let us not forget why it is bumping along the bottom, who created this enormous debt in this State and who created our ongoing recurrent deficit. We were spending more than we were earning. Let us talk about good business acumen. Good business acumen will always tell you—

Mrs Geraghty interjecting:

The ACTING SPEAKER (Mr Bass): Order! The member for Torrens is out of order.

Mr CAUDELL: —that you should never spend more money than you earn. Good business practice will tell you that you should always cater for your cash flow and that you should make sure your business is well catered for with respect to the future. We had a Labor Government that made sure we spent more money than we were earning, that the assets depreciated and that very little money was spent on capital investment to upgrade and maintain our assets. Yet members opposite have the audacity to stand before this Parliament and talk about good management practices. The member for Napier said that all the problems being experienced by small business in South Australia were as a result of bad business acumen on the part of employers. If we look at those who ran this State for over 10 years, we see that their business acumen was poor. It is an old saying that a big business will always be turned into a small business by a Labor Government. I was referring back to the situation as an employer—

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

A quorum having been formed:

Mr CAUDELL: As I said before, most employers will recognise that a good asset of their business is their employees; they are important to a business. However, an unsuitable employee will be detrimental to a business. The members for Hart and Napier said that a bad employee would not be detrimental to a business. I remind both members that an unsuitable employee can cause considerable pain to an employer. At some stage, every employer will have a claim against them for unfair dismissal or something that requires them to have a discussion with a union or with the Industrial Commission. In the past, my business has been no different. I was taken to the Industrial Commission by the Working Women's Centre on behalf of an employee, because I did not allow the appropriate time when dismissing that employee.

The employee refused to do the work, so I gave the her one warning, and I gave her a second and third warning with a witness. Unfortunately, the Industrial Commission advised me that I did not say, 'Look, I suggest you go home, think about the situation over the weekend and come back to me on Monday morning and let me know whether you want to do the job you are being paid for.' Accordingly, I had to pay the employee for a couple of extra weeks' work. I was happy with the decision of the Industrial Commission. However, in the meantime, I also found out that that employee had passed computer information on to a competitor. Such an experience hits an employer right in the guts, and they ask, 'Why should I employ these people when I have no rights regarding what they do to my business and the way they can destroy that business?' When they refuse to do any work after being asked to do so not once or twice but three times, the employer still has no rights.

The rules are such that an employer should send them home and ask them on the Monday following the weekend whether they are happy to do the work for which they are being paid. Most small businesses rate unfair dismissal along with a combination of issues as matters that affect their decision to employ people. Most small businesses will say, 'Because the economy in this State is not as robust as it should be, I am uncertain as to the future; I have no confidence to employ another person. However, if I have to employ another person and I put them on as a permanent employee, and they turn out to be an incorrect employee who is detrimental to the business and who refuses to take a direction from me as the employer, what chance do I have of

getting rid of that employee with minimum cost and disruption to the business?' I am talking not about businesses of 10 employees, 20 or 30 employees but about businesses that are run by mums and dads and employ one or two people.

A large percentage of businesses in this State are small business. Up to 80 per cent of businesses in this State involve mums and dads, and they employ up to two people. Those businesses are concerned. Given the state of the economy and their future, why should they have a gun held to their head over a person who is working for them who is totally incompatible, is unacceptable and is detrimental to their business? We are not talking about 99 per cent of the businesses and their employees but about a small percentage. However, the Opposition is trying to paint a picture that every employer is a rogue employer, that every employer is out to upset their employees. They are trying to paint the picture that the employees are downtrodden. May I conclude—

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

A quorum having been formed:

Mr CAUDELL: After having been interrupted by the member for Ross Smith, I wish to reflect on another issue concerning a past employee. I decided that I did not want to take the case to the commission on my own behalf but I would employ a legal representative to represent the business: $1 500 later I still had to pay a week's wage.

Members interjecting:

The SPEAKER: Order!

Mr CAUDELL: I conclude by saying that most employers regard the employees who work for them as their greatest asset and that is no different in the business I had prior to coming into Parliament. I regard the employees who worked for that business as my greatest asset and I would move heaven and earth to ensure that the people who worked hard for that business were properly compensated by the operation. But every so often a small business, a mum and dad operation, which has people working for them, encounters people who are unacceptable or incompatible or the like for that business. This legislation provides the opportunity for people to leave on amicable terms after certain occurrences. I recommend and commend the legislation brought before the House by the Minister for Industrial Relations.

The Hon. FRANK BLEVINS (Giles): I oppose the legislation, which is nothing more than another gimmick by this Government. The legislation has no merit. It does nothing at all to assist the State—the economic or social welfare of the State. At best, it gives to those businesses that do not do a careful analysis of what is going on the appearance that the Government is doing something to help them, but that is all it is. I understand that week after week in the Cabinet room briefings are given about what the forward predictions are for the economy, revenue and expenditure—how we are going—and I can understand how Ministers get depressed. Week after week the prognosis for the State is depressing. That is the reality that the Government is dealing with. The inability to influence this in any positive way is apparent to them by now—after 3½ years—so what have they come up with? They have come up with stunts to give the appearance of progress.

It does not take a great deal of brains to work out what has happened. Australia has become more market orientated: South Australia is being left more and more to market forces and it is finding a level commensurate with its inherent wealth. That means that some adjustments are being made and they are being made downwards. That is the reality of the situation. Until the Government recognises that—and maybe it does recognise it—but until it says it openly, I do not believe we will deal with the problem. It is absolutely absurd to blame such things as unfair dismissal laws—after 25 years of working without a hiccough—as somehow contributing to the problem of market forces. Even Mr Bob Moran today did not blame the unfair dismissal laws: he blamed poker machines. I do not think he is right because there seem to be plenty of car yards existing with poker machines and I just wonder—

An honourable member: What is the problem?

The Hon. FRANK BLEVINS: I really do not know. I heard another small business man today say that speed cameras were the problem. He said it was speed cameras that were sending small businesses broke because people were having to pay taxation through the speed cameras and then did not have the funds to buy used cars or other products supplied by small business. There is probably a bit of truth in both those claims. The amount of truth is very small but it is interesting on a day when it was an issue about small business going broke.

I did not hear anyone—and I watched four news programs tonight—say, 'It was the unfair dismissal law that sent me broke. It was the unfair dismissal law that did damage to my business.' I did not hear anyone say that. I did not hear anyone say, 'Because I could not sign an Australian workplace agreement with my employees, I have gone broke.' I have never heard a small business person say that. My electorate office is in the major shopping centre in Whyalla and I know just about every small business person in that shopping centre: I have never heard one of them say, 'Frank, this unfair dismissal law is adversely affecting me.' Not one. But the overwhelming majority say very publicly that they do not believe that the Government is doing enough. I agree with them and say, 'You are quite right.' I do not give them a lecture on economics or tell them about market forces or about the world economy; I do not tell them about the international market in steel or wool. I agree with them that this Government is pathetic and doing absolutely nothing to resolve the problem. The point is this: the Government could do certain things to assist businesses in this State—

An honourable member: What?

The Hon. FRANK BLEVINS: I will tell you during the election campaign and not at the moment just what the Government can do. One of the things that does not help is to tell small business, contrary to its own experience, 'The problem is your own employees: your problem is that you cannot sack them and you cannot get an Australian workplace agreement with them. That is your problem and this Government and I as the Minister for Industrial Affairs will solve that problem for you.' It is a problem that small businesses never knew they had, yet they are told that is the position.

Mr Caudell interjecting:

The Hon. FRANK BLEVINS: I agree with the member for Mitchell. Incidentally, the Federal Minister for Industrial Relations, Mr Reith, in his words (not words I would use) said that some employers are bastards. The Federal Minister called some employers bastards. He used those words. I would not use those words. All I said was that some employers were too stupid to cross the road, which was perfectly true, but I would not have gone as far as Mr Reith and called them bastards.

Mr Brokenshire interjecting:

The Hon. FRANK BLEVINS: Maybe Mr Reith knows more employers than I do and maybe he knows them better than I do. Maybe he was right and I was far too generous in my assessment. It seems to me that, if an employer is incapable of sacking an unsatisfactory employee, I just wonder whether they deserve to be in business.

A number of employees who have been sacked have come into my electorate office and, when I look at them I think that it is a miracle—and I tell them—that some of them have been kept on for so long. I tell them that under no circumstances would I have kept them on for so long and that the employer is completely correct. I know that union officials in Whyalla tell them the same thing: 'You haven't a case. You haven't a leg to stand on. Your record is appalling.' That happens every day in this State; every day it happens and there is no competent employer who cannot get rid of an incompetent employee. If they cannot get rid of them, then as far as I am concerned they do not deserve to be in business.

For the purposes of the argument, let us say that the Chamber—and I know some quite decent people who are employees of the Chamber—is, by and large, a branch office of the Liberal Party. We all know that it is little more than that. I think that is unfortunate, but that is the truth, and I would think more so now than when the Employers' Federation was going. One of the good things was the demise of the Employers' Federation: one of the sad things about that was, of course, that the taxpayer had to pick up some of the flotsam that flowed out of the Employers' Federation when it was sunk into the Chamber—

Mr Venning: Name one.

The Hon. FRANK BLEVINS: Matthew O'Callaghan.

Mr Caudell: Name two.

The Hon. FRANK BLEVINS: Where do we stop? I am getting sidetracked and I want to stick strictly to the point as I know you, Sir, always insist that I do. For the purposes of the argument, let us say that the employers have approached the Government and said, 'We want this legislation. We cannot continue without this legislation. Without this legislation, employers in this State are going down the tube.' I would ask the employers, 'What do you want? What do you expect of the employees in this State?' The employees in this State are—and have been for as long as I can remember—the lowest paid employees in the whole of Australia. ABS statistics indicate that South Australian employees are the lowest paid in the whole of Australia—even lower than in Tasmania.

In relation to industrial disputes, they do not happen to any degree at all in this State. They very seldom register on the table. We have by far the lowest level of industrial disputes in the whole of Australia—again, including Tasmania. I would also argue that the work force is the best educated and best trained work force in the whole of Australia. Employers also pay the lowest price for industrial land in the whole of Australia; they have just about the lowest level of State taxation in the whole of Australia—and have had for, at least, a couple of decades —and so on.

It strikes me that, if employers have all those advantages in this State and they are still whingeing about the cost, the quality or the conditions 'enjoyed' by employees, I just question the wisdom of those employers. In all fairness to them—even to the Chamber, to which I will be fair as I always try to be—I have never heard the Chamber asking for this kind of legislation. When you talk to practitioners in the industrial relations area, when you talk to people who actually do it—rather than stand up here as some do and talk about it—they will tell you that the problem in this State has got nothing to do with the work force—either the cost of the work force or the quality of the work force. That is not the problem. The problem was outlined very clearly by the Deputy Leader. The problem is that we have a contracting economy; the problem is that we do not have wealth being created and spent in this State that employers would like. So, we do not have the level of profitability. What is required is a little bit of creativity.

If you use the same formula in South Australia that you apply to the economy of, say, Western Australia and New South Wales, you will drive this State down even further. If you believe simple nostrums such as getting rid of employees, such as getting rid of 15 000 public servants and their spending capacity, will do anything for small business, you are dead wrong. The Bob Morans of this world will tell you that you are quite wrong. While the Government is messing around with this stuff, it is not applying its mind to doing something about the real problems in this State—

Mr Brindal: Which are?

The Hon. FRANK BLEVINS: I have outlined them and I will not repeat them all but, as the Deputy Leader spelt out very well, the problem is the lack of demand for the products and services of small and large business in this State. That is the problem. Ask the retail traders what the problem is. Is it the cost of their employees? Is it the fact that some unfair dismissal laws in this State have been there for a quarter of a century? What problems have they had with them? Ask them if that is a problem and they will tell you, 'No, that is not the problem.' The problem is that people have insufficient money in their pockets and those with money in their pockets are not spending it.

If the Government wants to come into the Parliament with these kinds of gimmicks, there is nothing we can do to stop it. Let us point out the facts to people who are struggling with this economy in South Australia. Do not put up an Aunt Sally to them and say, 'Your problems are created, in part, by unfair dismissal laws or the lack of Australian workplace agreements.' Let us not lie to people like that. It really does not go well, because these people are not stupid. You can go into any shop on Unley Road or any shop in a Westfield shopping centre and tell them—as Liberals no doubt will be doing during the election campaign (I hope they do, anyway)—that their problems are unfair dismissal laws and lack of ability to have Australian workplace agreements. Members opposite can go in there with their pamphlets and tell them that that is their problem, but I tell them that they will get a flea in their ear. They will tell you, without mincing their words and without too much politeness, what they see as their problem. They see as their problem, rightly or wrongly, that the Government is doing nothing to help them.

The Government has wasted 3½ years. Even your own newspapers are putting words into the mouths of businesses in this State. The Government has wasted 3½ years—not according to Frank Blevins or the Deputy Leader but according to the *Advertiser* and the *Sunday Mail*—your organs, your newspapers, not ours. They are telling you. Are either of them saying that these problems will be solved by unfair dismissal legislation? Of course, they are not saying that. What little pride they have in their own publications—and it cannot be very great—will not allow them to say anything other than, 'You have wasted 3½ years, yet you come in with this kind of nonsense.'

I hope that this legislation is defeated. If it is not defeated, I can guarantee small business that it will not solve a single

one of their problems. They will tell you that before the legislation is passed and after the legislation is passed, because the problems in this State have nothing to do with this legislation. The problems of this State are much more significant and require a Government first of all to recognise them and then start doing something about them by telling the truth to people and not telling them lies, and the lies are implicit in this legislation.

Members interjecting:

The ACTING SPEAKER (Mr Bass): Order! There has been relative calm while I have been here and other members have been speaking, and I ask that the member for Mawson be given the same courtesy.

Mr BROKENSHIRE (Mawson): It is interesting as I commence my contribution to this important debate to hear what the member for Hart had to say. He said, 'Here we go, it's the member for Mawson.' It is an interesting comment because I understand that, in the crossover conversation whilst the member for Giles was speaking, the member for Hart was asking 'How are things going in Mawson?', and so on. The situation is clearly and simply this: in Mawson, things are going as well as they are in any other part of South Australia. In fact, in many ways things are going better in Mawson than they are in many parts of South Australia. But that does not mean to say that we have the situation in South Australia the way the Liberal Government would desire.

But, it would be absolutely impossible for members opposite to understand what I have just said. Here we are tonight debating a fundamental piece of legislation for the recovery process for a fair go for workers, employers and the future of this State. What have we seen? We have seen a situation where the Deputy Leader of the Opposition comes out with a lot of nonsense which we are accustomed to hearing from him. The Deputy Leader would not be here if it were not for the union movement. The union movement does not want to have a bar of anything that deals with getting into the twenty-first century when it comes to providing opportunities for job creation.

We heard from the member for Giles, who has had a colourful history in this Parliament. I have said on numerous occasions that, since entering the Parliament, I have come to respect the honourable member for Giles in many ways. Compared to most members opposite, the member for Giles has had a commitment. However, the commitment he has today is that he has to get the hell out of this place as quickly as possible, and the reason is that he is an honourable gentleman. He may not have been part of the best team that has ever been Government in this State, but I am sure he was not the worst part of that team, because he has a particular commitment and interest in this State.

But what happened tonight? The member for Giles has been called from the backblocks of the Labor Party in South Australia to try to defend the indefensible, and I might add that he has not done a very good job of it. That is partly because the member for Giles has not had a background in business and in generating jobs. In fact, I would add that he has had little background when it comes to generating jobs in South Australia because he was part of the team under the current Leader of the Opposition, the Hon. Mike Rann, that lost 33 600 manufacturing jobs alone, not including technology jobs that were not created, not including agricultural jobs that were not created, not including jobs in commerce that were not created, and not including jobs that were lost when the member for Hart was a senior adviser to the Bannon and Arnold Governments and left yellow tags all over Cabinet submissions that have now come to prove that he is inept when it comes to being an adviser.

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

A quorum having been formed:

Mr BROKENSHIRE: What we have seen again, and we see it time after time in this Chamber, is that every time a member of the Government hits the nail on the head and reinforces the fact that not only has the Labor Opposition not learnt anything in the past but it is still living in the past, the Opposition calls for a quorum to try to cut back a Government member's time (in this case, mine). The Deputy Leader does not understand that I have 16 minutes to get on the public record the fact that this Government is committed to people who want to be involved in the workplace. Let us talk about that for a moment.

The ACTING SPEAKER: Order! The member for Napier is out of order. I ask her to either face the Chair or leave the Chamber.

Mr BROKENSHIRE: The member for Giles was not even prepared to be involved in the Rann Opposition. Instead, he put up his hand and said, 'I surrender; I'm retiring. I'm going fishing in Whyalla.' After what I have just heard for the past 20 minutes, no wonder he wants to go fishing in Whyalla.

Mr FOLEY: On a point of order, Sir, I believe the member for Mawson has imputed an improper motive to my colleague the member for Giles. I ask you to rule accordingly.

The ACTING SPEAKER: Order! I did not hear what the member for Mawson was saying. If the member for Mawson is casting aspersions on the member for Giles, it is against Standing Orders and I ask him not to do so.

Mr BROKENSHIRE: What the Ken doll of the Parliament, the member for Hart, has just said is again nonsense and a waste of time when you consider how many dollars we put into running this Parliament. What I want to get on the public record tonight is that this legislation is a fundamental plank in the recovery program for South Australia. I suggest to the member for Hart that the constituents in my electorate of Mawson, of whom I am particularly proud and who are very committed to the future of South Australia, want to see a fair go in this State. If you want to see a fair go in this State, a few fundamental things have to occur. Whilst I have been at pains in the past three and a half years to make these points, I will have another go tonight.

The fundamental planks in the recovery program for South Australia are fairly simple and elementary. They are about getting debt under control; living within your means; not making promises you cannot fulfil; seeing a sustainable future for all South Australians; addressing the significant and important issue of youth unemployment; giving the underprivileged people of this State an opportunity for Housing Trust accommodation; and providing a fair public transport system. In a nutshell, they are about giving a fair go for all South Australians.

One of the fundamental planks of this legislation we are debating tonight is exactly that. It is about no longer putting up with the rhetoric and nonsense that we have heard from the other side. The Leader of the Opposition and other members opposite can come in and shake hands, meet and greet and give a warm and fuzzy feeling to people if they wish. However, what we want to do is give people a job; give them a chance; get rid of the debt that Labor caused; and get

rid of people like the member for Hart, who used to put yellow stickers on then Premier Arnold's—

Mr Foley interjecting:

Mr CLARKE: On a point of order—

The ACTING SPEAKER: Order! The member for Hart had the protection of the Chair when he had the floor. I ask the member for Hart to extend the same courtesy to the member for Mawson.

Mr CLARKE: I had a point of order in relation to relevance. The budget debate finished yesterday.

The ACTING SPEAKER: Your point of order has been made. We are debating the Industrial and Employee Relations (Harmonisation) Amendment Bill. I ask the member for Mawson to address that Bill.

Mr BROKENSHIRE: Absolutely, and that is exactly what I am doing. I am addressing this Bill because this is a fundamental plank in the recovery program and providing opportunities for all South Australians. What it says is that if a person wants to write an Australian enterprise bargaining agreement with an employer—in other words, if an employee and an employer come up with an agreement—then that is the way it will be. What is wrong with that? Surely that is in line with what should happen in a democratic society.

I want to talk about jobs and a democratic society. I may be regarded merely as a new kid on the block; I have not been around for as long as some, but I have a particular interest in this State. I have been lucky enough to be involved in private enterprise since a very young age and, by coincidence, I happen to have been involved in employing people. It may not have been a big business but I am proud of the business in which I was involved in the past. I am also proud of the business in which I am currently involved, which employs up to 15 people. One of the commitments of the business in which I was a partner was that we wanted to give a fair go to the people in our area. We did not expect them to work above and beyond the call of duty but, on the other hand, we did expect them to put in a fair day's effort for a fair day's pay and, if they did not want to work within the rules and under the general fair guidance and conditions of that business, they did not have a part in its long-term future. This is fundamental, elementary practice, which is all this Bill is about.

The problem is that the Opposition has not shown any vision or any future plan for this State whatsoever. It has not learnt a thing since it nearly destroyed South Australia—and I do not care if I am in here for the next 10 years reminding people of that. The other side says that that is the history: 'Forget it, write it off, push it under the mat. The fact that we have a $9 billion or $10 billion debt is not our business. It is not our business that we created all these fundamental flaws in opportunities and a sustainable future for South Australia. Forget it. Just get on with the job of living in this cotton wool atmosphere.' That cotton wool atmosphere is history, and it is history for one reason only, that is, that members of the then Government are now on the other side. They hate hearing this; they say it is rhetoric and that it has been said before. I will continue to say it, because my heart and my mind say—

An honourable member interjecting:

Mr BROKENSHIRE: Yes, I do go red over this, because I agonise especially at night, when I drive back through my electorate and I think of the young people and the unemployment problems. I think of the opportunities that could have been had by this State that are not here today because of the ineptitude of the Opposition. It is comfortable for them, because the Opposition has created a few jobs for the union movement. They have not created any real productivity, they have not added to the gross State product and they have not been genuine contributors. They have signed up a few people in the past—the number of whom today, I might add, is dwindling rapidly, because the general community has had a gutful of joining the unions for the sake of it, without having any real input or receiving support back for their effort.

What we have in South Australia today is an Opposition that is full of misfits who are being paid back by the union movement. The union movement is no longer representative of the South Australian community and, until the Labor Party realises that, it has a bigger problem than I have. Even if they succeed in chucking me out of this House in six months, four years, or whenever, the fact is that I still have a job and I still have a commitment to South Australia. I will still invest and I will still create opportunities for young people, because I believe in this State. But they will not be able to contribute in this way, because they have never done it. They do not have an answer: it has been shown again today in the *Advertiser* and it is shown right now, when they oppose this fundamental legislation.

An honourable member interjecting:

Mr BROKENSHIRE: I will go red in the face, I will use all my energy and I will continue to fight for the cause of South Australia and those people who put me in here. What they put me in here for is to create an opportunity. That opportunity is not one existing in a false world, where you wrap up people in cotton wool or say, 'I'm all right, as long as I just look after 300—or 30—members of the union movement.' The real world is about creating opportunities.

Let us get back now to dealing with opportunities and fundamental planks. We have heard again today what has happened in this State. I did not hear the Opposition ask a question about why housing approvals were at an all-time high in the last quarter; why the manufacturing sector is improving; why Mitsubishi has created 100 jobs; or the fact that the Premier, John Olsen, led Australia (in front of Jeff Kennett) when it came to fighting the tariff debate. I did not hear questions like that from Opposition members, and I never will, because these matters are part of the good news story. I do not care if we are here until 3 o'clock tomorrow morning or for the next six weeks: I will defend this Government when it comes to ensuring that we have legislation and opportunities for South Australia.

I will support anyone who is committed to this State, who go back for generations in believing in it and who have bled for it and want to see a future—unlike the people who have moved in and said, 'I'm from New South Wales and I put my hand up now, because I want a job in the South Australian Parliament for the next 25 years.' I am not interested in those people. We know what they are doing: they are on a gold pass, perhaps working for the Australian Tourism Commission, and, whenever the pressure gets too great in Canberra, flying anywhere in the world. I am referring to people like the previous Labor Minister for the Environment, Susan Lenehan. What a joke those sorts of people are. They came from New South Wales, became involved in the union movement and they did other things as well.

Members interjecting:

Mr BROKENSHIRE: It is a fact, and you do not like it. I will not stand for that sort of nonsense in this Parliament.

Members interjecting:

The ACTING SPEAKER: Order!

Mr BROKENSHIRE: So, I come back to the basic substance of the debate. This legislation is a fundamental plank and a fair go for all South Australians. Go and visit some of my constituents, as I did only two days ago. A family I visited explained to me that they were very happy because their child, on leaving school in my electorate, got a job with Pizza Hut. Now, at 19 years of age, the young people concerned are there under a flexible bargaining arrangement whereby they commence at 10 o'clock, do all the hard work—wash the floors and clean the ovens, etc.—but they are progressing within the Pizza Hut organisation.

That is only the start of it, because if we can get the debt under control, if we can achieve that environment that we want, whereby we have a future for all South Australians, jobs like the one I have mentioned will grow into bigger jobs, such as being involved in the hospitality facilities being built by Hansen Yuncken across the road in the new Playford Hotel. That is the sort of opportunity we can create if we provide the right environment.

I could go on all night, because I am full of energy on this matter, and I happen to know a bit about it. We can create jobs, we can create a future for all South Australians, but we cannot do it if we continue to have the Rann Labor Opposition being so negative and opposing—

Mr FOLEY: I rise on a point of order. I ask the member for Mawson to refer to the Leader of the Opposition by his appropriate title.

The ACTING SPEAKER: The point of order taken by the member for Hart is correct, and I ask the member for Mawson to obey Standing Orders.

Mr BROKENSHIRE: We cannot do that if we continually have the Leader of the Opposition and the Australian Labor Party, South Australian Branch, in Opposition—

Members interjecting:

The ACTING SPEAKER: Order!

Mr BROKENSHIRE: —continually pulling down every opportunity. The Leader of the Opposition can go out into the community every day and say, 'I support 80 per cent of the Government business. What are they grizzling about?' What the Government is grizzling about and what the truth to all South Australians is—and it is a pity that the media does not start to put it on the front page—is that the 80 per cent that the Labor Party in this State supports is nuts and bolts legislation. The 20 per cent of legislation that will address the mismanagement and the massive debt load that has been inherited—

Mr FOLEY: I rise on a point of order. Sir, I draw your attention to the relevance of the contribution of the member for Mawson at this point. It is not in keeping with the Bill.

The ACTING SPEAKER: I do not believe that the honourable member has a point of order.

Mr BROKENSHIRE: It is interesting to note that the member for Ross Smith, the Deputy Leader, and the member for Hart have again tried to block my criticisms, because they are factual. The bottom and sincere line is simply this: give South Australians a go. Let us get on with the job until we fix it, and then let the people of South Australia assess who have really been the committed members of Parliament who have benefited South Australia. I will tell you who those members will be: it will be the members of the Olsen Liberal Government. Opposition members can run around and create warm and fuzzy feelings and they can fool some of the people some of the time, but they will not fool the majority of intelligent South Australians. They have blocked 20 per cent of the legislation that we have wanted to get through, and this measure is a fundamental 1 per cent of that 20 per cent.

This is not knocking workers, and I would never support such a measure. I believe in workers and I have a real passion, as the member for Mitchell also indicated, in being involved in creating genuine and real jobs. That is what has pushed me along over the years and that is what will push me along in the future. If the Leader of the Opposition and the Labor Party allow us to get through the 20 per cent of fundamental legislation, including this measure, we can create a future for South Australians. I ask the Labor Party and the Leader of the Opposition to let us get through the 20 per cent of fundamental legislation, including this percentage, so that we can create a future for South Australia.

Mr VENNING (Custance): I will not speak for long, but I want to place on record my support for the employees who have served me for many years. I am an employer, and I have been employing people for 32 years. I have been blessed with excellent, hardworking, honest and, above all, loyal employees. My current No. 1 employee, offsider or friend, who is well known to the Minister, has been with me for 22 years and is now helping my son. The one before him was with me for 25 years. These two people have been helped by very good casual employees who have been with us for just as long. So, I do not like to hear this worker versus boss argument that we have heard tonight.

I support the legislation because it will help reduce unemployment, especially youth unemployment. It will take the risk out of employing people whom you do not know, who are unskilled or whose skills are unknown or untested in the hope that they will respond to training and encouragement. If they do not and if their competence is not realised early, employers are not locked into keeping them on. It is obvious to everyone that if employers are not locked into that situation, in the first instance, many more unskilled people will be given the chance of employment. What is also important is that they will be trained.

I am shocked at the attitude of the Opposition tonight. It is the same old rhetoric that we have been hearing in here since the 1950s and even earlier. I thought we had grown out of that. This is 1997. In a climate of high unemployment, especially youth unemployment, I find the Opposition's position unbelievable. It is 1950s political dogma, the same rhetoric which over the years has failed. Unemployment has risen steadily for many years. In fact, we have almost come to accept and live with in excess of 7.5 to 10 per cent unemployment, which is not satisfactory. Members opposite are still locked in with their Trades Hall buddies, which frustrated the Dunstan Labor Government. Spare the thought but, if we ever have a Rann Labor Government, Trades Hall will be back here again and we will see the same sort of Opposition.

If you cannot encourage employment, if you cannot fix the unemployment problem, the economy will stay right where the Opposition put it, and that is down the barrel. I do not believe that members opposite speak with much personal conviction. They know that we live in a time of change. I am sure the new Prime Minister of England, Tony Blair, or even the Australian Labor Leader (Hon. Kim Beazley) would not resort to this sort of draconian rhetoric.

I know that there are some undesirable employers out there—I am the first to agree—just as there are many undesirable employees: it takes two to tango. However, there are safeguards in place to protect the workers. Therefore,

there should also be some safeguards to protect employers, because, if you have unsatisfactory people working for you, you should have the right to dismiss their services. Surely the one who has the right to hire should always have the right to fire within the safeguards that are in place.

I pay tribute to the people who have worked for me and my family for so many years: we need them and they need us. We have a great relationship, and together we have enjoyed prosperity. The same thing goes for the whole country and this State: the employers of this State need a happy work force. In the light of the rhetoric we have heard tonight, it looks as though we will go back to the old battle lines of boss versus worker which I thought we left behind in the 1950s. I hope we do not resort to that. I support the legislation.

Mr SCALZI (Hartley): I will not keep the House for long, but I want to place on the record my support for the Bill and the fact that I think it is important to give flexibility to employers to employ people in South Australia, especially young people. I support the way in which the Minister for Industrial Affairs outlined the Opposition's scare campaign which it embarked upon before the last election. None of that has eventuated. Family and maternity leave have not been attacked, and South Australia has been better off during the past 3½ years under a Liberal Government. The days of class warfare, the 'us and them' mentality, have gone. I am surprised that the Opposition is bringing back that type of rhetoric, because it does not help anyone. We need cooperation to get this State working.

Mr Foley interjecting:

Mr SCALZI: Yes, I am a member of the Australian Education Union, and I am proud to be. I do not feel threatened by this legislation. If I did, I would not support it. I believe in freedom of association. I am the first to defend that principle. Likewise, this Government believes in that principle, and it is the first to defend it.

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

A quorum having been formed:

Mr SCALZI: This legislation is necessary to make things more flexible—not for the benefit of the employer but in order to provide jobs for South Australians, especially our young people. The Minister for Industrial Affairs on many occasions, including today, has stated that equal opportunity and anti-discrimination legislation is in place. The worker is not threatened by this Bill. We are creating a climate in which we can provide more jobs for South Australians, especially for small business which will remain hindered by the current law unless these amendments are put in place. That is what this Bill is about.

Members opposite are in a policy free zone: they have not provided alternative policies to those of the Government. As I have said, this is a hitchhiker Opposition waiting for something to fall off the back of a truck on which it can focus and proceed. It is not interested in the main game of providing jobs for South Australia and getting this State back onto its feet. The legislation which has been in place for the past 3½ years has one aim, and that is to get this State back on its feet and provide a climate for jobs, especially jobs for young people—and that is what we must do.

Going on about side issues is not what it should be about, but that is what has been happening. I will not delay the House any longer. The Bill has been well explained by members on this side of the House who have put the case clearly. I support the Bill. South Australians have had nothing to fear for the past 3½ years, and they will have nothing to fear from this legislation. The sooner this House passes the Bill so that we can create a climate in which more jobs can be provided, the better for all South Australians.

The Hon. DEAN BROWN (Minister for Industrial Affairs): It has been a long second reading debate. I have been somewhat disappointed with the quality of the speeches given in the debate. If members of Parliament oppose legislation, they should deal specifically with the principles involved. I sat here throughout the debate and listened to the various speakers, particularly from the Opposition side, and was quite disappointed with their lack of ability to grasp the detail of the Bill and to make any pertinent point in relation to it. That somewhat surprises me because, in the preparation of this Bill, I have had considerable discussions with the UTLC, various unions and the Industrial Relations Advisory Council. I know a number of the arguments put at various stages. I understand the philosophical basis upon which the unions have argued against the legislation and have heard the basis of that discussion. I do not accept their arguments, but at least there has been a philosophical argument with some logic behind it from their perspective.

I am disappointed that none of that has come through tonight. If members of the House oppose a Bill on certain grounds, as they have tonight, there should be specific areas in which they express why they have decided to oppose the legislation. Whole areas of the Bill have not been touched upon. I will deal with some of the fundamental issues of this Bill. First, the Bill allows for unincorporated associations to have access to Federal AWAs. The reason for that is quite simple. These unincorporated associations—partnerships, sole enterprise organisations and sole traders—that are not incorporated companies are not able, under the Federal legislation, to access an AWA. Therefore, it is appropriate that they be given that opportunity through the South Australian legislation.

I heard the speech of the Deputy Leader of the Opposition, as the lead speaker for the Labor Opposition in this State, try to give the impression that we were opening all the State awards to AWAs. That is not the case at all. He talked about how we would now have AWAs (Australian workplace agreements which apply under Federal legislation) right across the board in South Australia. That is not the case at all. I ask members, when looking at the legislation and considering whether to support it, to completely shun the rather emotive argument, which lacked any substance, put by the Deputy Leader of the Opposition in painting a quite false picture in terms of what was occurring as far as AWAs are concerned.

I also heard the Deputy Leader of the Opposition say that small business would not bother to enter into an enterprise agreement such as an AWA. He argued that it would not be worth going through the exercise. The exercise is not particularly onerous. Many small unincorporated organisations would like to enter into an AWA. A number of small businesses that are companies have entered into enterprise agreements under the State award, and all parties involved—the employers, employees and workers—have been very pleased with the ability to enter into an enterprise agreement.

The same rights should be available to unincorporated organisations, and the appropriate body, if it wishes, should be able to enter into an enterprise agreement, including an AWA, under the Federal legislation. There is no basis for the sort of argument put up by the Opposition. The second key

issue dealt with by this legislation is unfair dismissal. Having sat here and heard speaker after speaker from the Opposition side, one could have gained the impression that we were about to remove the right for an unfair dismissal claim in all small businesses with fewer than 15 employees.

I make quite clear to the Parliament that the fewer than 15 employees unfair dismissal issue, on which I will touch shortly, has already gone through by way of regulation passed by the State Government through Cabinet. This legislation contains nothing about organisations with 15 employees or fewer in terms of unfair dismissal claims, yet that is what one would have thought, having listened to the Deputy Leader of the Opposition for about an hour today—

Mr Clarke interjecting:

The ACTING SPEAKER: Order! The Deputy Leader of the Opposition has had his time.

The Hon. DEAN BROWN: So, he has painted an entirely false picture compared with the reality of the legislation. The legislation puts down certain areas where there is no claim for unfair dismissal. It talks about people appointed on a contract for a specific term. It talks about casual employees in the short term, not the long term. It talks about those employees on probation. The fourth category was the one where, by way of regulation (one of the few areas of regulation in the Bill), the Minister could allow other certain classes of employees to be exempt or excluded from an unfair dismissal claim.

I intend to amend the Bill. The UTLC came to see me and highlighted the fact that it thought that it was too broad and asked me to look at the fact that those broad powers should not be available to any Minister. I have accepted its viewpoint and have said that any proposal (and I will deal with this in more detail in Committee) or any power under that clause should be limited to ensure that it is not in breach of the International Labour Organisation convention on termination of employment.

I have accepted the international standard to ensure that we put a limitation on that clause. There has been a lot of debate in the media over the past two or three weeks by the trade union movement in this State claiming that I was breaching the International Labour Organisation convention. I have not only made sure that we were not breaching it but specifically referred to it in the legislation. If that is the basis of their argument—that I was in breach of the ILO Convention—now that I have specifically put it in there, I presume that the Labor Opposition will support both my amendment and the amended Bill.

Mr Clarke: Never!

The Hon. DEAN BROWN: That shows how inconsistent the Labor Opposition is in its argument on this legislation. I stress that this Bill is about encouraging small and large businesses to take on people for a probationary period and to take the risk of creating extra jobs and particularly to take on younger less experienced people. This is about encouraging employers to go out and employ the young people of South Australia and to give them a future in the employment market, to give them the first step—

Mr Clarke interjecting:

The ACTING SPEAKER: Order! The honourable member will have the opportunity to ask questions in Committee.

The Hon. DEAN BROWN: It is about giving them the first vital steps and experience in gaining employment, so that they can put that down as part of their work experience and hopefully go from there to the next stepping stone. It is important that they be able to start that journey. At present, so many of them are excluded even from starting that journey of work experience and getting a job, because they have no experience to offer to an employer. They are therefore seen as a higher risk than the more experienced older worker who has perhaps 10, 15 or 20 years' experience. That has been totally ignored by the Opposition. It has been acknowledged and supported by members from our side, and it is the most important step of all, because it involves that very class the community is concerned about—youth unemployment. We want to give one more reason why employers should take them on. The State Government has given them other reasons: we have offered to pay their first year of WorkCover costs; we have offered to bear the risk if, in that first year, they are injured at work; and, if they work in a larger organisation, we have offered to pay the payroll tax for the first year. We have given them other incentives. Here is another incentive that many employers have raised and asked that we consider.

The question was asked whether small businesses will take on people. The member for Giles said that he had never heard the issue raised. We had member after member opposite saying that they had never heard that unfair dismissal was a disincentive to employment. It is sad that they are so far removed from the real world—not the trade union movement but the real world. One only has to ask some of the small businesses, 'Why won't you take on more employees?' I will refer to one who has written letters to the Editor of both the *Advertiser* and the *Australian*—Doug McKenzie of Glenelg North. To my knowledge, I have never met the person.

Mr Clarke: Does he employ anyone?

The Hon. DEAN BROWN: Yes, he does, and he has made that point very strongly, indeed. He has written to me, but he has also written a letter to the Editor of the *Australian* of 26 May this year, under the heading 'Unfair dismissal needs a rethink,' as follows:

> Recent statements by union leaders and Labor MPs claiming that unfair dismissal laws have no impact on small business and that they will oppose change appears to leave little doubt that the last thing these people want resolved is the disastrous unemployment problem, particularly during the tenure of the State and Federal Coalition Governments. If some of these MPs, trade union leaders and fellow travellers would vacate their cushy jobs funded by people who really do work, mortgage themselves to the eyebrows and start a small business, they would damn soon wake up to the reasons so many businesses—small and large—find it increasingly impossible to employ more and still make a profit. Wages are not the problem, either. It is the add-ons. Reduce the add-ons, increase the wages, dump the stupid—

this is what he said—and I agree with the point that some members opposite raised that it was not necessarily wages—

> unfair dismissal laws and watch the jobs materialise overnight.

Mr Clarke interjecting:

The Hon. DEAN BROWN: I am just saying it is one of many small businesses that have put an argument along these lines. Yet the Opposition said that it had never even heard this argument used.

Mr Clarke interjecting:

The Hon. DEAN BROWN: Doug McKenzie of Glenelg North wrote a letter to the *Australian* of 26 May 1997. The honourable member can read the full letter. It is also in the *Advertiser* of Wednesday 11 June 1997. I highlight to the House that quite clearly there is a strong feeling amongst small businesses in particular that they are not prepared to take the risk of taking on inexperienced younger workers who have had no work experience. This Government is determined to try to make it easier for those people to get a job so

that they can get the vital steps that will then give them a permanent job in life and the dignity that goes with that.

It is interesting that the UTLC told me this was an issue that was an absolute watershed within the labour force. We have heard passionate speeches tonight. Last Wednesday, they decided, with a great deal of publicity, to present the Minister with a birthday present, even though it was not his birthday. They were going to have the rally to beat all rallies outside my office at 45 Pirie Street. They organised it during lunch time so all the workers who objected to this legislation could roll up in front of 45 Pirie Street and have a major rally. A couple of my staff happened to walk past, and they estimated the numbers to be substantially fewer than 50 at this rally that was going to shake the Minister and the Liberal Government into realising how much support there was in the community against the unfair dismissal laws—these harsh, unjust laws, the laws that were in breach of the International Labour Organisation Convention, the laws that would open up any employer to sack any employee any time they liked in a small business. There was just no credibility in it whatsoever, and it has been clear from the lack of public support from the Labor Party and the union movement rally that that is the case.

I understand—not that I bothered to wait around to hear his speech—that the Deputy Leader of the Opposition was one of the speakers at this rally. He obviously has very little pulling power. He keeps having to call quorums in this House because no-one wants to listen to him and, even when he makes a public speech amongst his union friends and mates, he still cannot attract even 50 as the Deputy Leader of the Opposition. I highlight to the House that the claims that have been made in this Parliament about what this Bill does in terms of unfair dismissal have been grossly distorted and largely untrue.

One area of the Bill that has not been subjected to any debate from the Opposition—and that has surprised me—is the issue of freedom of association.

Mr Clarke interjecting:

The Hon. DEAN BROWN: I just thought it might have been an issue they brought up. It is a fundamental plank of the Liberal Party that people should have a choice. They should be able to choose to join a union and be protected in that, or they should have the choice not to join a union and equally be protected. There were the days of industrial thuggery, when people were lined up and threatened if they failed to sign up to union membership. I have seen those sights first-hand. I have been to industrial building sites where, when I arrived early one morning some years ago, there were the opposing sides—the union movement lined up with steel reinforcing rods waiting to belt anyone who tried to step onto the site.

Mr Clarke: That is an outrage. That is not so. If you have any evidence, you should report it.

The Hon. DEAN BROWN: I might add that the media were there. It was a big public issue; it was not secret. People were standing there with reinforcing rods on a building site on Fullarton Road. I made sure the media were there so that they could see first hand the sort of thuggery that was going on. As everyone knows, for many years the union movement has said there must be absolute union membership for anyone going onto a building site. They were prepared to use all sorts of tactics to destroy many small businesses that wished to have some independence as to whether they or their workers joined the union. It is interesting, because this Bill further strengthens that democratic right.

I have been interested to see the Opposition's focus and perhaps that is why the Labor Party and the union movement are so passionate about this legislation, because it substantially strengthens the provision of freedom of choice in that regard, and it is about time it was done. I am surprised that the union movement even today is still willing to breach that fundamental principle that a person should have a freedom of choice.

I bring to the notice of the House something that occurred specifically in regard to this legislation. My department sent a courier to the Transport Workers Union but, because he could not produce evidence of union membership, he was prohibited from depositing it. I find that disgusting and, just so that there is absolute proof of this, let me read to the House a statutory declaration that that individual has presented. I will not use his name, because he has asked that his name not be used and that is fair enough. The statutory declaration states that this individual:

> . . . solemnly and sincerely declare that to the best of my recollection the following is an accurate account of the circumstances, the attempted delivery of an envelope from the Department for Industrial Affairs to the Transport Workers Union. I am currently employed as a courier by. . . a position I have held for two months. I have been in the courier industry for approximately five years. On Friday 30 May 1997 at approximately 10.15 a.m. I received a call in my van on the two-way radio from. . . base to pick up two envelopes from the Department for Industrial Affairs to be delivered to Torrensville and Welland. I collected the envelopes from the department's reception desk on the fifth level of 45 Pirie Street, Adelaide. Whilst at the reception desk I signed the courier company's book to confirm that the envelopes had been taken.
>
> I carried out the Torrensville delivery first. I cannot remember the name of the organisation and then proceeded to the Transport Workers Union at 85 Grange Road, Welland. I probably got there at about 10.55 a.m. I went to reception on the ground floor where a lady was seated behind the reception desk and a man standing at her side talking to her. I said, 'I have a delivery from Industrial Affairs.' I handed the envelope to the lady whom I thought was about to accept and sign it. However, the man next to her took the envelope and asked, 'Are you a courier?' I said, 'Yes.' He asked, 'Who for?' I mentioned the name of the company, following which he asked, 'Are you a member of the Transport Workers Union?' I answered, 'No,' following which he said words like, 'We will not accept the envelope.' Being surprised at this reaction I said, 'I used to be a member of the Transport Workers Union. The union still has some of my superannuation and I am still on the union's files, although I am not a current member.' The man hesitated for a second or two but then threw the envelope back on the counter saying words like, 'No, we will not take it, not unless you are going to join up.' I was shocked and picked up the envelope and walked out the door wondering what was going on.
>
> When I got back to the van I radioed the base advising what had happened. I returned the envelope to the Department for Industrial Affairs, following advice from the department to the company I worked for to that effect. I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act of 1936.
>
> Declared and subscribed Adelaide, in the State of South Australia, this day 17 June, 1997.

It is signed by the individual involved in the presence of a justice of the peace in the State of South Australia. I find that occurrence very disappointing indeed. In fact, that type of behaviour is now illegal: it is illegal to try to coerce and force people into joining a union. We all know that it has now become a fundamental principle of democracy to have freedom of choice. I am the first to stand up and defend the right of someone to join a union and believe that that person should be protected but, equally, I would expect the same right for someone who has a conscientious belief.

Indeed, one individual was asked by a Labor Government to join a union covering a Government department back in the 1970s. When he refused because of his own very strong

personal beliefs, he was sacked. That individual saw me and I helped that individual take an unfair dismissal case against the then Labor Government. I am delighted to say that that individual won his case. We have heard the Deputy Leader of the Opposition talk about how I am not in favour of unfair dismissal laws, but here I am the champion of someone taking an unfair dismissal case against the Labor Government of the day and winning it.

I stress to the House that I have always been a champion of the rights of people for a fair go, a balance between employers and employees, a balance that would make sure that, if anyone was unfairly dismissed, they got their justice. I will always remain a determined fighter for those people to get that industrial justice, but equally I stress that there is a balance to make sure we maximise job opportunities within our community and especially give young people without work experience the chance to get a start in their working life and in their careers. Tonight's legislation is an important step. It is not the only step and many other steps and moves will be required; it requires a commitment by everyone in South Australia to maximise the job opportunities. But here is one move that I believe is a significant step, one of many down that path to give our young people a job in life.

The House divided on the second reading:

AYES (25)

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

NOES (8)

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

PAIRS

Armitage, M. H.	De Laine, M. R.
Ashenden, E. S.	Quirke, J. A.
Olsen, J. W.	White, P. L.

Majority of 17 for the Ayes.

Second reading thus carried.

The Hon. DEAN BROWN (Minister for Industrial Affairs): I move:

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

Motion carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3.

Mr CLARKE: Paragraph (j) has been reworded and I am trying to work out why. Paragraph (j) in the principal Act is basically worded the same as the preamble to paragraph (j) in the Bill and provides:

. . . including a right of review of harsh, unjust or unreasonable dismissal.

The wording included in this Bill does not, in fact, lessen the provision contained in the current legislation involving an employee's legal right to a review for an unfair dismissal on harsh, unjust or unreasonable grounds. Paragraph (j) provides:

To provide employees with an avenue for expressing employment-related grievances and having them considered and remedied including provisions for a right to the review of harsh, unjust or unreasonable dismissals.

The wording is different from that contained in the principal Act and I am trying to work out why there is a distinction. It may seem small, but I do not follow it. I notice subparagraph (i) provides:

. . . directed towards giving effect to the Termination of Employment Convention.

Yet these words are deleted from Part 6 of Chapter 3. I understand from the Minister's second reading explanation that he has amendments, and that issue may be addressed in an amendment. In relation to subparagraph (ii), I am also curious as to why it provides:

. . . ensuring that both employers and employees on any such review are accorded a 'fair go all round'.

That expression 'fair go all round' was used by Justice Sheldon in *Loty and Holloway v Australian Workers' Union.* We have had an unfair dismissal jurisdiction in this State for 25 years and we have a full body of law as to what is 'industrial fair play'. In South Australia the terminology is 'industrial fair play' and it is well understood within the industrial community; its meaning has been arbitrated upon on countless occasions. Why bring in New South Wales terminology which, ironically, involved the AWU sacking one of its research officers in New South Wales in 1971? Why have we gone for the New South Wales understanding of fair play when we already have a well established body of law on it?

The Hon. DEAN BROWN: The redrafting of section 3 of the principal Act, in our view, does not change and is not intended to change in any way the powers under the existing Act. The rewording does two things. First, the termination of employment convention was used in the body of the Act and we brought it forward to the objects, so it is only a matter of moving it from the Act into the objects at the very beginning. Certainly I would expect that the honourable member and the union movement would have no objections to that at all. I would have thought the honourable member would applaud that.

Mr Clarke interjecting:

The Hon. DEAN BROWN: In the Federal Act it has been brought forward into the objects as well, and we are trying to achieve as much uniformity and harmonisation as possible. Secondly, the Federal Act deals with a 'fair go all round'. It is our view that that is exactly the same as the term 'industrial fair go' being used here; it is compatible with the Federal Act and also with the New South Wales Act. We are trying to achieve compatibility as much as possible across Australia. We do not believe that it changes the rights of a worker in this regard in any way whatsoever. It is simply a matter of trying to get uniform wording, with the principle being exactly the same.

Mr CLARKE: It is not an issue over which the Opposition will desperately fight in the ditch, but I do say that slavish adherence to what happens to go into a Federal piece of legislation, namely, the Workplace Relations Act, and importing into South Australia principles which may be well understood and established in jurisdictions such as New South Wales, does not necessarily translate itself into South

Australia. I will lay London to a brick—and I put the Minister on notice because when we go through this Bill, I will be a bit churlish and say, 'I told you so' on a few things because of amendments that he is bringing into this Bill about which I warned the previous Minister over two years ago—that the Minister will find that a number of lawyers or advocates will be looking at ways of drawing distinctions between the body of law we have built up in South Australia and the New South Wales legislation.

We must remember that a lot of other jurisdictions in this country, including the Federal jurisdiction, actually looked to the South Australian body of law on unfair dismissals, because it has been so well established over the past 25 years. Not everything that New South Wales does is necessarily right, but the Minister will find that lawyers and various advocates will be seeking to draw a distinction between the New South Wales accepted principle involving 'a fair go all round' and the body of law in South Australia containing 'industrial fair play'. Be it on his own head when I am proved right on that. Turning to subclause (3)(b) on page 2, a motherhood type of paragraph—

The Hon. Frank Blevins: Parenthood!

Mr CLARKE: I am sorry, parenthood: I thank the member for Giles for the correction. A parenthood-type paragraph has been included in the objects, as follows:

> to encourage and assist employees to balance their work and family responsibilities effectively through the development of mutually beneficial work practices with employers.

I know that the Minister will say that it simply brings it into line with the Federal Act, and also how it is designed to encourage particularly women in the work force, and to balance it with respect to part-time and casual employment. On the surface, that may sound all very noble. However, again I add this note of caution. This is really an excuse to provide through the objects of the Act for employers to be able to argue before the commission to compel part-time employment in awards that might not have it, or to bring in part-time employment on conditions that are less restrictive than currently apply in a number of awards.

The Minister might say that that is a good thing, except that we have a terrible problem in South Australia—and it also happens to be the case Australia-wide but more pronounced in this State—and that is the collapse of the full-time employment market in this State, with more and more people being forced to work part time, not as a matter of choice, for family responsibilities, but they are the number of hours an employer wants them to work. It is also a way of trying to induce part-time employment into certain industries to cut out the penalty rates, and so on, that full-time employees enjoyed.

I know the type of response I will get from the Minister about how I am anti-diluvium with respect to balancing the responsibilities particularly of women at work and women at home. The fact is that a large number of women prefer very flexible working hours with respect to part-time employment in particular, and a very large number of men and women want full-time employment. Where agreement can be reached—and I have negotiated many such agreements for part-time employment, particularly in areas predominantly occupied by married women with children—that is all very well.

However, I believe that this clause will be used as an object by employers and, rather than seeing consent agreements being made where there is a balancing between people who may work on a part-time basis and people prepared perhaps to accept less than full-time wages in return for other concessions, this will just be used as an argument by employers to accelerate part-time employment in the work force without any offsetting gains for the employees concerned.

The Hon. DEAN BROWN: I know that the honourable member prides himself on his knowledge of the industrial relations system. It so happens that I was in this place a few years before he was. If only he knew the history of some of our industrial law. In 1972, South Australia specifically picked up its unfair dismissal legislation from the New South Wales jurisdiction and Parliament, and it was a Labor Government that introduced it. All we are doing is making sure there is compatibility between what we have here, what applies in New South Wales and what applies federally because, after all, it is important, where you do not have a philosophic disagreement or fundamental shift in terms of the principles you are establishing, to have uniformity if possible across Australia.

Whether you like it or not, what occurs in one State increasingly is being dealt with by the same company in other States of Australia. If we can achieve harmonisation and compatibility across legislation, that is good for Australia. Whether the honourable member wishes to believe that or not, I would suggest that he go out and talk to some national companies. Without changing the fundamental principles here—and I can assure him that we are not trying to—we are trying to achieve harmonisation or compatibility in the legislation.

In terms of paragraph (b), it was the 1994 South Australian legislation that really led the way for the whole of Australia. We said that, when reaching enterprise agreements, there had to be consideration of the family. In fact, in developing enterprise agreements, positive consideration had to be given to whether sick leave would be available for employees to use in relation to the illness of a close family member. I raised this matter in Question Time today, and I believe all members of the House would agree that that is a significant step forward, in terms of industrial matters. Up until then, many employees had been taking sick leave and making a false declaration to their employer that it was their own sick leave, when in fact they were using their sick leave to care for a member of their family. As part of our 1993 policy, we announced that we would amend the sick leave provisions to allow people to take some of their sick leave to look after their sick children and that we would stop this ridiculous practice of people having to be dishonest and making false claims. That was a significant step forward.

The insertion of a specific objective for work and family matters into the Act is a further recognition by the Government of the need to continually encourage employers and employees to reconcile work and family responsibility in a creative and problem-solving way. We have done that, we have led Australia, and this is recognised. We put it into our Act here, it is now in the Federal Act and we are bringing it into the objectives here as well. I assure the honourable member that in no way are we changing the balance here at all. We are simply putting an emphasis on the family and saying that, in developing enterprise agreements, family matters must be taken into account

Clause passed.

Clause 4.

The Hon. DEAN BROWN: I move:

Page 2, lines 10 to 12—Leave out paragraph (b) and insert:

(b) by adding the following exception to paragraph (b) of the definition of 'contract of employment' in subsection (1):

Exception—

The contract is not a contract of employment if the vehicle is a taxi and the contract would not be recognised at common law as a contract of employment.

Mr CLARKE: I understand what the amendment is all about. The Opposition was approached by the taxi association some months ago, with respect to its concerns over the existing Act, as it saw it, which changed—not through our fault, but through the legislation of the Minister's Government in 1994—the definition of 'contract of employment' with respect to the taxi industry.

The Hon. Dean Brown: I will explain that, if you like.

Mr CLARKE: I would appreciate it if the Minister did. I know that the Transport Workers Union, which covers taxi drivers in this industry, has a number of reservations about the amendment. However, it has not yet spoken to me in terms of its detailed views on that—only by way of a very quick communication today. So, I put the Minister on notice that there are some reservations by the TWU with respect to that, and I will seek to get further and better particulars between now and when this matter is debated in another place, to see whether we can resolve it.

The Hon. DEAN BROWN: Basically, there are three types of taxi drivers. There are those who own and drive their own cab; we are not dealing with those. Then there are those who drive a cab on a contract basis and where, as part of that, they pay part of the operating costs of the cab and receive a percentage of the takings. So, there is no fixed income, there is no guaranteed return per hour; they do it on a subcontract basis. This clause deals with those people. There is a third group of people in the taxi industry—and this is the group about which I believe the honourable member and the TWU would be concerned—and they are the people who drive cabs who are employees of the companies who own the cabs. In that case, this clause does not alter their employment status at all.

Mr Clarke interjecting:

The Hon. DEAN BROWN: No, they are not. The employees receive an hourly wage. So, you need to appreciate that one is a contractor and they receive a percentage of the take. This is directed at them. It is not directed at those who are under an industrial award, which is the group which I believe the TWU is particularly interested in. It does not affect their position at all. They are still classed as employees. A change in the Act in 1994 unfortunately caught, without intention, those who were subcontractors or contractors in the industry and who receive a percentage of the take. We have now come up with a satisfactory agreement that meets with the agreement of the taxi owners group, and this now fairly creates the demarcation between the two groups.

Amendment carried.

The Hon. DEAN BROWN: I move:

Page 2, after line 18—Insert:

(d) by inserting after the definition of 'State' in subsection (1) the following definition:

'taxi' means a vehicle required to be licensed under Part 6 (Taxis) of the Passenger Transport Act 1994 or exempted from that requirement;

Amendment carried; clause as amended passed.

Clause 5.

Mr CLARKE: This is one of the things I cannot resist: to say, 'I told you so.' In the lead-up to the 1994 legislation, I indicated to the then Minister for Industrial Relations that it seemed a silly exercise to have both industrial relations commissioners, in a State our size, and enterprise agreement commissioners, and that one could not do the other's work. Since then, there have been problems within the commission, because I believe that there are only four commissioners plus a deputy commissioner who is also an enterprise agreement commissioner—or they could be one and the same. Deputy President Hampton is an enterprise agreement commissioner.

The Bill contains other amendments which seek to overcome some of the administrative problems that have arisen as a result of separating enterprise agreement commissioners from ordinary industrial relations commissioners. Why not simply have industrial relations commissioners and enterprise agreement commissioners all doing the work and, in effect, being interchangeable? This is not the Federal system, this is a State award system. Eighty per cent of the population lives in Adelaide. It just seems a bit silly to me that there is this artificial barrier, and it would be better if an industrial relations commissioner was just that. They could do what the old 1972 Act did: they could look after industrial agreements, they could look after awards and they could look after disputes, whether they arose in industrial agreements or in awards. There was a lot more flexibility when the President of the day could assign members of the commission to do whatever, in terms of any disputes that arose, whether it be an enterprise agreement or an award matter. I am not opposed to the Minister's proposal. I am simply suggesting that we get rid of this artificiality and make an industrial relations commissioner interchangeable with an enterprise agreement commissioner and end this fiction.

The Hon. DEAN BROWN: The numbers are three and two, not four and one. There are two enterprise commissioners. The Government is willing to look at the point that has been raised by the honourable member as part of the second phase of the harmonisation. Members will appreciate that I have said that there will be two pieces of legislation. This is the simpler one, the one which, even from a genuine view of the UTLC, there should be no dispute about. It is pretty straightforward legislation. A second Bill will be introduced which deals with a number of other more complex issues, and we will look at that as part of the second phase. So, the point that the honourable member has raised is certainly under consideration by the Government at present, as we start to prepare the next piece of legislation.

Clause passed.

Clause 6.

Mr CLARKE: I simply repeat the point that I made in respect of clause 5. Again, we have a position where a commissioner, who is not an enterprise agreement commissioner, can determine matters relating to the negotiation, making, approval, variation or recision of an enterprise agreement but, if there is a dispute or a variation in respect of an enterprise agreement, that commissioner, who is not an enterprise agreement commissioner, cannot handle it. For the same reasons I gave regarding clause 5, we should get rid of that artificial division and make one industrial relations commissioner able to handle the lot.

Clause passed.

Clause 7 passed.

Clause 8.

Mr CLARKE: This clause has an interesting footnote, which states:

. . . section 152(3) of the Workplace Relations Act. . . provides that a State employment agreement may displace the operation of a Federal award regulating wages and conditions of employment.

I know that this conforms with what has happened Federally and the deal that was worked about between the Democrats and the Coalition Government in Canberra, but the Minister

is talking about harmonising Federal and State legislation. I will cite the specific example of the Federal metal trades award. The Federal commission has ruled that the minimum wage in round figures is $359. The minimum wage has not yet been determined by the State commission, but the State Government is arguing that there should be a minimum wage of $325 a week.

The Hon. Dean Brown: You're wrong.

Mr CLARKE: Is the Minister saying that the State Government supports the $359 Federal minimum rate?

The Hon. Dean Brown: We are very close to reaching agreement.

Mr CLARKE: I am pleased to hear that. For the record, the Minister said that the Government is close to reaching agreement.

The CHAIRMAN: I think it would be better if the Minister responded formally so that the comments are in *Hansard*.

Mr CLARKE: I do not know the state of the negotiations.

The Hon. Dean Brown interjecting:

Mr CLARKE: Well, I know that the public position is $325 a week. When that position changes, I ask the Minister to let me know, and we will put it on the record. The position that I put to the Minister is that, if the State metal trades award, which mirrors the Federal metal trades award, had a minimum rate of $325, that State employment agreement to bring in a rate of $325 would override the Federal metal awards agreement of $359. Is that the case?

The Hon. DEAN BROWN: No.

Mr CLARKE: Perhaps the Minister would like to explain.

The Hon. DEAN BROWN: I will not refer to what is being negotiated between the parties in terms of the minimum wage, but we are reasonably close to reaching an agreement. Talks were held yesterday, ongoing discussions are taking place, and we are fairly close to a settlement. The reason the honourable member is wrong in his assertion is that under the no disadvantage clause it will not be possible to drop down from $359 to $325 because that would create a disadvantage. It is an important principle. It will not be possible to change from a Federal award to a State award without affecting the no disadvantage clause, but it would be possible to go from a Federal award to a State award without being disadvantaged and you would still have the protection of the no disadvantage clause.

Mr CLARKE: That is an interesting point, and I will explore that further when we come to the AWA provisions. If what the Minister says is correct, how will anyone know that the no disadvantage test is applied? Is the Minister saying that the State Employee Ombudsman would review the State enterprise employment agreement and that it would be able to be tested in open court before the State Industrial Relations Commission to ensure that the no disadvantage test is applied properly, or would the Federal Employee Advocate apply the test but in a star chamber behind closed doors?

The Hon. DEAN BROWN: I realise that the honourable member probably does not have the Federal Act before him, but I refer him to section 152(5) which provides that any transfer from Federal to State must be approved by the State industrial authority under a State Act and that that authority must be satisfied that the employees covered by the agreement are not disadvantaged in comparison with their entitlement under the relevant award. So, the State authority would have to carry out the no disadvantage test.

Clause passed.

Clause 9.

Mr CLARKE: I agree with clause 9. However, the principal Act currently provides that the commission must convene a conference of the parties to renegotiate an enterprise agreement. It seems to me that, in the light of the changes that have been suggested by the Government, the original legislation was too onerous for the commission to handle the number of enterprise agreements that were negotiated as they came due for renewal, and that it had to compel the parties literally to seek negotiation rather than allow them to go about it in the normal course of events and that then, if necessary, the commission could step in on its own motion to bring the parties together. It seems to me that the original principal legislation was far too onerous for the commission to administer.

The Hon. DEAN BROWN: We have been rolling out enterprise agreements for almost three years. There are about 100 of those agreements coming up for renewal. The commission has said there is no point in the Government having to be involved if the parties are able to reach agreement. So the Government will become involved only in exceptional circumstances. That is exactly what this clause provides, and it is supported by the Government.

Mr CLARKE: That is exactly what I told the previous Minister two years ago.

Clause passed.

Clause 10.

Mr CLARKE: Over the past 12 months or so, when the Government's enterprise bargaining was under way, particularly amongst its own employees, such as teachers and TAFE in particular, along with a couple of other departments—I will not mention Parliament House as I do not know whether it has been resolved or is still in never never land, as I suspect—

An honourable member interjecting:

Mr CLARKE: It's resolved, the Minister says: that is heartening to hear. Basically, if people did not roll up and vote, it was counted as a 'No' vote, so a number of enterprise agreements were defeated. That would always happen with large employers, particularly where employees were widely dispersed geographically.

In a sense, I support the general thrust of this clause so that enterprise agreements can be ratified by the majority of those members who vote on the issue. However, I note that new section 89A(2), to which I do object and do oppose, provides that 'a ballot of members of a group of employees under this section must, if rules for the conduct of the ballot are laid down by regulation, be conducted in accordance with the rules'. It states as a note that this provision is also relevant in the context of the making of an enterprise agreement, and so on. It refers to sections 79 and 84 of the principal Act.

Frankly, we are not prepared to trust the Minister to make regulation in this area because, if it is unworkable or unfair, but if the Minister or the Government decides that the regulations will be there come hell or high water, the way they will treat this Parliament where one House of Parliament may disagree with you and disallow the regulation—as the Minister has indicated on the unfair dismissal regulation of 29 May—is simply to regazette it and continue to regazette it every time it is disallowed, thus rendering the parliamentary process absolutely irrelevant.

A range of issues need to be addressed. If the Minister wants to put it in legislation, he should do so and let us debate it through both Houses of Parliament rather than by regulation. For example, what will be the time frame laid down for

employees to conduct the ballot? Who will conduct it—the State Electoral Commission? Will it be the employer and, if so, who will be the returning officer and who will ensure that the ballot papers are sent out—only one ballot paper per eligible employee? Will it be initialled by the returning officer and will it be open for seven or 14 days? Will it be a postal vote for employees widely dispersed?

With the teachers dispute, for example, with 600 to 800 schools (one cannot tell these days with the rate of closures under this Government) widely dispersed, what period of time would have been allowed for people to vote? It will not just be teachers; the police are another group scattered hither and thither throughout the length and breath of the State. It is like conducting a ballot for a seat in the House of Assembly and all the rules that would ordinarily apply. Will it be a secret ballot and will areas be set aside where people can go in and vote unimpeded and unobserved by employers? I have seen some secret ballots in my days in the unions where, if people wanted to vote on an issue or to accept an employer's offer, they had to pass the boss's office to get to the ballot box to drop in the vote while the boss sat in the office.

Those issues need to be addressed because we are talking of industrial agreements that are legally binding, not only on current but on future employees joining the establishment, in setting their wage rates and conditions. If the Minister is going to say that he will work it out by regulation, that is not good enough. We want it in legislation so that we can look at it. We might agree with what the Minister puts up but, if the Minister brings it in by regulation, we do not trust the Minister to honour the parliamentary process. If the Legislative Council disagrees with the Minister, he will simply ignore its vote and regazette whatever he likes. On that important principle alone, we oppose subsection (2) of new section 89A, unless the Minister spells it out by legislation.

The Hon. DEAN BROWN: The honourable member has argued the very case for this amendment. He has highlighted that there are a whole range of variables, and the last thing we want is to be too prescriptive. What applies in the Education Department, where schools are scattered throughout the State and mail to those outlying areas takes considerable time, may be quite different from what may apply in other areas. The crucial point is that the commission itself has to be satisfied that a majority of employees to be covered by a proposed enterprise agreement have genuinely agreed to be bound by it. That is the crucial test and, therefore, the commission will be the judge in this regard.

The powers under the regulation are not to be prescriptive but to stop the unsavoury practices that may, in exceptional circumstances, be used. If an employer said that all ballot papers must be back within three days, for certain classes of employees within the organisation that could well be impossible. We want minimum standards. We do not know what some of those difficulties may be, but the power is there to ensure minimum standards and to ensure that appropriate democracy and its principles apply. The very matters that the honourable member has highlighted, and some of the variability that would apply, are encouraged here to meet the circumstances.

The power of the Minister is not to be prescriptive but it is written this way and we have the protection of the commission itself. That is the ultimate protection. A test has to apply. By way of regulation we can exclude unsavoury practices, should they start to develop, by whoever might apply them. It may be applied by an employer or someone else.

Mr CLARKE: Under normal circumstances I would agree with the Minister and leave it to the Government of the day to put down by regulation what necessary minimum standards should be met. The Minister waxed lyrical about the process of democracy. Since his Government refuses to accept the provisions of subordinate legislation, whereby either House of Parliament can disallow a regulation, by simply regazetting it once it has been disallowed, we will oppose the clause. I refer not to the thrust of the clause but to this Government's application of the regulations.

We have every reason to have disquiet in that area, given the behaviour of not only the Minister with respect to the unfair dismissal regulation of 29 May and his public comments about it but also in light of past behaviour by former Ministers for Housing with regard to Housing Trust water rates being disallowed twice and ignored, and by the Minister for Fisheries with respect to recreational net fishing, which was disallowed three times and ignored by the Government. We will be opposing the clause with respect to allowing the Minister the power by regulation.

Clause passed.

Clause 11.

Mr CLARKE: This is a fundamental point, as I indicated in my second reading contribution in opposing the introduction for the first time in our State legislation of individual employment contracts. The Minister's Bill is such that, if an unincorporated body chooses to have an individual employment contract, the employer can go to the employee—and let us say that that employee has less than 12 months' service and the employer has fewer than 15 employees and the Minister's regulation of 29 May is still in force—and say that they want the employee to work for a certain wage under certain conditions. If the employee objects and the employer dismisses them, that employee has no legal rights with respect to unfair dismissal.

However, in addition to that, let us say that the employee, because they fear that they may lose their job and have no legal remedy for an unfair dismissal because of the Minister's regulation of 29 May, signs the agreement but there is an argument as to whether it meets the no disadvantage test. That agreement goes to the Employee Advocate—not the State Employee Ombudsman—for scrutiny.

The Federal Employee Advocate does not receive submissions in open court. The Employee Advocate has told the Senate Estimates Committee that he does not exchange submissions between the opposing parties as to their views on the application of the no disadvantage test. The Federal Employee Advocate has informed the Federal Senate Estimates Committee that no oral submissions are accepted and that he makes a decision, either a 'Yes' or a 'No,' and no written reasons are given. How can an employee, an interested trade union, the general public, a member of Parliament or whatever ascertain whether such an agreement meets the test of no disadvantage when it is all held basically in a star chamber, unlike the situation under the current Act?

The Hon. DEAN BROWN: I appreciate that we are debating a State Act but, because we are dealing with an AWA that is covered by a Federal Act, the Federal Act is quite specific in terms of what the employee has to be told and what has to be explained to them. I suggest that all the honourable member's concerns are covered by the Federal Act. I suggest he sit down and read the Federal Act, because clearly that matter is covered.

Mr CLARKE: I know I will not convince the Minister of this, but I just so happen to have read that section of the

Act. Also, I have had recent contact with officers of the ACTU, and the difficulty is that—and this is the three card trick that the Democrats in the Senate fell for—they actually thought that, by writing into the Act a no disadvantage test, that saved people. However, what happens is that the Employee Advocate is the one who determines whether that test is met. He does it behind closed doors. Submissions are put to him in a vacuum. He issues a decision 'Yes' or 'No' with no written reasons for his decision, and there is no avenue of appeal.

I understand that is so because there is no decision and nothing on which you can base an appeal. You do not know the rationale or the reason behind the Employee Advocate's decision. Also, you do not know what the other parties have put before the Employee Advocate, because he keeps it secret and because the terms of that individual agreement are confidential. There is no overall scrutiny; there is no-one in the department—or anybody else for that matter—who can scrutinise these agreements periodically to see whether they meet the tests laid down in the Federal Act. They are the practical problems that arise from the Federal Workplace Relations Act.

The Hon. DEAN BROWN: I suggest that the honourable member read section 127B(o) of the Federal Act (page 215), because all the points he has raised are covered in that section. Whilst he might—

Mr Clarke interjecting:

The Hon. DEAN BROWN: There is a legal requirement that the AWA must be accompanied by a declaration by the employer. Under subsection (2) the information statement prepared by the Employee Advocate for the purposes of subsection (1) must include information about the following matters but may include other information, and it lists them, and it includes bargaining agents. That information and that protection is there in the Federal Act.

Mr CLARKE: As I said, I will not convince the Minister on this matter. Whilst I know what the Act provides, I know that the Minister is not as naive as the Democrats were federally in this matter when they negotiated the deal with Peter Reith. At the end of the day, it comes down to what the Employee Advocate does or does not do and how he carries out his duties. There is no check on that person. There is no open scrutiny or transparency of that person's decisions. It is the practical application of that Act that is the cause of the angst that other members of the Labor Party and I have with respect to handing over this legislation.

However, in any event, the number of agreements that have been entered into federally—and admittedly the Act has not been going for that long—has not been overwhelming in terms of the level of coverage of employees in the private sector. If you look at the State Act on enterprise agreements, in the private sector where there has been collective bargaining and pure non-union agreements, you see that after the State Act has been in force for nearly three years, the number covered in pure non-union awards is absolutely infinitesimal.

I know that the Minister will ask, 'If that is the case, why get worried?' I worry, because frankly I do not trust the Employee Advocate. I certainly do not trust his deputy, who was Peter Reith's political hatchet man, his staffer who worked up the Federal Government's original draft legislation which was watered down on its process through the Senate. I am extremely unhappy with what the Employee Advocate has told the Federal Senate Estimates Committee as to the way he discharges his responsibilities. I am extremely unhappy that he does it behind closed doors, with no written reasons to any party that makes submissions to him regarding their doubt as to whether an agreement satisfies the statutory test. He simply receives it, does not allow either side to know what the other side has said or allow rebuttal or written reasons.

I am extremely unhappy with the way the Employee Advocate conducts his business at a Federal level. It is not like the Employee Ombudsman in South Australia, where the actions of that person are open and transparent, and he is held accountable for them. For those reasons, we are absolutely, totally and implacably imposed to AWAs being imported into our State system.

Mr Brokenshire interjecting:

The CHAIRMAN: Order! The member for Mawson is interjecting away from his place.

The Committee divided on the clause:

AYES (25)

Andrew, K. A.	Baker, S. J.
Bass, R. P.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
Brown, D. C. (teller)	Buckby, M. R.
Caudell, C. J.	Cummins, J. G.
Greig, J. M.	Gunn, G. M.
Hall, J. L.	Ingerson, G. A.
Kerin, R. G.	Leggett, S. R.
Lewis, I. P.	Meier, E. J.
Oswald, J. K. G.	Penfold, E. M.
Rossi, J. P.	Scalzi, G.
Such, R. B.	Wade, D. E.
Wotton, D. C.	

NOES (8)

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

PAIRS

Allison, H.	De Laine, M. R.
Armitage, M. H.	Quirke, J. A.
Olsen, J. W.	White, P. L.

Majority of 17 for the Ayes.

Clause thus passed.

Clause 12.

Mr CLARKE: This is another case of 'I told you so', and I refer to the former Minister for Industrial Affairs. I note that the triennial review of awards has been extended to 31 December 1997. I imagine that the reason is simply the workload of the State commission, that it cannot achieve the review in the period originally set down in the Act.

The Hon. DEAN BROWN: It is because the Industrial Relations Advisory Council and the employers and unions asked me to do so. It is as simple as that.

Clause passed.

Clause 13.

Mr CLARKE: I suggest that members remain seated because there will be another division on this clause.

The Hon. Dean Brown interjecting:

Mr CLARKE: You might be anxious. I know you have 36 and we are only 11, but it is only one more than you had in the fiesta you had back in November last year. As to the unfair dismissal provisions, we have already indicated our strong opposition in our second reading speeches. I know that most members opposite have not read the Bill. In fact, 98 per cent of them come like sheep through the corral. There is the side gate and in they walk—even if it is into an abyss. I want

to make a couple of points for members opposite. Under the definition of 'remuneration' in new section 105, paragraph (b) provides:

non-monetary benefits of a kind prescribed by regulation. . .

A person could be knocked out from their rightful claim for unfair dismissal. Today, if a non-award person earns less than $64 000 they have a right to seek an unfair dismissal determination, provided of course they have worked there for less than 12 months and the employer has fewer than 15 employees. The previous Minister, who was even less competent than the present Minister, could bring in a regulation reducing that $64 000 to, say, $20 000, $15 000, or $5 000 and, with the contempt that this Minister and this Government treat the Parliament, nothing can be done to arrest the rule of the Executive because the Upper House, if it is not in Government hands, might disallow the regulation but that would be ignored by the Government and the regulation would simply be regazetted. The Minister for Primary Industries knows only too well about that, as does the Minister for Housing and Urban Development.

By passing this Bill we are saying that the Executive of the day can do whatever it likes, untrammelled and unworried by Parliament, in relation to setting the level of remuneration to be taken into account by the Minister. The clause provides:

'Remuneration' means wages or salaries and includes the value of—

(a) monetary benefits; and

(b) non-monetary benefits of a kind prescribed by regulation.

Of course, the non-monetary benefits can be quite considerable. In terms of calculating the $64 000 (the current figure), it includes not only salary but also a car or superannuation, or the employer might pay for your telephone or accommodation. That is all built in.

This clause deals with unfair dismissals and has a number of subclauses which stretch over 4½ pages. If you like—and I can ask only three questions on the one clause— I will go on *ad nauseam* to cover all the points.

The CHAIRMAN: There are six amendments, although five of them could be a main one and four consequential ones, but there is another amendment, and perhaps the honourable member can be given some discretion in speaking to this very long clause. There are several amendments to which the honourable member is entitled to speak also, so he is not really restricted to three questions.

Mr CLARKE: I will leave it there.

The Hon. DEAN BROWN: The honourable member has made his point. I disagree with it. We want compatibility with the Federal legislation. That is what harmonisation is all about. Certainly, by way of regulation I have no intention of lowering the salary level. I make that commitment.

Mr CLARKE: I will not belabour the point any further. You make the commitment, but you are the Minister today and you might not be there tomorrow. As members know, these things happen in politics, so we will oppose that quite vigorously both here and in another place. New section 105A(1) provides:

This part does not apply to a non-award employee whose remuneration immediately before the dismissal took effect (to be calculated in accordance with the regulations) exceeds a rate fixed in the regulations.

The 1994 Act clearly spelt out the current position. For non-award employees it was $60 000 per annum indexed, so it is currently $64 000 or thereabouts. Again, I will not belabour the point, but the issue is giving you the power by regulation; you could set a figure lower than $64 000 simply by a decision of Executive Council through the Cabinet without reference to Parliament, and you could ignore Parliament forever and a day even if we disallowed you.

The Hon. DEAN BROWN: The Federal Act has it under the regulations and, therefore, we intend to put it under the regulations. Again, it is about harmonisation and compatibility. I have already given my assurance on that point. As to how it is indexed and the level at which it is indexed, it is very close to the present Federal Act. Again, it is about harmonisation and there is no point in trying to move away from the Federal Act. There is compatibility. I think the figure is $63 800 under our Act as indexed and it is $64 000 under the Federal Act. You cannot have people going back to work out what the index is. We can adjust it each time, as appropriate, by regulation.

Mr CLARKE: We are not going to agree on that because, quite frankly, you could sit on the regulations— whatever the amount is—and not move it for the next four or five years if you happen to be in Government. There is no way we will agree to that.

The Hon. Dean Brown interjecting:

Mr CLARKE: You said that you would not set it less than $64 000, but if it is not subject to indexation then over a period the Government could sit on its hands and not increase the threshold, and more and more people would then find themselves not able to avail themselves of an unfair dismissal remedy. New subsection (2) provides:

. . . employees of any other class specified in the regulations.

I understand that you will insert by amendment 'termination of employment convention'.

The Hon. DEAN BROWN: Yes.

Mr CLARKE: That is an improvement on the original Bill and, therefore, I will give you half a tick with respect to that matter.

The Hon. DEAN BROWN: With all that abuse when you said I had gone back on my word and everything else I said to the union movement, I would look at that clause—

Mr CLARKE: No, I am not going to take back a word because you never said it to me and the Bill about which I commented did not contain those words. I saw the amendments that you are proposing only after the dinner break.

The Hon. DEAN BROWN: Did you not say, 'I therefore take back all the abuse I gave'?

Mr CLARKE: No, because I am going to give you more abuse. In relation to new subsection (2), again, by regulation you:

. . . may exclude from the operation of this Part or specified provisions of this Part—

(a) employees engaged under a contract of employment for a specified period or for a specified task.

Let me put this to the Minister: because of the wording, is it not a fact that if he or I were in private business and no longer engaged in parliamentary work we could be under a five, six, seven or 10-year contract and by regulation he could deem me or himself not to have access to an unfair dismissal by virtue of the fact that we are on a fixed term contract for a specified period or it could be for a specified task? Let us assume that we were building the Chowilla dam, however long that might take. Would we not by virtue of the Minister's Act be excluded from access to an unfair dismissal? New subsection (2) provides:

(b) employees serving a period of probation or a qualifying period; or

(c) employees engaged on a casual basis for a short period;

What is a short period? Is it less than 12 months, less than three months or less than five years? The principal Act does not curtail the Minister's powers by regulation to bring in

such a regulation to make these things possible. A 'probation or a qualifying period': the Minister could bring in a regulation which states that you must serve five years to be deemed as being on probation because, by the power of regulation, the Minister could do it without reference to the Parliament and the principal Act allows him unlimited scope to bring in such a regulation.

New subsection (2)(d) is particularly important. I might work for an employer and part of my contract of employment, individual contract, enterprise agreement, or whatever it might be, might provide for an in-house grievance procedure which allows for the managing director of the company to review any dismissals carried out by any of his or her subordinates.

By virtue of the wording of paragraph (d), that would comply, because there is an alternative appeal mechanism, and therefore those persons would be excluded from being able to avail themselves of an unfair dismissal claim, irrespective of their years of service with that employer. I find paragraph (e) quite extraordinary, since an unfair dismissal may cause substantial difficulties. Because of either their conditions of employment or the size or nature of the undertakings in which they are employed, you cannot take an unfair dismissal claim. That is a basic denial of natural justice. When has it ever been part of the New South Wales system of industrial relations or our own body of law in South Australia with respect to unfair dismissals that an employee could not take an unfair dismissal case if, because of their conditions of employment or the size or nature of the undertakings in which they were employed, it would cause substantial difficulties?

What does the word 'substantial' mean, how is it defined, and how will it be applied? It could rule out huge numbers of employees, irrespective of their years of service, from having any recourse with respect to an unjust dismissal. That is just absolute nonsense. I do not care whether it is in the Federal Act or not. At least there, whatever regulations Peter Reith brings in, the Senate can roll over, but he does not do what our Minister does and regazette it the next day. He would if he could but he cannot, I understand, because it is a different system, but at least there is some check on some mad executive or mad Minister who decides to go berserk and gazette such feudalistic type policies or principles in a regulation.

The Minister is asking for virtual *carte blanche*, and we will just not give it to him; and I do not think the Democrats will give it to him, either. Quite frankly, the Democrats have a vested interest because, when the Government regulates to override the decisions of the Legislative Council in these matters, the more the Democrats lose their importance in this place as the balance of power. The Democrats are not about to cut their own throat. For no other reason than self-interest, I think they would be very much on side.

The Hon. DEAN BROWN: To start with, the honourable member is largely just putting a point of view. He and I disagree on this. We understand that and, as we have had five or six hours of debate on that disagreement already, I see little point in going back over the arguments. I will pick up a couple of points. Paragraph (a) is in the Act already—there is no change—so there is no point in arguing about that. In terms of what is a short period, under paragraph (c), that is done by regulation already. It is 12 months. The regulation requires those in-house procedures to be vetted by the commission, so there is a safeguard there.

We have this power to make the regulations already. What we are doing is putting in this additional power and relating it to the termination of employment convention. If anything, the honourable member should appreciate that we are putting the safeguards in there that the union movement has asked for. I would have thought that he would say this is even better than where we are at present. He should be applauding this, because that point was raised with me by the union movement. I stress the fact that I gave a commitment to review that when the union movement came to see me. I have upheld my promise, amended it accordingly and brought in the very issue it raised when it thought that this might be contrary to the International Labor Organisation convention. I am making sure that it is not.

Mr CLARKE: As the Minister said, we will not agree on this issue. Irrespective of the fact that the amendment in some small way helps address some of our concerns, those other areas are far too open to abuse. The point not addressed by the Minister is the in-house appeal procedure.

The Hon. DEAN BROWN: I made that point. Do you want me to cover it again? I said it has to be reviewed by the commission. The review process is subject to examination by the commission.

Mr Clarke: That is not in the Bill.

The Hon. DEAN BROWN: The regulations require it.

Mr CLARKE: I have not seen it, unless the Minister means the Gazette of 29 May. In any event, he can change the regulations from day to day, as he has done with respect to 29 May when he brought it in without any consultation. If he thinks we will take his word on that, he must think we came down in the last shower.

I conclude with reference to new section 105A. In the Estimates Committee, the Minister said that he did not have any statistics at all with respect to the 1 400 unfair dismissal notices lodged last year. He did not know how many involved young people, how many had less than 12 months service, or how many involved small businesses with fewer than 15 employees. The Minister talked about this anecdote because he read a letter in the *Australian* or in the *Advertiser* which justified his position. It was a significant part of the Minister's argument, and that just does not stand up to scrutiny. Has the Minister had any legal advice with respect to his regulation of 29 May being void or illegal in that it has transgressed the principal Act with respect to the termination of employment convention?

The Hon. DEAN BROWN: Yes, it is consistent with the existing Act. If the honourable member knew the processes of Government, he would be aware that that is required by the Crown Solicitor before it goes to Cabinet.

The CHAIRMAN: I propose that the Minister move his first amendment to clause 13.

The Hon. DEAN BROWN: I move:

Page 5, line 18—Leave out 'from employment'.

Mr CLARKE: I do not oppose the amendment because the deletion of the words 'from employment' is important, and it was requested by Andrew Stuart and others. I give the Minister another half a tick with respect to that, and fair enough too, because it was so bleeding obvious in terms of justice that I do not think any Minister could have refused that amendment. But he has done it, and I give him credit for it.

Amendment carried.

The Hon. DEAN BROWN: I move:

Page 6, line 9—Leave out paragraph (f) and insert:

(f) employees of any other class whose exclusion from the ambit of this Part or the relevant provisions of this Part is consistent with the Termination of Employment Convention.

Amendment carried.

The Hon. DEAN BROWN: To simplify matters, now that we have agreed to the first amendment to delete 'from employment', I will move the other amendments as well, because they are all consequential upon the first one. I move:

Page 6—

Line 12—Leave out 'from employment'.

Lines 15 and 16—Leave out 'from employment'.

Line 27—Leave out 'from employment'.

Line 32—Leave out 'from employment'.

Amendments carried.

The DEPUTY SPEAKER: Does the Deputy Leader have questions on new sections 105, 106, 107, 108, 109 and 110? As I have said, he has already well exceeded his three questions. The Chair has given him some latitude.

Mr CLARKE: I can finish the lot with one sweeping statement in respect of unfair dismissal, because I know I am not going to get any basic agreement from the Minister. So, I might as well just get into it and then take a division and let the Government commit the atrocity.

The Hon. Dean Brown interjecting:

Mr CLARKE: I wish you would get on and govern, but you keep fighting amongst yourselves. That is what we plead for—just get on and govern. We cannot agree with subsections (2), (3) and (4) of new section 106, because they provide that, if an employee takes proceedings seeking a remedy for dismissal from employment under either this Part or another law, the employee is taken to have elected to pursue that remedy to the exclusion of other remedies and is estopped from taking proceedings for other remedies based on the same facts. Without reading it all through, the basic thrust of the existing legislation is fair enough. The principal Act now provides that, if you elect to seek a remedy under another law of the State, you cannot have two bites of the same cherry.

If you are subject to a sexual harassment claim and you go to the Equal Opportunities Commission, you cannot go to the Industrial Relations Commission—you can, but it will not hear it. So, you have to elect which horse you are going to ride. In most instances, particularly with sexual harassment, people choose to use the Industrial Relations Commission: it is quicker and more readily accessible. You might, in some cases, end up with less money with respect to compensation if your case is found to be correct. But in my experience—and I have checked with a few people who practise in this area—if you go to the Equal Opportunities Commission, it could take anything up to 12 months. That is not to resolve the issue but just to get a conciliation conference. I was involved in one case that took over two years before it was finally resolved by conciliation, just short of going to arbitration, whereas in the unfair dismissal jurisdiction before the Industrial Commission you can usually expect a conciliation conference within 10 to 14 days, and certainly an arbitrated decision within four months of the application having been lodged.

This is a very important provision, and I want to take a few moments to read from a letter from a concerned legal practitioner, as follows:

> Sections 106(2) and (3) are designed. . . to prevent people taking alternative remedies. These provisions are particularly unfair in light of recent judgments by Justice Cox in the Supreme Court. They also mean that a person who seeks a remedy under State law for an unfair dismissal immediately loses any right to also claim for breach of contract. An intelligent amendment to this provision would entitle a dismissed employee to claim damages for breach of contract in the course of the same proceedings but without imposition of the monetary cap applying to compensation for unfair dismissal. This has been the situation in the Federal jurisdiction for some time.

I am trying to deal with all of these points in one go, so as to shorten proceedings. In subsection (4), the Minister has been given the power, by regulation, to require a fee to be paid by anyone who makes an application for unfair dismissal. That has been not been the case to date; no fees have been payable. I know they are under the Federal Act: I believe the fee is set at about $50. That is grossly unfair. If a person is being dismissed, I do not see why they should have to lodge a fee. It might start off at a comparatively low figure of $50 but the Minister, by regulation, without coming back to Parliament again, could increase it to $100, $200 or $500.

We have seen what the Howard Government has done with respect to Family Court applications, where the fees have increased substantially. In fact, it is almost like a total user pays system in the Federal arena these days, with respect to bankruptcy proceedings and a whole range of other proceedings, where charges have been laid at an astronomical rate to deter people from seeking justice before the courts. That is the Federal Government's way of getting rid of the court backlog—preventing people from having access to justice by making the fees so impossibly high that they cannot pursue their legal rights. So, that is one provision to which we are very strongly opposed. New section 106(3) provides:

> An adjudicating authority before which an employee brings proceedings seeking a remedy for dismissal from employment may decline to proceed if the employee has taken, or might appropriately take, proceedings based on the same or substantially the same facts under some other Act or law.

Why should the Industrial Commission say to a sexually harassed worker, for example, 'Do not come to us for your remedy, go to the Equal Opportunities Commission'? The worker could say, 'I do not want to wait two years for a decision. I want to get on with my life, see justice done, have my day in court and move on. The Industrial Commission can hear my claim and dispose of it in an arbitrated fashion within three months.' Why should the applicant be told which remedy should be made available in the opinion of that adjudicating authority? It is the right of the dismissed worker to decide which forum they will seek redress in and take their chances. They elect for the one they believe best suits their circumstances.

With respect to new section 107, I am not particularly fussed about conciliation conferences: it is largely the same as the existing legislation. As far as I can see, new section 108(3) is already in the principal Act. I opposed it when it was inserted in the principal Act in 1994, and I do so again. I believe it to be unfair that a person could be selected for retrenchment—unfairly, but it is a *bona fide* retrenchment—whereby the employer selects someone who has blue eyes instead of brown eyes, just because they do not get along with that person.

As a union advocate in these areas, I have seen this happen in the real world. There is a genuine redundancy situation, and the boss uses that as an excuse to get rid of someone, not because they are not proficient in their work but because the employer does not get along with that person—there is a personality dispute. The employer pays the person out with the minimum amount under the TCR provisions of the award and, no matter how unfair or unjust is the selection of that person for dismissal, because the employee seeks compensation believing that they have been unfairly dismissed, as the employer has paid the minimum TCR amount under the

award or the enterprise agreement, that employee cannot pursue a case of unfair dismissal. That provision is contained in the existing Act: it was wrong in principle then, and it is wrong now.

I draw the Minister's attention to new section 109(2), which I think is quite extraordinary. It provides:

> The commission must not make an order for re-employment or compensation unless satisfied the remedy is appropriate having regard to—
>
> (a) the effect of the remedy on the viability of the employer's undertaking, establishment or service;

That is an entirely new concept. It might have been incorporated from the Federal Act, but the fact that an unfairly dismissed worker cannot get a remedy because the employer is able to plead, 'You must take into account the viability of the undertaking or the establishment', is not good enough.

A worker should not be denied their proper rights simply because an employer can say, 'I know I have treated that person harshly, unfairly and unjustly, but you cannot make a compensation order against me because in my view it may affect the viability of the undertaking.' The wording 'the viability of the employer's undertaking' will lead to endless disputes and arguments in an attempt to ascertain the meaning of those words within an industrial context. New section 109(4) provides:

> In fixing compensation for an employee, the commission must not fix an amount that exceeds the total of the following amounts.

I simply say that it should be left as it is in the principal Act. The principal Act provides that the maximum that can be paid by way of compensation is six months' wages or $32 000, whichever is the greater. I know that that does not conform with the Federal Act, but there is no justification for saying that people's rights are being taken away for reasons of harmonisation. Those rights have already been substantially circumscribed in the 1994 principal Act, because before that date there was no limit to the amount of compensation that could be awarded.

In my experience, the Industrial Commission was always tight-fisted. It was particularly mean when it came to handing out compensation payments. So, in reality, six months' wages was about the best you would get in an arbitrated case; and in many cases you would get a lot less than that. Nonetheless, there are people who earn significant salaries who should not be limited to a maximum of six months' salary. It treats people who are not covered by an award and people who are covered by an award in exactly the same manner. Under the existing legislation, they receive six months' salary or $32 000, whichever is the greater. It provides equity between people who are not covered by an award as against those who are. As far as costs are concerned, from my reading of this Bill it looks as though they are exactly the same as provided in the principal Act.

The Opposition is totally opposed to the unfair dismissal part for the reasons I have outlined. These new sections do not create one extra job in South Australia. It is a very sad day when a Minister of the Crown says that, by making it easier for an unscrupulous employer—and I acknowledge that most employers are not unscrupulous—to sack a worker and deny them their rights, that will lead to the economic revival of this State. That shows the absolute bankruptcy of the vision or ideas of this Government. It is absolute nonsense, and the Opposition will oppose this part and call for a division.

The Hon. DEAN BROWN: I will go through each of the issues raised by the honourable member. The first point relates to the ability to take action under different Acts, proceed through the court, and decide at a much later stage which you intend to proceed with. It is a bit like having a bet on every horse in the race but still being able to vary the bet as the horses come down to the main straight.

Mr Clarke interjecting:

The Hon. DEAN BROWN: Yes, they have. Last night, I happened to sign two replies to employers who objected on this issue. I just happened to be answering my mail and I came to two letters where, quite independently of each other, employers had written letters bitterly complaining about this point.

Mr Clarke interjecting:

The Hon. DEAN BROWN: No, I am talking about the employers complaining about it. You want to allow someone to take a bet on all the horses in a race and to be able to vary the bet once the race has started. We say that at the outset you must decide which Act or which horse you wish to bet on. I think that is a reasonable proposal, otherwise the whole thing becomes a legal nightmare and a very expensive process. It is part of the blackmail to which I have referred where people take out many different applications under different Acts.

I cite a case of an employer who was accused of sexual harassment. The employer had hardly had contact with or been in the same vicinity as the employee in this case. The matter went to court and the employer won the case, but in order to get justice and to clear his name it cost the employer $30 000 for what was obviously a frivolous and false claim. The employer ended up feeling so frustrated and annoyed at the end of the process that he closed down his packing shed and 15 people lost their casual job, all as the result of a sour experience for that employer because of the employees who went to court and backed up the frivolous nature of the claim. You cannot allow that sort of thing to go on. Everyone knows that it is blackmail.

I cite a further case where an employee was involved in the theft of money. Other employees witnessed the theft and reported it to the employer. They were willing to go to court and to testify, but in order to minimise the costs the case was settled out of court at $7 000. This sort of thing rewards people who do not deserve any justice whatever.

Mr Clarke interjecting:

The Hon. DEAN BROWN: Well, he is not, because the employer knows that, if he takes the matter to court and fights it, it will probably cost him about $15 000 to $20 000. As I said, I know of a case that went before the Industrial Court that cost the employer $30 000, and that employer won the case. So, employers are being blackmailed. That is why the amount of $50 is provided so that at least there is some commitment by the employee before they take action.

The final matter concerns the table. I will cite the figures that apply. Under the current Act, under industrial awards an employee receives six months' pay or $30 000, whichever is the greater. Under proposed new section 109(4) it is six months' pay. The Federal Act is also six months' pay. For non-award people, it is six months' pay or $30 000 indexed, whichever is the greater. Under the Bill it is six months' pay or $32 000 indexed, whichever is the lesser. Under the Federal Act, it is six months' pay or $32 000 indexed, whichever is the lesser. They are all fairly similar with slight variations. The amount under this is higher than the $30 000: it is $32 000 indexed, although it is the lesser rather than the greater. Basically we are saying that it is one or the other: one is guaranteed six months' pay under all those provisions. It is putting a rational basis on which to determine what should

be the compensation. Nobody is arguing against the six months principle.

Mr CLARKE: I do argue as do others that the existing principal Act, whilst I argued against it in 1994, is better than what the Minister proposes. I draw the Minister's attention to the debate about which horse you grab in seeking relief. Under the principal Act section 105(2) states that 'an application cannot be made under this section if proceedings for appeal against a review of the employer's dismissal have been commenced under another law of the State' and so on. They cannot ride two horses, but the Minister in his Bill is saying that some other body can say to an employee (for example, the Industrial Commission), under section 106(2), 'Do not come to us if it is a sexual harassment case. Go to the Equal Opportunities Tribunal. That is where you ought to go, even though it may take you two years to get the case resolved and we could do it in four months. You go there.' It is not allowing the applicant to choose which horse to ride.

In terms of examples, the employer who paid off an employee for compensation, even though that employee was caught defrauding the company, was a fool. All that employer has done is to say to the rest of his employees, 'Rip me off and, as long as I believe that it will cost me more to take you to court than anything else, I will let you go.' That is a nonsense. Any employer who does that is an idiot and ought to get out of business. Costs of $20 000 or $30 000 for cases at the commission apply only to long and protracted cases.

However, in clear-cut cases when one goes before an industrial commissioner by conciliation conference in the first instance, a employee who has not a good work record or who does not have a good case will be told that by the industrial commissioner and, if they pursue their case, the commissioner makes a note, as required under the existing Act, that they have been warned about the possible consequences and it could be used against them for the purposes of obtaining costs. Many of these cases settle very quickly. It is the myopic view of this Government—and many employers had not thought about it until this mantra was chanted at them by the Employers' Chamber, not the practitioners who really know the real world but their political operatives—to cover up its own deficiencies on unemployment, to simply say that, if we exclude people from unfair dismissals, this will be a Nirvana, this will fill up the order books and this will generate jobs growth. It is an absolute nonsense.

The Hon. FRANK BLEVINS: Will the Minister give details to the Committee later, if not now, on the case in which he asserted that somebody had paid $30 000 to clear their name in a sexual harassment case and sent the firm bankrupt and 15 people lost their jobs?

The Hon. Dean Brown: I did not say that at all.

The Hon. FRANK BLEVINS: You did not? I will check *Hansard* tomorrow. If an employer has had some difficulty with this provision, I can tell the Minister that thousands of women have put up with sexual harassment from employers and others in companies and not had any redress whatsoever. It is happening even today, despite all the legislation. The Minister may be crying over an employer who has had some difficulty and I will look forward to seeing *Hansard* and being given details of that case. Whilst it is regrettable, if it is true, even more regrettable are the thousands of cases of sexual harassment—and probably the hundreds of cases that still continue to this day.

I have lots of difficulties with this provision. I have nothing to add to what the Deputy Leader has said, but I want to comment on the question of the regulations. This Minister has a cheek to be discussing the introduction of fees or doing anything else by regulation when this Minister has, in effect, torn up the Subordinate Legislation Act. This Minister has stated clearly that he will table regulations in this and the other place.

This Minister has said publicly that he will put regulations before both houses of this Parliament; that if they are disallowed by one House he will ignore that; and that he will continue to regazette the regulation and act as if nothing has happened.

The Hon. Dean Brown interjecting:

The Hon. FRANK BLEVINS: I will come to that in a moment; be patient. That will apply forever and a day. That is an outrage. I have no objection to Ministers regazetting regulations that have been disallowed by one of the Houses of Parliament under the powers that have been given to the Parliament by the Subordinate Legislation Act whilst something is sorted out. It was not the intention of Parliament for Ministers to continue to regazette regulations that the Parliament disallowed. I do not know of any other Parliament that adopts that procedure. We have just had a good example in the Federal Parliament, where the Senate disallowed some regulations and the Government said that it will come back with legislation. That is quite right in my view.

Whether or not I agree with that legislation is a different question, but the Government is not defying the Parliament and in effect just burning the Subordinate Legislation Act. I object to that strongly and every member of Parliament ought to object to it. Where we have, as in this Bill before us, a provision allowing, as the Deputy Leader said, for a fee to be fixed by regulation for lodgment in terms of seeking relief under this part of what will be the Act, it is an outrageous cheek. Is it the Minister's intention, if a regulation under this provision is disallowed by the Parliament, to regazette the regulation *ad infinitum*, defying the wishes of the Parliament as he does in relation to some other regulations before the Parliament? Is it the Minister's intention to do that whenever he thinks fit, including under the provisions before us?

The Hon. DEAN BROWN: That is a matter far Cabinet to decide at the time and I cannot speak for Cabinet at this stage.

The Hon. FRANK BLEVINS: That is not good enough. All that the Committee can do is to take the Minister on his actions. He is not the only Minister, but he has clearly signalled that he is prepared to absolutely flout the will of Parliament when it comes to regulations. The Committee and the Deputy Leader, who is handling this legislation for the Opposition in the Parliament, ought to note that the Minister will not state that he will abide by not just the letter but also the spirit of the Subordinate Legislation Act. When the Deputy Leader briefs his colleagues in another place on this legislation, he can make some suggestions regarding the provisions of this Bill. It is so wrong for the Minister to do what he is doing under other regulations he has put before the Parliament. It is an absolute disgrace for the Minister (or any member of Parliament) to state that he will not bring the Bill into the Parliament to attempt to achieve what he thinks is desirable and instead, in effect, take away the veto from Parliament that the Parliament put into the Act. The Parliament kept to itself for good reason the right to veto regulations. It did not do it for laughs but for good and legitimate reason.

The Minister, as a member of Parliament who has been here for as long as he has, has not understood the principle involved. He has stated that he will do as he wishes in this

area, and he ought to be thoroughly ashamed of himself. He ought to have a second look at it. A rod has been made for the back of this Parliament by these precedents, not just by this Minister but by another couple of less experienced Ministers, who perhaps can be forgiven for a slip—and they ought to get themselves sorted out. There is no excuse for somebody who has been the Premier of this State, who has been the principal figure in the Parliament—and maybe he still ought to be, but that is another question—to behave in that manner. There is also no excuse for his not being able to give us an assurance that he will abide by the regulations being considered by this Committee and the procedures every Parliament abides by regarding a system of subordinate legislation. That is of critical importance—it is even more important than the principles involved in the Bill.

The Hon. DEAN BROWN: I do not decide on these matters; they are matters for Cabinet and Executive Council, as the honourable member would know. I will certainly undertake to bring to the attention of Cabinet the point of view expressed by the honourable member when that matter is considered. I certainly cannot preempt any decision of Cabinet on these matters.

Progress reported; Committee to sit again.

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

A quorum having been formed:

SITTINGS AND BUSINESS

The Hon. DEAN BROWN (Minister for Industrial Affairs): I move:

That Standing Orders be so far suspended as to enable the House to sit beyond midnight.

Motion carried.

INDUSTRIAL AND EMPLOYEE RELATIONS (HARMONISATION) AMENDMENT BILL

In Committee (resumed on motion).

The Committee divided on the clause as amended:

AYES (26)

Andrew, K. A.	Baker, S. J.
Bass, R. P.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
Brown, D. C. (teller)	Buckby, M. R.
Caudell, C. J.	Cummins, J. G.
Greig, J. M.	Gunn, G. M.
Hall, J. L.	Ingerson, G. A.
Kerin, R. G.	Leggett, S. R.
Lewis, I. P.	Meier, E. J.
Oswald, J. K. G.	Penfold, E. M.
Rossi, J. P.	Scalzi, G.
Such, R. B.	Venning, I. H.
Wade, D. E.	Wotton, D. C.

NOES (8)

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

PAIRS

Armitage, M. H.	De Laine, M. R.
Ashenden, E. S.	Quirke, J. A.
Olsen, J. W.	White, P. L.

Majority of 18 for the Ayes.

Clause as amended thus passed.

[Midnight]

Clause 14.

Mr CLARKE: I know that the freedom of association provisions simply emulate the provisions of the Federal Act and we have them already in the State Act, although there is some extension simply because of the adoption of Federal standards. The Opposition is opposed to it for all the reasons we have opposed it in the past during the debate on the State IR legislation in 1994. It does extend the powers and classes of offence, and the like, but we know what it is all about: it is really designed to try to crush trade unions. Trade union numbers are down, but mainly because those industries, where they were heavily unionised, have undergone huge restructuring. It is no secret. It is not a question of dissatisfaction in the work force *per se*. The union movement will regenerate and gain members in the service sector, but I will not debate all the philosophical points at this time of night, because our position is well known on it.

We are totally opposed to the legislation. It might make for a warm inner glow for some employers, and Liberal members of Parliament here might feel a bit warmer in their heart thinking that they have taken on unions and kicked them around a little more. Frankly, however, those Liberal members who actually have some feel for industrial relations, like the former Federal Minister for Industrial Relations, Ian MacPhee, and the like, know the real world when it comes to industrial relations, and the Government can just continue to do what it wants to do in this area, because it will not crush the union movement at the end of the day. With respect to the existing State legislation on freedom of association, how many complaints have been lodged and how many prosecutions have been initiated by the Minister's department since the principal legislation came into force on 1 August 1994 to the present day in terms of any supposed breaches of the existing Act? How many involved employers and how many involved trade unions? What were the circumstances and what were the outcomes arrived at, if any?

The Hon. DEAN BROWN: Perhaps I need to check this, and so I seek some tolerance.

Mr Clarke: Yes; you can take it on notice.

The Hon. DEAN BROWN: I will take it on notice. There has been the problem that people claim they are covered under either the State or the Federal Act, and there has been a major problem in sorting out under which Act they are covered. This provision allows for uniformity between the two Acts and will overcome that significant problem.

Mr CLARKE: It was obviously a useless bit of legislation that was enacted in 1994. It has had no effect. I accept that the Minister does not necessarily have all this information at his fingertips but, if it was a significant concern, it would be something that he and his department would have readily identified and known about since the Act has been in place for nearly three years.

Clause passed.

Clause 15.

Mr CLARKE: This is another useless bit of legislation. Like the principal Act, it deals with the registration of unions under the State system. There is absolutely no incentive whatsoever for any union to be registered under the State system: all you incur being registered under the State system is all the requirements and responsibilities of the Act without any of the benefits, because non-registered associations with

any rules are not subject to any Industrial Commission challenges whether those rules are harsh or oppressive; those non-registered associations can negotiate, enter into enterprise agreements and a whole range of things and, in any event, the provision allowing for unions to be formed with 100 employees has been reduced to 50 employees in the Bill. How many new unions have been registered in South Australia since the Act came into force on 1 August 1994 under the existing prescriptions?

The Hon. DEAN BROWN: We think there are examples but we will have to take the question on notice to get the exact number.

Mr CLARKE: I was a little too loose in my description of the existing prescriptions. I was referring to those unions registered at the threshold of 100 employees. I know that some unions have registered themselves with large numbers because they were federally registered; they got themselves organised at a State system and that sort of thing. However, I am talking about new unions being set up as enterprise unions with 100 employees.

Clause passed.

Clause 16.

Mr CLARKE: This is another useless piece of legislation. Why would any union want to be registered under the State system? The very point I was making in 1994 was about all responsibility and no benefit. Under the previous Act, when a union was registered it had exclusive coverage of a certain membership territory or potential territory but it had to abide by certain accounting rules. It could not have rules that were harsh, oppressive and the rest of it. Those responsibilities still stay if you are registered, but a non-registered association can do all those things without any responsibilities, without being accountable, without having to make sure that it sends audited financial returns to members every 12 months, without having to make sure that its officers are elected every four years, and in a secret ballot, and all those things.

It is far better to set yourself up, by what this Government has said, as a non-registered association, elect yourself for life as the secretary, with no requirements for financial accountability. So, you can do all the things a registered union can do without responsibility. This merely replicates the Commonwealth Act, but it effectively seeks to undermine the established *bona fide* trade union movement. But, as has happened in the past, ultimately it will fail.

Clause passed

Clause 17.

Mr CLARKE: I think this is a nonsense. I know it is part of the Commonwealth Act and part of Peter Reith's meanness and stupidity and sheer hatred of unions. The existing legislation allows a union to sue for unclaimed arrears for six years—and that was also in the old Federal Act before Reith got hold of it. In every business, the statute of limitations for seeking moneys is six years. Under this piece of legislation, a union has to collect fees 'within 12 months after the liability to make the payment fell due'. In an administrative sense, it will not cause hassles for many unions because they have their processes for collecting dues in any event. My own experience is that, if you have not got the money out of a member within a couple years, you are not likely to get it at all. Although from time to time, if you put the odd summons on someone, you might jangle a bit of cash out of that person. A number of union members are now on direct debit through their bank.

I object to the principle. If it is okay for every other business to go back six years under the statute of limitations, why is it that unions can do so only if they commence action to collect their moneys within 12 months of the liability becoming due? If it is good enough for the trade union movement, it is good enough for business. Why not amend the legislation affecting business to provide that their statute of limitations is the same as proposed in this Bill?

The Hon. DEAN BROWN: There are many examples of where unions, many years after the membership appears to have lapsed, have gone back and used harassment and heavy-handed tactics to try to extract union membership dues over that period. I have heard of cases, and I am sure that most members of Parliament have heard of cases. It is making sure that someone who believes that their membership has lapsed, because they have moved out of the industry, does not have the union belting on their door four or five years later saying, 'We want to extract your membership dues for the past five years.' The financial implication of that is huge. It is inappropriate that that sort of behaviour be allowed to continue.

Mr CLARKE: One might well pose the question: why not adopt the same standard with respect to other forms of business that have a six year statute of limitations on the collection of outstanding debts? The Minister did not answer that question. In response to the Minister's anecdotal evidence (which he is fond of pulling out of the air) about standover tactics by unions, I have never heard of it. I was a full-time union official for 20 years, and for 10 years, when I was secretary of a union, I had responsibility for the collection of membership dues. On many occasions members would say, 'But I mailed you a letter of resignation on a certain date.'

I lost count of the number of letters I received from people telling me that after they got their final demand some 18 months or two years later. But they still got the union journal and the pay sheets. They did not write back and say, 'Why keep me sending me the pay sheet or the journal because I don't believe I am a member any more.' But when you sent the account along, suddenly their memory was jogged that they had sent a letter at some time, although they no longer had a copy.

The Hon. Dean Brown interjecting:

Mr CLARKE: In some instances I did; in other instances I said, 'Look, you have had about 15 warnings.' We had good records of every letter and telephone contact with every person. Where we thought somebody was having a lend of us, we sent a summons. They had received service and we expected payment. In other cases we waived the fees; and we waived more than we collected, I might add. All I am saying is that the Minister has not answered the question. Why is there a fundamental difference? Why is it that trade unions have to collect dues within 12 months but the statute of limitations for businesses is six years? If it is good for one, it should be good for the other. Why not be consistent?

The Hon. DEAN BROWN: I have answered the question.

Clause passed.

Clauses 18 and 19 passed

Clause 20.

Mr CLARKE: This is just another mean-spirited provision. It relates to associations acting against employees or members. Subclause (1) provides:

An association, or an officer or a member of an association, must not take action or threaten to take action having the effect, directly

or indirectly, of prejudicing a person in employment or possible employment with intent—

(a) to coerce the person to join in industrial action; or

(2) to dissuade or prevent the person from making an application to an industrial authority for an order for the holding of a secret ballot.

What is the basis in fact for this legislation? It may be to bring it into line with the Commonwealth legislation, but if the Commonwealth legislation said 'Let's go and slit the throat of every blue-eyed baby boy born after 1 July', would the Minister enact that for harmonisation reasons, or would he look at whether the legislation fits the circumstances of the State?

What is the basis for the Minister's bringing in this legislation? If he has had complaints, will he be specific about those complaints and identify them rather than referring to them in an anecdotal way, no doubt discussed over a glass of port with someone from the Chamber of Commerce and Industry?

The Hon. DEAN BROWN: I do not drink port with people from the employers chamber. I cannot recall having done so, so I think the allegation of the honourable member is inappropriate. It is clear that this puts down some fundamental principles. The principles are there—

Mr Clarke interjecting:

The Hon. DEAN BROWN: No, they are principles. The honourable member probably has trouble understanding what a principle is. A principle applies when someone has a set of high standards that are put down and accepted generally by the community. One is that an association should not be allowed to coerce a person to join in industrial action. That is very much a part of the freedom of association principle. It is a fundamental principle. Therefore, quite clearly it is a principle I would have hoped all members of this Parliament support. Equally, it applies to paragraph (b) as another principle. It is quite appropriate, as I talked about earlier, that the principle of freedom of association equally applies to this principle.

Clause passed.

Schedule and title passed.

Bill read a third time and passed.

FOOD (LABELLING) AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 12.23 a.m. the House adjourned until Thursday 3 July at 10.30 a.m.