LEGISLATIVE COUNCIL

Thursday 27 August 1981

The PRESIDENT (Hon. A. M. Whyte) took the Chair at 11 a.m. and read prayers.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

The Government has been concerned for some time that the existing provisions of the State Industrial Conciliation and Arbitration Act do not require, or indeed allow, the commission to have regard to the current state of the South Australian economy and the effect that the claimed increase in wages or conditions would have on the economy. The absence of any such requirement is in contrast to the provision contained in section 39 of the Commonwealth Conciliation and Arbitration Act, which states:

> In proceedings before the commission . . . the commission shall take into consideration the public interest and for that purpose shall have regard to the state of the national economy and the likely effects on that economy of any award that might be made in the proceedings or to which the proceedings relate, with special reference to the likely effects on the level of employment and on inflation.

This anomaly was highlighted during the most recent State wage case, which followed the awarding of a 3.6 per cent increase to all employees under the Federal commission's jurisdiction, based on the wage indexation guidelines then applying.

In response to argument by the United Trades and Labor Council that employees under State awards should receive a 4.5 per cent increase, being the rise in the consumer price index in the period under review, without any discounting as provided for in the national wage indexation guidelines, the State Government put forward evidence that any increase in excess of the nationally awarded increase would be detrimental to the State's economy, reduce our competitiveness both interstate and overseas, and reduce employment opportunities as a result. Commenting on the commission's lack of jurisdiction in this respect, the Full Bench in its decision of 3 July 1981 said:

> Nowhere is any mandate given to the commission, in relation to proceedings pursuant to section 36, to look outside of the industrial questions raised before it and, for example, frame its decision according to general economic considerations touching upon the community at large. Its prime concern must be directed to the determination of the industrial issues arising between the parties subject to its awards.
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> We agree with a submission put to us that the South Australian tribunal is not constituted as 'some form of economic committee of enquiry'. Under the Industrial Act our approach must principally be the product of industrial relations considerations. At best general macro and micro economic aspects arise only as peripheral or background facets to the extent that they can fairly be said to be inextricably intertwined or at least closely connected with industrial relations considerations and attitudes.
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> (print I. 48/81 pgs. 56, 57.)

In the July decision of the Australian commission abandoning the indexation system, Sir John Moore announced that in future the commission would be required to have regard, under section 39 of the Federal Conciliation and Arbitration Act to, *inter alia*, the state of the economy with special reference to the level of employment and inflation.

The State Government, since its election, has placed prime importance on the need to restore the strength of the South Australian economy by encouraging industrial expansion and investment in the State which thus results in higher employment and greater community confidence. Our drive has been based on selling the State's comparative advantage to potential investors here, interstate and overseas. These advantages include lower wage and other costs, greater availability of labour and in particular skilled labour, a good supply of industrial land that is close to all facilities and only a fraction of the cost of similar land in Sydney and Melbourne, an outstanding record in industrial harmony, bettered by no other State, excellent transport facilities which link South Australia with all other areas in Australia and overseas, and an imaginative package of industrial incentives provided by the State Government.

The key to the maintenance of this comparative advantage is that South Australia must not have wage increases which are above those occurring in other States. No single factor will be a greater constraint to industrial expansion in South Australia than wage increases greater than those applying elsewhere.

It is even more important now that wage indexation has been abandoned nationally that we examine closely the impact that all wage claims will have on the State's economy. Yet we must rely on an Act that gives no mandate to the Industrial Commission to have regard to the prevailing economic circumstances, even though there is a moral responsibility on the Full Bench and individual commissioners when making awards to ensure that their decisions do not have significant adverse effects on the South Australian economy.

It is the clear responsibility of the State Government to lay down the legal framework and general principles by which the Industrial Commission may operate. By the amendments contained in this Bill, the Government is setting an additional principle which has previously applied federally, but not in South Australia. There is generally within the community an expectation that there will be a wages explosion in Australia following the collapse of wage indexation. The danger is that such an expectation may turn out to be self-fulfilling.

To allow such to occur would be to run the very grave risk of returning to the events of 1973-74, when massive wage increases led to great inflationary problems, significant increases in unemployment and a total loss of international competitiveness by Australian manufacturing industry. The Australian economy, and in particular the South Australian economy, has not yet fully recovered from that disastrous position. Already there are ominous signs that a general wages push has commenced in South Australia. The State Industrial Commission has before it some 19 applications for wage increases, the bulk of which range from $20 to $30 per week. This is over and above the amounts already received this year by all employees in South Australia under wage indexation.

Whilst it is difficult to know just how these claims might be justified by the applicants, and thus whether or not all would fall within or outside the wage indexation guidelines, nevertheless their impact on this State's economy will be significant. Their follows a list of statistics setting out awards by name and I seek leave to have that incorporated in *Hansard* without my reading it.

Leave granted.

Award	Claim (Per Week) $
Breadcarters Award	20.00
Boarding Houses, Guest Homes	20.00
Bread and Yeast Goods—two claims	21.30 20.00
Brushmaking C.C.	30.00
Cafes and Restaurants	Various from $8.30-$15.70
Cake and Pastry	21.30

Award	Claim (Per Week)
	$
Canteens, Dine-Ins	28.00
Canteen Employees (Industrial and Commercial)	28.00
Caretakers and Cleaners	10.00
Catering and Reception Houses	20.00
Delicatessens	20.00 (approx.)
Dental Technicians	7.30 (approx.)
Field Officers (Road Safety Council)	5% increase
Fire Brigade Officers	23.00
Minda Inc. Award	10.00 (not all classifications)
S.A. Medical Officers	60.00 (approx.)
Transport Workers (S.A.) Award	20.00
Transport Workers (S.A. Public Service)	8.00
Teachers Salaries Board	12%

The Hon. J. C. BURDETT: To take one of the claims as an example, the claim by teachers, if granted in full, would cost the State Government, or more precisely the taxpayers in South Australia, an additional $36 000 000 in a full year. This amount is on top of the 3.7 and 3.6 per cent wage increases which teachers have already received so far this year under wage indexation. This means that teachers, in an eight month period, would have had a salary increase of over 20 per cent. To compound the problem, it has already been foreshadowed by the South Australian Institute of Teachers that the claim is to be amended from 12 per cent to 20 per cent. This would mean, for example, that a senior master, who in January of this year was on a salary of $20 685 p.a., would, if the 12 per cent was granted, earn $24 888 p.a., an increase of $4 200 p.a., or $26 666 p.a., an increase of $6 000 p.a. if a 20 per cent claim was lodged and granted in full. The total additional cost of teachers' salaries in a full year as a result of these three increases would therefore total between $60 000 000 and $87 000 000.

This enormous increase in the cost of the State's education budget will have absolutely no effect on the standard of education. Ultimately, it can only lead to fewer teachers being employed, despite the already high unemployment rate which exists within that profession. Likewise, the $60 a week claim by salaried medical officers in South Australian public hospitals, if granted in full, would mean that these employees would have received increases of between 27 and 31 per cent since January of this year, at an additional annual cost to the taxpayer of $6 000 000 in Government hospitals and $12 000 000 if one includes the Government subsidised hospitals. A further claim in respect of penalty payments for call outs would cost $3 000 000.

Members will be aware that, in November of last year, the Government announced that Mr Frank Cawthorne, then an industrial magistrate in the Industrial Court, had been appointed to conduct a review of the South Australian Industrial Conciliation and Arbitration Act. Since his release from the Industrial Court, Mr Cawthorne has received submissions from interested parties and individuals on possible changes to the Act to meet current and likely future developments in industrial relations. Whilst it is not anticipated that Mr Cawthorne's report will be submitted to the Government until early next year, the abandonment of the wage indexation guidelines by the Federal commission has necessitated the Government's taking these immediate steps to protect the State's economy from any possible wages explosion. Mr Cawthorne has been informed of these proposed amendments.

It must be stressed that the proposals embodied in this Bill will in no way limit the considerations of Mr Cawthorne or of any recommendations he might make to the Government. The amendments now proposed will still be subject to the result of the review: if desirable, further changes will be made to the sections of the Act now amended in the light of his report. The object of the measures contained in this Bill is to provide a legislative framework in which there is commonality in the processing of claims and consistency of treatment between the Commonwealth and South Australian tribunals. The amendments proposed will provide an avenue through which wage and other claims by South Australian workers can be appropriately processed and in which due regard will be given to equity and fairness and by which protection will be given to the lowest paid workers and industrially weak unions. It may be, however, that as a result of the consultations now taking place between the parties to the system, both federally and in South Australia, and the presidents of the various Commonwealth and State tribunals, a new centralised wage fixing system will be proposed. In this event, the Government will consider whether further amendments to the Act are required.

This Bill thus requires the commission, whether it be a single commissioner or a Full Bench to have regard to the public interest in arbitrating a claim or certifying an agreement and, for that purpose, to take into account the prevailing economic circumstances, with particular regard to the likely effects of its decision on the South Australian economy. In this respect, special regard must be had to the likely effects on the level of employment and inflation.

Secondly, the Bill requires a State industrial authority to give effect to principles enunciated by the Commonwealth commission that flow from consideration by that commission of the state of the national economy.

Thirdly, where there is an established nexus between any proposed determination before an industrial authority and a determination which has been made by the Commonwealth commission, the State industrial authority is required to consider the desirability of achieving or maintaining uniformity between the rates of remuneration payable under the respective determinations.

These principles will also apply to all other wage fixing tribunals, such as the Teachers Salaries Board and Public Service Board, operating in the South Australian sphere. In addition, all industrial agreements will have to be certified by the Industrial Commission as being in the public interest, using the same guidelines as outlined above.

This provision goes somewhat further than the Federal provision which only applies to Full Bench hearings. However, the Government believes it is pointless to allow a single Commissioner to decide a matter without regard to the public interest and the state of the economy, when there is a general right of appeal to a Full Bench which is required to have regard to these matters.

The effect of such a provision will ensure that the South Australian economy can support any further increases in wages payable to its workers. A high level of wages is only possible with a strong, prosperous economy, without which the whole basis of employment is threatened. Accordingly, this measure seeks to maintain a balance between these two interests.

In the current industrial climate and its associated uncertainties it is desirable for the Minister of Industrial Affairs to be able to intervene in the public interest in all matters, including consent agreements, coming within the jurisdiction of the Industrial Commission, and to be able to have any matter referred to a Full Bench. The inclusion of this provision will enable the Government to have access to the commission when matters of particular concern are under consideration.

As a representative of the people of this State generally, the Government views as crucial the right to bring before the commission the implications of matters of principle, such as the shorter working week. At the present time there

is some doubt that the Minister of Industrial Affairs can seek a reference to a Full Bench; this provision will place the matter beyond doubt.

This Bill is an important measure which deserves the consideration and support of all members in this place. In any system in which diverse partisan interests and the community are involved, the public interest must always be paramount. This Bill seeks to give effect to that principle to ensure that the industrial relations system in South Australia remains viable and effective.

I seek leave to have inserted in *Hansard* the Parliamentary Counsel's explanation of the clauses without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clause 4 amends the definition of 'industrial agreement' in order to achieve conformity with the amendments proposed to section 108. Clause 5 gives the Minister the necessary standing to enable him to request that a matter be referred for hearing before the Full Commission.

Clause 6 provides for the registration of industrial agreements. Where an industrial agreement affects remuneration or working conditions it is not to be registered except upon the authority of the commission. In determining whether to grant that authority, the commission will of course have regard to the public interest in pursuance of the new division IA of Part X. A transitional provision covering existing agreements is included.

Clause 7 introduces new division IA of Part X. New section 146a contains definitions required for the purposes of the new division. New section 146b is the major provision of the new division. It provides that in arriving at a determination affecting remuneration or working conditions an industrial authority must have due regard to the public interest and is not to make a determination unless satisfied that it is consistent with the public interest. In determining that question an industrial authority is required to consider the state of the economy and the likely effects of the determination on the economy with particular reference to its effects upon employment and inflation. New section 146c empowers the Minister to intervene in the public interest, in proceedings before an industrial authority.

Clause 8 makes amendments to the Industrial Commission Jurisdiction (Temporary Provisions) Act designed to bring it into consistency with the amendments to the principal Act.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

QUESTIONS

McLEAY BROTHERS

The Hon. C. J. SUMNER: I seek leave to make an explanation before asking the Attorney-General a question about McLeay Bros and the personal attack by John McLeay on me.

Leave granted.

The Hon. C. J. SUMNER: I have not in my political career and personal life relied on personal abuse and smear to advance my ideas. In yesterday's *News* Mr John McLeay, the Australian Consul-General in Los Angeles, launched a personal attack on me. I resent and reject his accusations. I will not have my political principles or integrity brought into question by John McLeay. I have instructed my solicitors to take appropriate action. I doubt whether Mr McLeay has read my explanation to the Council, which prefaced the two questions that I asked on Tuesday and Wednesday.

I feel sure that all members will concede that it was carefully researched and reasoned and raised issues of public importance. The Attorney-General did not dismiss the allegations. He quite properly and promptly referred the matters to the Corporate Affairs Commission. John McLeay will be able to state his case to them. The matter would have been best left there, but John McLeay has now embarked on name-calling and personal abuse. John McLeay 'protesteth too much'. I made it quite clear in my question that disturbing aspects of the collapse of McLeay Brothers and Clinton Credits referred to all the directors of the McLeay enterprises. John McLeay was not singled out.

The facts on the face of it indicate that all branches of the family business activities require investigation. I asked whether the McLeay family as a whole must take responsibility for the 80 investors who have lost $150 000 as a result of Clinton Credits collapse. His father, Sir John McLeay, is still a director of McLeay Brothers Pty Limited. Is John McLeay now denying his father? John McLeay cannot deny these facts; they are indisputable:

1. McLeay Brothers Pty Limited went into receivership only 12 months after John McLeay left it.

2. His father, Sir John McLeay, and his brother Peter McLeay, according to the most recent statement filed at the Corporate Affairs Commission on 9 June 1981, were still directors of McLeay Brothers. Is John McLeay 'unloading' the rest of his family?

3. Clinton Credits did lend considerable sums to McLeay Brothers without security. John McLeay was a director of Clinton Credits before 14 March 1980. At least some of that money was lent before that date. Clinton Credits did obtain funds from the public prior to that date. It was legitimate to ask whether this was contrary to the Companies Act, because it was not a public company and did not issue a prospectus.

4. The books of Clinton Credits are far from satisfactory and the liquidator himself has appointed an independent solicitor to examine them. The state of the books predates John McLeay's departure.

5. My constituents and others did invest in Clinton Credits in 1980, in the belief that McLeay Brothers was a soundly based company with prominent members of the South Australian community including John McLeay and his father, Sir John McLeay, associated with it.

6. My constituents specifically raised with me the question of what John McLeay received when he sold his share of the business in 1980. In view of the collapse of the company within 12 months, that is a perfectly legitimate question. Mr McLeay now says that it is not anyone's business, despite the fact that both companies were left without substantial assets.

Since these matters were raised, further allegations have been put to me. First, I mentioned on Tuesday and again yesterday the circumstances of the sale by Clinton Credits of the property at Brompton from which John McLeay now operates his bulk store business. I said this required investigation. Information I now have indicates that this property was sold to John McLeay by Clinton Credits at 'considerably less than its true valuation'. If that is the case, then the John McLeay family has benefited at the expense of the creditors of Clinton Credits. Secondly, John McLeay said yesterday that in March 1980 he had left 'a viable group of companies'.

At a meeting of creditors of Clinton Credits some weeks ago his brother, Mr Peter McLeay, in response to questions

from creditors about McLeay Brothers, said that it had not been making a profit for three years. The fact that from the end of 1977 to the end of 1980 Clinton Credits lent without security some $130 000 to McLeay Brothers would tend to bear that out. Again, I have not been able to ascertain how much of that money was lent after March 1980 when John McLeay left the company, but clearly some money was lent before that date.

Thirdly, I have also been advised by another source that for some time the McLeay Brothers firm has been going down. The accusation was made that items for personal use such as cars, petrol, caravans and boats were all taken directly out of the companies pre-tax income by members of the family including the wives of the principals. While this may be legitimate in a completely private family company, it is open to question when an associate company, Clinton Credits, is handling public money to the tune of more than $150 000 and using that money to make unsecured loans to McLeay Brothers Pty Ltd.

I now turn to the question of Parliamentary privilege. The material I placed before the Council was in two categories: first, factual matters which cannot be disputed and, secondly, allegations which had been made to me and which I believe required further investigation by the Government.

It is important to remember that the matters were referred to me by some people who stand to lose their investment as a result of their depositing money with Clinton Credits to the tune of $150 000—eighty separate investors. It is on that basis that I believe that further investigation is required by the Government. The second category of allegations received from members of the public and creditors of Clinton Credits must be raised under Parliamentary privilege. Indeed, that is the only way that it can be raised. It is a perfectly proper use of Parliamentary privilege.

John McLeay has said that the circumstances of his leaving McLeay Brothers is his business and his business alone. Does that mean that John McLeay will not co-operate with the Corporate Affairs inquiry? I initially asked for a special investigator who has judicial powers to require production of documents and answers to questions. In view of John McLeay's attitude, the air should be cleared as soon as possible, as much for his benefit as anyone else's. A special investigation or judicial inquiry would enable John McLeay to put his case without resort to personal abuse. I believe I have made out a strong *prima facie* case for such an investigation in the questions and explanations I have raised in the Council this week. In view of the attitude of John McLeay to the allegations made and the additional matters raised by me yesterday and today, is the Attorney-General now prepared to appoint a special investigator or full judicial inquiry into those matters?

The Hon. K. T. GRIFFIN: The public statements made by Mr John McLeay in so far as they relate to the Leader of the Opposition are matters with which I am not involved and I do not intend to become involved. They are matters solely between the Leader of the Opposition and Mr McLeay. I indicated on Tuesday and reiterated yesterday that I had referred all the material which the Leader of the Opposition had made available in the Parliament to the Corporate Affairs Commission with a view to that commission's assessing the information, making its own inquiries and providing me with a report. I also indicated on Tuesday that, if the Leader of the Opposition had other information which he had not made known on Tuesday and if he made it available to me, I would undertake to get it to the Corporate Affairs Commission as a matter of urgency. That position still stands and the material which he has raised today will, with the other material, be information which will be in the hands of the Corporate Affairs Commission.

I still believe that it is premature to make any decision on whether or not there should be a special investigator. The reported stance of Mr McLeay in the public media is largely irrelevant as to whether or not a special investigator should be appointed.

The Hon. N. K. Foster interjecting:

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: I have indicated to the Council that the Corporate Affairs Commission is assessing the information. As soon as it has completed that assessment I will have a report and will be in a position to make a decision on the honourable member's question.

LEGAL WORKERS GROUP

The Hon. L. H. DAVIS: I seek leave to make a brief explanation before asking a question of the Attorney-General, on the subject of the Australian Legal Workers Group.

Leave granted.

The Hon. L. H. DAVIS: Earlier this month a leaflet was circulated widely around Adelaide advertising the formation of a new organisation called the Australian Legal Workers Group. This group, in its leaflet, openly admits to being a radical legal group and as one of its general policies:

> being clearly committed to fundamental change in the law and the legal profession and to the kind of changes in the political and economic system required to achieve this.

Two contact names have been provided for information on this leaflet. They are Myf Christie on 212 6233 and Lyn Pointer on 212 2071. Upon further investigation I have discovered that these two telephone numbers are for the Legal Services Commission and the Children's Court, respectively. My questions to the Attorney are as follows:

First, is the Attorney aware of the formation of this group in South Australia, its aims, and that it is using two Government employees and telephone numbers as the contact points?

Secondly, does the Attorney agree that the blatant use of Government telephones, for private purposes, especially for such an obviously radical political group as the Australian Legal Workers Group, is a breach of trust which is placed on public servants, and that the impression could be given to the public that the Legal Services Commission and the Children's Court officially support this organisation?

Thirdly, will the Attorney follow this matter up with the Legal Services Commission and the Children's Court with a view to stopping what appears to be a serious breach of Public Service Act regulation 18 (7)? That regulation states:

> No officer shall except in pursuance of his duties or with permission of the officer-in-charge use any telephone in any Government office or building.

Fourthly, will the Attorney seek reassurances from the Children's Court and the Legal Services Commission that public servants are not engaging in political activities in office hours in breach of regulation 18 (9), while taxpayers are paying for their wages and their telephones?

The Hon. K. T. GRIFFIN: I was aware that the Australian Legal Workers Group had been established and that it was a somewhat radical group. I was not aware of a number of other matters referred to by the honourable member, particularly in respect of the use of telephones in the Legal Services Commission and the Children's Court for what appears to be the purposes of this organisation. I will make inquiries because, if this is occurring, it is a matter of concern. When the inquiries have been completed I will bring back a reply.

POOL CHEMICALS

The Hon. N. K. FOSTER: Has the Minister of Community Welfare a reply to the question I asked on 26 February 1981 about pool chemicals?

The Hon. J. C. BURDETT: My colleague, the Minister of Water Resources, advises that the suppliers of proprietary pool chemical lines other than those yielding chlorine or based on biguanide have been asked to document the efficacy of the substances they promote against the trophozoites and cysts of naegleria fowleri. The safety of the water involves proper cleaning of the pool, its water filtration and disinfection.

The Hon. N. K. FOSTER: I rise on a point of order. With due respect to the Minister, I would expect a reply to be given in English that could be understood, not an explanation with chemical terms that the Minister cannot even properly pronounce.

The PRESIDENT: Order! That is not a point of order.

The Hon. J. C. BURDETT: A pool with reduced chlorine residuals or none at all constitutes a greater risk to its users and should be disinfected prior to use and in relation to the bathing usage. The disinfection regime will vary depending on whether it is a batch or continuous method. The reduced level of chlorination at Port Augusta and Port Pirie during the summer months was the result of monitoring for naegleria between 1973 and 1979. This decision was made on the basis that a reduction in chlorine would not introduce a health risk. It was not a cost saving exercise.

Health regulation 177 (3) provides that whenever a public pool is 'in use' the water shall be adequately sterilised by the use of chlorine and that the water shall contain residual free chlorine of not less than 0.2 milligrams per litre. There is provision for proprietors to seek approval of the central board for alternative methods. It is the responsibility of the proponent of the alternative to demonstrate its efficiency and detectability. Chlorine is the only method approved for the sterilisation of public pools.

The Central Board of Health has, however, approved the use of biguanide-hydrogen peroxide as an alternative method for sterilisation of limited access pools. There are no provisions that require approval of substances for the disinfection of private pools. The water supplies of this State, and in particular those in the mid-northern areas, are and will be continually monitored to detect the presence of amoebae. Cabinet approval was given in February 1981 for the Amoeba Research Unit of the State Water Laboratories to be upgraded. This is now well under way.

As was explained in a previous answer to the honourable member, controlling the temperature of the water supply is not a practical means of disinfection. Rather, the treatment of the water supply at specific locations and the continual monitoring process to provide for early detection of the organism are seen to be the optimum available methods of combating the problem.

HOSPITAL CORPORATION OF AMERICA

The Hon. N. K. FOSTER: Has the Minister of Community Welfare, representing the Minister of Health, a reply to a question I asked on 16 July about the Hospital Corporation of America?

The Hon. J. C. BURDETT: My colleague, the Minister of Health, informs me that officers of the South Australian Health Commission have made inquiries in response to the honourable member's assertions about Hospital Corporation of America's record in the United States of America. The United States Embassy in Canberra and officers of the Commonwealth Department of Health have indicated that they are not aware of any declaration by the U.S. Government that Hospital Corporation of America is undesirable in its medical and business ethics and operations. They are also unaware of any U.S. Government decision which denies the right of the corporation further investing in American hospitals. However, an article entitled 'Why I.N.A. is unloading hospital affiliates', which appears on page 28 of *Business Week* of 4 May 1981, reports that the corporation intends to purchase I.N.A. Corporation's subsidiary Hospital Affiliates International for $650 000 000. The purchase would increase the number of hospitals owned or managed by the Hospital Corporation of America throughout the United States from 197 to 351. A tentative agreement was made on this purchase on 17 April 1981, and there appears to be no U.S. Government prohibition of the move.

The State Government does not consider that the introduction of the corporation to South Australia would strike at the very principle of hospital medicine and community care, as suggested by the honourable member. When it took office the State Government had discussions with the corporation with a view to its Central District Hospital providing some services for public patients. No agreement was reached on this matter, and it was not pursued. It is not intended that it will be pursued in future.

The only other area of discussion this Government has had with the Hospital Corporation of America has been in relation to the provision of a private hospital facility in the Noarlunga area. In fact the previous Government had discussed entering into an agreement whereby the corporation would receive a Government guaranteed loan for the costs of capital works. These discussions were continued by this Government. However, the corporation withdrew late last year and no further discussions have taken place. If the honourable member can provide any documentary evidence of his assertions about the Hospital Corporation of America, the Minister of Health would appreciate his advice.

The Hon. N. K. FOSTER: Has the Minister of Community Welfare, representing the Minister of Health, a reply to a further question I asked on 16 July about the Hospital Corporation of America?

The Hon. J. C. BURDETT: The Minister of Health suggests that if the honourable member requires details of considerations and decisions made by the Foreign Investment Review Board, he should make a direct request to the Commonwealth Treasurer.

HOMES FOR THE AGED

The Hon. N. K. FOSTER: Has the Minister of Community Welfare, representing the Minister of Health, a reply to a question I asked on 22 July about homes for the aged?

The Hon. J. C. BURDETT: My colleague the Minister of Health advises that accommodation for the aged in South Australia may be categorised as independent living units, hostels, and nursing homes, together with rest homes and boarding houses. Independent living units which are a direct responsibility of the State Government are established and operated by the South Australian Housing Trust. Within the voluntary care sector, the State Government is involved only in so far as the initial establishment of such a facility under the Commonwealth Aged and Disabled Persons Homes Act makes the organisation eligible to receive a State subsidy for furnishings and equipment. From the regulatory point of view, rest homes and nursing homes are licensed by Local Boards of Health under the Health Act.

There is no South Australian Statute known as the Charitable Purposes Act. The Public Charities Funds Act, 1935-

74, contains in its second schedule the institutions which are public charitable institutions for the purposes of that Act. They are: The Royal Adelaide Hospital, The Queen Elizabeth Hospital, The Queen Elizabeth Hospital 'Mareeba' Rehabilitation Centre, Modbury Hospital, Mount Gambier Hospital, Port Augusta Hospital, Port Pirie Hospital, Wallaroo Hospital, Whyalla Hospital, Glenside Hospital and Receiving Houses (Paterson House, Cleland House, Downey House), Hillcrest Hospital and Receiving Houses (Litchfield House, Howard House), Strathmont Centre, Child Guidance Clinic, Adelaide, Beaufort Clinic, Woodville, Carramar Clinic, Parkside, Mitchell House Clinic, Prospect, St Corantyn Psychiatric Clinic, Adelaide, Diagnostic and Assessment Clinic, Toorak Gardens, Palm Lodge Hostel, College Park, Newton Lodge Hostel, Newton, Marden Hill Hostel, Marden Day Centre, Torrensville Day Centre, Toorak Gardens, and Magill Home (under control of the Director-General of Community Welfare).

The Collections for the Charitable Purposes Act, 1939-47, covers the licensing of collection of funds for such organisations as those which provide services for the aged on a non-profit basis. Eligible organisations within the voluntary sector receive personal care subsidy for eligible residents and those which conduct nursing homes are mostly supported through the Nursing Homes Assistance Act. These are both Commonwealth Statutes administered by the Commonwealth Departments of Social Security and Health respectively.

The organisations concerned are autonomous, and are conducted on a non-profit basis with voluntary committees of management, consultants and advisers and a minimum number of salaried staff. The State Government considers that they are conducted in a responsible fashion and represent an invaluable component in a spectrum of services which allows considerable choice by or on behalf of aged people seeking support.

SOUND AMPLIFICATION

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking the Attorney-General a question about the provision of microphones and the amplification of sound in this Chamber.

Leave granted.

The Hon. M. B. DAWKINS: As I have just said, my question relates to the supply of microphones and the amplification of this Chamber, and I would also like to see that facility extended to members' rooms. The acoustics of this Chamber are generally regarded as being excellent. In previous years, amplification has not thought to have been necessary.

Members interjecting:

The PRESIDENT: Order!

The Hon. M. B. DAWKINS: However, in recent years increased background noises, such as those we have just heard, have made the hearing of debates increasingly difficult. The extension of amplification to members' rooms could be of great assistance. From time to time members of Parliament must attend to urgent business in their rooms while Parliament is sitting, and in many cases they are assisted by being able to follow the debate whilst working in their rooms. Of course, this obtains in respect of the House of Assembly at the present time. Is the Attorney able to inform the Council as to whether any progress has been made on the installation of this most necessary facility?

The Hon. K. T. GRIFFIN: There was a proposal last year which merely sought to reflect the equipment which is presently installed in the House of Assembly Chamber. However, it was decided after receiving that proposal that there should be some investigation of the appropriate equipment which should be used in this Chamber because, since the equipment was installed in the House of Assembly, there have been some remarkable advances in technology which should be taken into account when determining what system, if any, should be installed in the Legislative Council. There has not been any further progress, apart from an intention to further examine the proposal with a view to assessing the appropriate equipment for the acoustics of this Chamber in the light of modern technology.

HEALTH INSURANCE

The Hon. J. R. CORNWALL: I seek leave to make a short statement prior to directing a question to the Minister of Community Welfare, representing the Minister of Health, concerning a health insurance pamphlet.

Leave granted.

The Hon. J. R. CORNWALL: I have in my possession one of the few copies of a pamphlet likely to be seen by the South Australian public. It is a pamphlet about low-cost health insurance. It is very well produced, and that is hardly surprising since it was produced by the South Australian Health Commission, with not only the blessing but the assistance of the Minister of Health. The Minister used all her old skills as a former copy girl and a professional in the public relations field to assist in its preparation.

Approximately 20 000 copies were produced by the Government Printer. The pamphlet points out, very clearly, that if you cannot get free health care through the poverty card you have only three choices. The first is to remain uninsured, and it points out quite correctly that this is too risky. The second is to purchase both hospital and medical insurance, and again the pamphlet points out, with great accuracy, that that is expensive. The third is to seek only basic hospital insurance, and the pamphlet says:

> This protects you against the high costs of hospitalisation and covers you for the cost of medical services which you can receive from public hospitals instead of going to your local doctor . . . For about $7 a week, you and your family are fully covered in all circumstances, and you need not fear having to find hundreds of dollars for large hospital bills which most simply cannot afford.

Perfectly accurate! However, a funny thing happened on the way to distribution. First, doctors working outside the metropolitan area have refused to provide outpatient services under the conditions which the Minister and the Health Commission believed they would be able to negotiate. They have said, quite bluntly, that they will work on fee for service only and will bill patients direct, so for anyone outside the metropolitan area the information contained in the pamphlet is inaccurate, and indeed very risky.

On the other hand, it has very good advice for the metropolitan area. Anyone living in the metropolitan area has access to public hospitals with salaried doctors and visiting specialists. However, even stranger things happened in Adelaide. Last Monday week, 17 August, there was a meeting between the A.M.A. and senior Health Commission officers at the Royal Adelaide Hospital.

The A.M.A. got its first look at the pamphlet, and was horrified. How dare the commission recommend hospital only insurance, it asked. The whole thrust of the new scheme as agreed between the Federal Government and the A.M.A. was to force people to take out medical insurance, whether they could afford it or not. The whole idea was to push them back into the private practitioners' surgeries. Accordingly, much pressure was applied upon the Minister; so much so that the pamphlet has virtually been withdrawn. Only about 1 000 copies found their way to regional offices of the Department of Social Security in suburban Adelaide.

The remainder are mostly out of sight at the city office of the Department of Social Security, or still at the Health Commission. The pamphlet has now become so hard to obtain that my copy had to be leaked, in cloak and dagger fashion, from the commission—a leaked pamphlet! The remainder are gathering dust in cupboards. It is called 'the pamphlet that never was'. I ask how many pamphlets were printed, how many were distributed, to whom were they distributed, and how many are still undistributed, either at the Adelaide office of the Department of Social Security or at the Health Commission?

The Hon. J. C. BURDETT: The question, asked in somewhat dramatic terms, I will refer to my colleague in another place and bring back a reply.

The Hon. N. K. FOSTER: I wish to ask a supplementary question. Can the Minister name the person or the organisation that objected to the pamphlet referred to in the question?

The Hon. J. C. BURDETT: Whether it is appropriate that anyone in the Health Commission should be named as having given that information, I do not know. I shall refer the question to my colleague and bring back a reply.

COMMUNITY YOUTH SUPPORT SCHEME

The Hon. K. L. MILNE: I seek leave to make a short explanation before asking a question of the Minister of Community Welfare, representing the Minister of Industrial Affairs, on the subject of the Commonwealth Government's Community Youth Support Scheme.

Leave granted.

The Hon. K. L. MILNE: On 23 July 1981 the Minister of Transport, representing the Minister of Industrial Affairs, was asked a question by Mr Plunkett in another place concerning the future of the community youth support programme in South Australia. First, let me say that I am simply appalled that the Commonwealth Government would seek to withdraw any of its support and encouragement from this scheme. It is typical of the insensitivity of people in Canberra to what is going on in the rest of Australia. This scheme was initiated to assist young people to get jobs in a very difficult economic climate. Many of these young people are the product of an education system which did not properly prepare them for the outside world.

The Hon. Frank Blevins interjecting:

The PRESIDENT: Order!

The Hon. K. L. MILNE: I am informed by one of my colleagues in the Australian Democrats that in the area of Elizabeth about 40 per cent of young people who have been through the scheme have been placed in jobs. This is a high percentage considering the economic conditions and the unemployment in that area. Many of them might have found jobs outside, but it is still a good record.

I hope that everyone in this Chamber will agree that it is reprehensible conduct for the Commonwealth to do other than encourage and possibly even expand such a scheme, which was one of the few for these young people.

When the matter was raised in July in another place, the Minister of Transport said that he understood there was a tremendously successful scheme operating in Henley Beach and that the State Government had been discussing the Community Youth Support Scheme. He said further that the Minister of Industrial Affairs would, when ready, make a statement and an announcement, and no doubt he will.

As this matter is one of great urgency, will the Minister please inform the Parliament whether or not a decision has been arrived at for the State Government to give its support in case of the Federal Government's withdrawal? If no decision has been arrived at, why not, and when can one be expected?

The Hon. J. C. BURDETT: I am in the process of writing to the Federal Minister for Social Security deploring the withdrawal of the CYSS programme.

The Hon. Frank Blevins: They are not getting on very well with the Federal Government, are they?

The Hon. J. C. BURDETT: No, they are not. I believe it will have adverse effects on the youth of South Australia, and I believe it will be difficult for the State Government to try to pick up the tab. I shall refer the question to my colleague in another place and bring back a reply.

RED MEAT SALES

The Hon. M. B. CAMERON: I seek leave to make a short explanation before asking the Minister of Community Welfare, representing the Minister of Industrial Affairs, a question regarding red meat sales on late night shopping nights.

Leave granted.

The Hon. C. J. Sumner: The farmers aren't too pleased about that.

The Hon. M. B. CAMERON: As the Leader of the Opposition has quite properly pointed out, this topic is not causing much joy amongst the farming community at present, as we are facing a difficult and doubtful future in relation to export meat sales. No-one knows what the effect of the present scandal will be regarding export meat sales. It is therefore essential that we look at all aspects of local sales to see whether anything needs to be done to ensure that we have maximum consumption at least in South Australia.

A number of points have been raised regarding red meat sales on late night shopping nights, and I will refer to a few of the points that have been provided to me. First, it is alleged that red meat sales have declined during the time that late night shopping has been operating in South Australia, whereas white meat sales have doubled. It is alleged that this has been caused by availability. Anyone with an ounce of common sense must realise that, if a product is not available and an alternative is, that alternative will receive the sales that would normally perhaps be split between the two varieties of meat.

It is said that in the more newly-developed residential suburbs there is a preponderance of younger families and a growing trend for working couples to do all their shopping at night, and these shoppers will buy whatever meat is available at the time. In the present circumstances, that is poultry, fish, smallgoods and rabbit. It is somewhat galling for farmers to find that rabbits are available on late night shopping nights but that normal red meats are not.

The restriction of the trading hours for red meat must have the adverse effect on re-educating younger families to eat white meat rather than red meat. Producers cannot allow a situation to continue where red meat is not available to a section of the population over an extended period of time. The point is also made that the financial difficulties of smaller retail butchers (this is perhaps a major reason for these meats not being available) could be alleviated by an increase in sales volume through direct competition with supermarkets during late trading hours. Most butcher shops sell poultry and smallgoods as well as red meat.

Will the Government investigate the claims now being made by farming organisations that red meat sales have decreased since late night shopping was introduced, whereas white meat sales have doubled? If this is the case, will the Government review the decision to exclude red meat from sale during late night shopping?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague and bring back a reply.

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That so much of Standing Orders be suspended as to enable Question Time to continue until 12.20 p.m.

Motion carried.

FOREIGN OWNERSHIP

The Hon. J. E. DUNFORD: I seek leave to make a short statement before asking the Attorney-General a question regarding foreign ownership.

Leave granted.

The Hon. J. E. DUNFORD: On 22 July, I asked the Attorney-General a question, part of which was as follows:

Will the Premier advise the Council to what extent businesses, land, property, and so on, have been purchased by foreigners or foreign business enterprises in South Australia since September 1979?

I received the following reply:

As foreign investment is a Federal matter, I suggest that the honourable member approach the Federal Government.

This has always been indicative of the attitude of the Leader of the House to the Opposition. I do not like to get angry with the Attorney-General, but these sorts of action have caused my feelings to get the best of me, so I must be careful today. I think his behaviour towards the Opposition, and towards myself on workmen's compensation—

The PRESIDENT: Order! I do not think the honourable member's comments relate to the explanation of his question.

The Hon. J. E. DUNFORD: His attitude generally has been grossly improper; it is not good enough. When a member asks questions such as this, he does not expect to pick up the paper, as I did this morning, and see the Hon. Mr Chapman reported as saying that 5 000 hectares of South Australian rural land has been acquired officially by foreign investors since 1976. Yet all I received in answer to my question was the brief reply from the Leader of the Government to which I have referred. I am wondering whether that was a reply from the Premier or just from the Leader of the Government. The Leader does not answer letters correctly, and he answers questions on behalf of the Premier. I am sure the Premier would not be ignorant enough to give me that sort of reply.

On 22 July I asked my question about foreign ownership of land in South Australia and received the answer to which I have just referred. On Tuesday, the Hon. Mr DeGaris asked a similar question and today a full answer appeared in the *Advertiser* (the article to which I have referred quoting Mr Chapman, the Minister of Agriculture). Will the Government, when questions are asked in the House, ensure that in future the answers are given in the House, and not by press release? Did the reply the Leader of the House gave to my question of 22 July, come from the Premier or just from the Leader of the House?

The Hon. K. T. GRIFFIN: Answers to questions will be given, as usual, as the questions require. So far as the second part of the question is concerned, the answer is one from me, representing the Premier in this place.

The Hon. J. R. CORNWALL: I seek leave to ask a supplementary question. Is it the deliberate policy of the Government that it intends to treat Parliament with contempt and to answer questions through the press? As my colleague has said, that is grossly improper and should not occur.

The Hon. K. T. GRIFFIN: Questions are not being answered through the press: they are answered where they are asked, in this House. It is quite obvious that we do not treat the Parliament with contempt.

L.P.G. ROYALTIES

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation before asking the Minister representing the Minister of Mines and Energy a question about royalties on l.p.g.

Leave granted.

The Hon. R. C. DeGARIS: Recently, an announcement was made that the Cooper Basin producers had signed a contract for the supply of l.p.g. said to be worth about $300 000 000 to Japanese interests. I think everyone is pleased these sales are being made to Japan. Has the Government set royalty rates on l.p.g. exports? If so, can the Minister say what are those royalty rates? If not, can the Minister say when royalty rates for exported l.p.g. gas will be finalised?

The Hon. K. T. GRIFFIN: I will refer that question to my colleague and bring back an answer.

IVOR SYMONS LIBRARY

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking a question of the Minister of Arts concerning the Ivor Symons library.

Leave granted.

The Hon. BARBARA WIESE: On 22 July, I wrote to the Minister advising him that this building was being auctioned by the Mitcham council. Local residents requested that I do that and that I suggest to the Minister that his department might consider purchasing the building for community use. As yet, I have not received a reply or even an acknowledgment of my letter.

As I said yesterday in a question to the Minister of Community Welfare, a number of local residents wish to prepare submissions for Mitcham council on the use of the property and, as I am sure the Minister will appreciate, they would like to have as much information as possible before lodging submissions by the due date in September. When can I expect a reply to my letter of 22 July? In the meantime, is it possible for the Minister to provide an interim report on his attitude to my question?

The Hon. C. M. HILL: If the honourable member wrote to me on 22 July and has not received acknowledgment, I apologise for that omission. My office makes a special point of endeavouring to send out within a few days acknowledgments to letters received, especially letters from members of Parliament.

The Hon. C. J. Sumner: Especially letters from your mates in the Upper House!

The Hon. C. M. HILL: We are all members of the Upper House. I will look into the question and the whole matter forthwith. I assure the honourable member that I will make every effort to obtain some explanation for her within the next 24 hours.

REINSTATEMENTS

The Hon. G. L. BRUCE: I seek leave to make a brief statement before asking the Minister of Community Welfare, representing the Minister of Industrial Affairs, a question about reinstatements.

Leave granted.

The Hon. G. L. BRUCE: On 25 August, I received a reply from the Minister of Community Welfare to a ques-

tion I asked about reinstatements. In his reply, the Minister said that a complete review of the Industrial Conciliation and Arbitration Act is currently being undertaken by Mr Frank Cawthorne. In the circumstances of the reply that I received and in view of the non-action of the Government, can I be assured that the question I related to the Minister will be referred to Mr Cawthorne for consideration in the new Act that he is drawing up?

The Hon. J. C. BURDETT: I will refer the question to my colleague and bring back a reply.

PUBLIC BUILDINGS

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking the Attorney-General, representing the Treasurer, a question about public buildings and their finish.

Leave granted.

The Hon. N. K. Foster: Dorothy Dawkins!

The Hon. M. B. DAWKINS: One should not take notice of inane interjections. The Attorney-General had not the slightest idea that I would ask this question. In my Address in Reply speech, I referred in some detail to what I described as lavish expenditure on public buildings and the resultant delay to some other urgently required facilities. I know that the Public Buildings Department, for which I have due respect, does not like the word 'lavish', but it does clearly describe what I am discussing. I have been disturbed by the unnecessary additions and extra facilities which have sometimes been provided to public buildings in recent times. Will the Attorney ask the Treasurer whether the Government will urgently consider this matter, if it has not already done so, to ensure that in future, although Government buildings must be substantial and adequate—I do not resile from that at all—unnecessary expenditure on such buildings will be reduced to a minimum, in order, first, to reduce the waste of public money and, possibly even more important, to reduce the unnecessary waiting time for other overdue new buildings?

The Hon. K. T. GRIFFIN: I will refer that question to the Treasurer and bring down a reply.

The Hon. N. K. FOSTER: I desire to ask a supplementary question. Will the Attorney, in the light of the Hon. Mr Dawkins's question, ascertain from that honourable gentleman whether he wishes to have removed from the Public Buildings Department the right to create the royal emblem on public buildings, because obviously that is what his question implies?

The Hon. K. T. GRIFFIN: I will refer that question to the Treasurer and bring back a reply.

HANDICAPPED PERSONS

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation prior to directing a question to the Attorney-General regarding funds for handicapped persons.

Leave granted.

The Hon. FRANK BLEVINS: In last weekend's *Australian,* an article appeared under the title 'Two States reject $1 000 000 in aid funds'. I wish to quote briefly from that article by way of explanation, as follows:

> One million dollars set aside by the Federal Government to provide special assistance to disabled people is sitting in the Treasury coffers in Canberra, because two States, New South Wales and South Australia, have refused to accept it. The funds allocated under the Commonwealth's Special Aids for Disabled Persons programme, are designed to help disabled people not eligible for assistance under existing Government programmes.
>
> The Federal Budget handed down this week set aside $2 400 000 to fund the programme throughout Australia, but so far New South Wales and South Australia have refused to accept their share of the money. Under the programme, New South Wales would receive $800 000 and South Australia $200 000. The other States have already accepted their share of the special funds. Both New South Wales and South Australia also refused to accept the Federal grants for disabled people last year. New South Wales, therefore, lost out on $240 000 of the total Commonwealth allocation of $700 000; and South Australia $60 000 . . . South Australia argued that it did not want any restriction at all on the amount of money offered to it by the Federal Government.
>
> In this International Year for Disabled Persons, there is mounting anger among community groups in both States at the continued rejection of the Commonwealth offer. The Federal Minister for Health, Mr MacKellar, said yesterday he regretted New South Wales and South Australia had not yet entered the programme. The two States forfeited their share of the $700 000 last year because, under Federal law, they were required to spend the money by the end of the financial year or lose it.

My questions are obvious: is the report in last week's *Australian* correct? If so, how can the Minister explain the refusal both last year and this year to accept funds freely offered by the Commonwealth to assist disabled persons in what is allegedly The International Year of the Disabled Person?

The Hon. K. T. GRIFFIN: I am surprised that the honourable member raises this matter only now, when the Minister of Health made a press comment on this very question several months ago. It is a matter that is within the responsibility of the Minister of Health. I will refer the question to her and bring back a reply. My understanding is that South Australia is prepared to participate in the scheme, but subject to certain conditions attaching to the availability of the funds. The Commonwealth has imposed particularly onerous conditions upon the States in respect of administration and other aspects of the scheme and, as a result, both South Australia and New South Wales have raised questions with the Commonwealth, although agreeing with the general thrust of the scheme. So, the newspaper report is inaccurate. I will obtain more details from the Minister of Health and bring back a reply.

WATER RESOURCES

The Hon. N. K. FOSTER: Has the Minister of Local Government an answer to my questions of 3 and 4 June to the Minister of Water Resources?

The Hon. C. M. HILL: Both the McLeay and Clarence Rivers offer sites for dam construction. Both basins have been the subject of preliminary assessment in respect of future dam sites by the New South Wales Water Resources Commission. A total of eight sites in the McLeay basin and six in the Clarence basin have been considered.

A preliminary assessment of the potential annual yield of these basins shows the Clarence basin to be far superior in this respect, that is, 2 000 000 megalitres of water compared to 1 100 000 megalitres from the McLeay basin. There is therefore no conclusive evidence to suggest a preference for the McLeay basin at this time and indeed the preliminary assessments conducted by the New South Wales Water Resources Commission have indicated the greater potential of the Clarence basin.

As the Minister of Water Resources has stated on previous occasions, unless changes to the River Murray Waters Agreement are made, giving South Australia a greater flow entitlement, any waters diverted from either of these basins would belong to New South Wales and would undoubtedly be totally used by that State. However, this Government would be pleased to consider its support for schemes to divert water from these basins which would be to the benefit of all users of the Darling-Murray river systems.

With regard to the private member's Bill moved by Mr Jacobi, M.H.R., in Federal Parliament, this Government would support the establishment of an Interim Council to determine the functions and location of a proposed Australian Institute of Freshwater Studies. Such an institute can only benefit South Australia but its establishment would require acceptance by other Governments, particularly that of New South Wales, where existing Government agencies cater for some of the seen functions of the institute and would need to enjoy the active co-operation of key agencies, including C.S.I.R.O. and the water and environmental authorities of the States.

PROGRAMME PERFORMANCE BUDGETING

The Hon. J. R. Cornwall, for the Hon. FRANK BLEVINS (on notice) asked the Attorney-General:

1. Has the Government employed a private company to advise it on the introduction of programme performance budgeting?

2. If so, what is the name of the organisation or company?

3. How much has the Government paid for this advice?

4. For what period will the Government continue to employ this organisation?

The Hon. K. T. GRIFFIN: The replies are as follows:

1. Yes. A consulting firm has been employed to assist with the introduction of both programme performance budgeting and the new Treasury accounting system.

2. P.A. Australia.

3. The overall Budget for this consultancy—the services of three consultants for both P.P.B. and T.A.S. is $260 000.

4. The consultancy will conclude at the end of August 1981.

PUBLIC SERVICE ROLE

The Hon. G. L. BRUCE (on notice) asked the Attorney-General:

1. *(a)* Did the Premier or an officer of his Department ask all Departmental Heads to comment on the effect on Public Service employment policies if a resolution passed at the 1981 A.L.P. State Convention was implemented?

(b) If not, which Departments were asked to comment?

(c) Why were these Departments chosen?

2. Why were the Departments asked to comment on the effect of the A.L.P. Convention resolution?

3. What was the time spent by Departments in preparing the replies to the Premier?

4. To what purpose will the information be put?

5. *(a)* Have any other resolutions passed at the 1981 A.L.P. Convention been given to Departments for comment?

(b) If so, which?

6. *(a)* Have any Liberal Party resolutions been researched in this manner?

(b) If so, which?

(c) If not, why not?

The Hon. K. T. GRIFFIN: The replies are as follows:

1. *(a)* No.
   (b) Not applicable.
   (c) Not applicable.
2. Not applicable.
3. Not applicable.
4. Not applicable.
5. *(a)* Not applicable.
   (b) Not applicable.
6. *(a)* Not applicable.
   (b) Not applicable.
   (c) Not applicable.

STATISTICAL INFORMATION

The Hon. BARBARA WIESE (on notice) asked the Minister of Community Welfare:

1. When is it expected that the Births, Deaths and Marriages Registration Branch current stocks of Form B1 (entitled Information Statement for Birth Registration—Live Births) will be used?

2. When the printing of new forms is ordered, will the Minister make provision for mothers of new born babies to opt to have omitted from their children's birth certificates information concerning any previous married names if they so desire?

3. In the meantime, will the Minister advise his officers in the Births, Deaths and Marriages Registration Division to inform mothers registering live births that if it is their wish that information concerning previous married names is not to be included on birth certificates that it is their right to so request?

The Hon. J. C. BURDETT: The replies are as follows:

1. New Regulations under the Births, Deaths and Marriages Registration Act were gazetted on 25 June 1981. It is assumed that the equivalent form under the new Regulations is Form 4—Information Statement for Birth Registration by Parent(s)/Occupier of Premises. Supplies of this form have recently been received from the Government Printer and stock on hand is sufficient to meet approximately two years' requirements.

2. and 3. No. Parents can choose to have certain information omitted from certified copies of birth registrations if they so request. Requests for the omission of information from a copy of a registration are exceedingly rare; only one such request has been made in the past five years. If someone wishes information to be omitted, it is suggested that such a request be attached to the application when the application is made.

PRISON STATISTICS

The Hon. J. R. Cornwall, for the Hon. ANNE LEVY (on notice) asked the Minister of Local Government:

1. How many men and how many women were in prison in South Australia on 30 June this year for offences related to cannabis?

2. How many men and how many women were in prison in South Australia on 30 June this year for non-payment of fines related to cannabis offences?

3. How many men and how many women were in prison in South Australia on 30 June this year for breach of a bond or parole where cannabis was related to the bond or parole?

4. How many men and how many women were in prison in South Australia on 30 June this year?

The Hon. C. M. HILL: Currently the collection of prison statistics is based upon a manual system. As a consequence, the provision of retrospective information that falls outside the standard analyses is difficult and time consuming. As questions 1, 2 and 3 cannot be supplied from the current analyses conducted by the Department of Correctional Services, the information sought by the Hon. Anne Levy has been compiled from records of prisoners held on 7 August, rather than 30 June 1981.

1. Males, 35; females, nil.
2. Males, nil; females, nil.
3. Males, 3; females, nil.

4. Males, 769; females, 34.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.
(Continued from 26 August. Page 689.)

The Hon. K. T. GRIFFIN (Attorney-General): In his second reading speech the Hon. Mr Creedon raised some questions in respect of the interests clause, clause 4. There have been some discussions since the matter was last before the Council and, as a result, the Minister of Local Government has circulated an amendment which I hope will satisfy the concerns of the honourable member. It is more appropriate to deal with that amendment at the Committee stage. The Minister has appreciated the contribution of the honourable member to the debate.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Interest in non-profit making organisation not interest for purposes of Act.'

The Hon. K. T. GRIFFIN: I move:

Page 2, after line 8 insert subsections as follow:

(1a) Where a non-profit making organisation is affected by a discussion before or vote by a council, a member of the council who has an interest in the organisation shall, before participating in the discussion or vote, disclose that interest to the council.

(1b) Any disclosure of an interest under subsection (1a) shall be recorded in the minutes of the council.

As I indicated in the second reading stage, the Hon. Mr Creedon has raised some questions about the way in which this clause would apply. As a result of the Minister's attention being drawn to this, there were discussions which resulted in the amendment, which will accommodate the Hon. Mr Creedon's questions. A conflict of interest will now be disclosed and recorded in the minutes of the council so that there is forever a record of such a conflict being disclosed.

The Hon. C. W. CREEDON: I accept the amendment. Earlier, we were disturbed that the matter was left too wide open. This is more a public interest rather than a private, personal, profit-making interest. At least councillors who have interests in various clubs are able to explain the club's point of view. Generally speaking, councils may not be fully aware of the operations of some of the bodies as defined in the Bill. Although one or two of my associates may be slightly unhappy, I point out that anyone having an interest will be able to vote. Generally speaking, we accept the amendment.

The Hon. J. R. CORNWALL: It is unfortunate that the Minister in charge of the Bill has been called away unavoidably. I will ask a question and we will see whether or not it is within the Attorney's vast range of knowledge. Can the Attorney say whether this clause was drafted as a result of a contretemps between the Mount Gambier Regional Cultural Centre Trust and the Mount Gambier council? If so, what is the current state of play between the trust and the council?

The Hon. K. T. GRIFFIN: The honourable member has asked a question about which I do not have information. If he wants an answer to the question during the Committee stage, I could report progress or, alternatively, I could undertake that the Minister will provide the honourable member with a reply in the very near future. It is really up to the honourable member as to whether he wants the answer at this stage or whether he will accept my assurance that the Minister will reply either by letter or by way of a personal discussion.

The Hon. J. R. CORNWALL: I am prepared to accept that assurance.

Amendment carried; clause as amended passed.

Clause 5 and title passed.

Bill read a third time and passed.

[Sitting suspended from 12.30 to 2.15 p.m.]

SUPPLY BILL (No. 2)

Adjourned debate on second reading.
(Continued from 26 August. Page 683.)

The Hon. C. J. SUMNER (Leader of the Opposition): I do not wish to detain the Council long on this debate. I am sure that members will be gratified to hear that, following the experience in another place, of which I am sure that members are aware. I wish to raise two matters at this time. The first is the quite disastrous position of the State finances of South Australia as a result of what can only be described as the Tonkin Government's mismanagement of the affairs of this State. The second matter relates to some aspects of the Corporate Affairs Commission inquiry into McLeay Bros.

It is quite clear that when the Budget comes down next month we will see the greatest Budget bungle for many years. Honourable members will know that this Government came to power partially on a policy of good economic management. Just a cursory glance at the figures that have been released by the Premier to date indicates that Government members could hardly be called good economic managers. In fact, one would have to say that they are quite incompetent economic managers. At this stage, I do not wish to canvass all the aspects of the deficit that the Government faces but I will certainly do so at the time of the Budget.

That raises an interesting point, because we have an unprecedented situation in relation to the time of introducing the Budget. In normal years, it is usually brought down today, so that the traditional two weeks of the show is a time when Opposition members can study the Budget and prepare their responses to deliver when Parliament resumes after the show break. However, on this occasion I believe that for the first time in Parliament's history, except when there have been elections, the Budget is not to be brought down until late in September. Therefore, the Budget is a month late.

The Hon. L. H. Davis: What about September 1977 and September 1979?

The Hon. C. J. SUMNER: That is all right. The Hon. Mr Davis is quite right, but in those years there were elections. The full picture will no doubt emerge when the Budget is eventually presented, but I think a number of points can be made that need to be answered by the Government, even at this stage. The Premier has certainly not answered them at the present time.

First, the Government has given South Australia the largest ever deficit on Revenue Account. Secondly, this Government has made the largest ever transfer from Loan Account to prop up its Revenue Account. On that point, Mr President, you will no doubt recall statements from the Federal colleagues of honourable members opposite, when Mr Fraser talked about the importance of balanced budgets. Mr Fraser said that Governments cannot spend more than they get in. On this occasion the Government has spent more, and is using Loan funds—funds that eventually have

to be paid back to someone—to support its deficit on Revenue Account.

The Labor Party does not disagree with deficit budgeting in certain circumstances, and it is true that on occasions the Labor Government did plan for deficits. However, our deficits were planned for. The situation into which this Government has got itself is that, although it planned for a small deficit of $1 500 000, it has, in fact, as I will detail, a much greater deficit.

Thirdly, the admitted or published deficit of $8 000 000 not only is far in excess of the budgeted figure but also is a gross understatement of this State's true financial position. A planned deficit on both Loan Account and Revenue Account of $1 500 000 has blown out to $8 000 000, which is a $6 500 000 miscalculation in the Budget on the Loan and Revenue Accounts. I believe that that is unprecedented.

The Hon. R. C. DeGaris: Didn't you have a deficit of $10 000 000?

The Hon. C. J. SUMNER: That may be so, but I believe that deficit was planned for.

The Hon. R. C. DeGaris: No, it wasn't.

The Hon. C. J. SUMNER: I shall certainly be interested to hear the Hon. Mr DeGaris on that point. I understand that that deficit was planned for and, if the Hon. Mr DeGaris will follow this through, he will see that the $6 500 000 deficit on Loan and Revenue Accounts is really an artificial figure, as I will indicate to him. I say that because a record sum of $37 300 000 has been pulled out of Loan funds. That is $21 300 000 more than the budgeted figure of $16 000 000 that was to come out of Loan funds.

The Premier has said that this has been done through so-called savings on the Loan Account. What are the savings on Loan Account? They are, in effect, a deferral or an abandonment of projects that provided facilities to the community. In particular, they are an abandonment of building projects and certain capital works projects.

Everyone knows the parlous state of South Australia's building industry. South Australia's Revenue Account is now labouring under an all-time record deficit. The Premier claims a deficit on Revenue Account, not Loan Account, of $6 500 000. However, that is after he has brought into the account $37 300 000 from Loan funds. If that is put together with the $6 500 000, we find a minimum deficit of at least $43 800 000 on Revenue Account.

That figure could be even higher, because a further $8 000 000 has been raided from the Primary Producers Assistance Fund, in which money is held in trust under a federally-funded scheme administered by the State Government. There is cash in that fund, some of which was put into the General Revenue Account. Without that transfer, the deficit on Revenue Account could even be as high as $52 000 000.

I think that that brief outline of the State's financial position indicates that the Tonkin Government has badly miscalculated and mismanaged its financial affairs. In effect, the State is at present living on its Loan funds. I believe that that occurred as a result of bad miscalculations that the Tonkin Government made when in Opposition. It made all sorts of promises before the election. A suggestion was made afterwards that it miscalculated so as to produce a deficit of $40 000 000. The figures that I have read out in relation to Revenue Account indicate that that $40 000 000 figure has more or less been realised.

The Hon. K. T. Griffin: Would you reintroduce death duties?

The Hon. C. J. SUMNER: Mr Bannon has already answered that.

The Hon. K. T. Griffin: What did he say?

The Hon. C. J. SUMNER: The answer is quite clear, and was given in another place. There is no intention to reintroduce death duties. The fact is that Mr Tonkin and the Hon. Mr Griffin fumbled in their calculations before the last election. Anyone who has seen the deficit at the end of the financial year must come to that conclusion. What does the Premier do about it? He blames everyone under the sun except himself. The Premier and the Liberal Party take not one iota of responsibility for this appalling situation. Everyone gets blamed but them. First, the Liberal Federal Government, which Mr Tonkin so prominently supported in October last year, gets blamed for implementing the policy of new federalism, a policy that Mr Tonkin was involved in formulating in early 1975. Now he does not want to know about it.

The Hon. R. C. DeGaris: Has that ever happened before?

The Hon. C. J. SUMNER: It happens all the time. However, in this case the Federal Government came to power on a policy of new federalism, a policy in whose working out Mr Tonkin was involved; now he is completely repudiating it. Once he saw the effect of new federalism on South Australia he started to scream. He blamed the Federal Government—it is all the Federal Government's fault.

He then tried to blame Mr Dunstan (that is his second ploy) by saying that Mr Dunstan agreed with the tax-sharing formula. Mr Dunstan agreed with the propositions put by the Prime Minister following the 1975 Federal election, because there was also an undertaking that the Whitlam guarantee of payment by the Federal Government to the States, which had existed up to that point, would continue. However, the Whitlam guarantee does not exist any more; that was inherent in the new federalism of Mr Fraser. How Mr Tonkin can blame Mr Dunstan I have no idea.

The third group of people he tries to blame are the employees. He claims that it is all the fault of the wage earners of this State. I would have thought that he could calculate the wage increases in this State when he did his Budget. I think that—

The Hon. K. T. Griffin: He did—

The Hon. C. J. SUMNER: The Hon. Mr Griffin has said that the working people of this State were greedier than expected.

The Hon. K. T. Griffin: The unions.

The Hon. C. J. SUMNER: The Attorney now says that they were greedier than the Government expected, but the unions are made up of the working people of the State. This is an interesting attitude to be held by the Government of the State. The Attorney is now blaming working people in this State by saying that they are greedier than expected. Again, Mr Tonkin plainly miscalculated the extent of wage increases, and the blame is now being put on employees.

In the past two or three weeks, the Premier has gone to health and hospital administrators, to teachers, to all of them, lamenting the State's financial position. But at no forum—this Parliament or before the teachers or the hospital administrators—has he taken one jot of blame for the financial situation that this State now finds itself in. He is looking for scapegoats and blames everyone else but himself.

Who is the Government of this State? Is not Mr Tonkin the Premier of the Government of this State? If he is, and if this is, as I believe it is, a record deficit (completely unplanned for), then the Premier must take the responsibility for it. There is no point in his trying to avoid his responsibility by blaming everyone else in the community.

The second matter I wish to raise deals with some aspects of the Corporate Affairs Commission inquiry into McLeay Bros. As I indicated in the Council this morning, yesterday Mr John McLeay launched a personal attack on me.

The Hon. K. T. GRIFFIN: Mr President, the matter is quite irrelevant to the Supply Bill before us. The honourable

member has had his opportunity to ask a question about it, and it has been answered. However, it is quite irrelevant to the matter now before the Council.

The PRESIDENT: I take the point of order.

The Hon. C. J. SUMNER: Well, Mr President, the situation, as you know—

The Hon. L. H. Davis: Do you want to get thrown out again?

The Hon. C. J. SUMNER: No. The position is that the Supply Bill provides an opportunity for debate. It deals with financial matters, and the Corporate Affairs Commission receives funds from the Government to run its operation.

The Hon. C. M. Hill: The President has given his ruling.

The Hon. C. J. SUMNER: I am putting my position to him. I merely ask for some latitude in this matter, as is granted in the debate on the Supply Bill. The Corporate Affairs Commission clearly is covered in the Supply Bill; it is one of the agencies of Government that receives money. I will take no longer than a minute to make the point I want to make.

The PRESIDENT: There is no reason why the Leader cannot discuss the Corporate Affairs Commission. However, I believe that he would be transgressing if he referred to an individual.

The Hon. C. J. SUMNER: I do not know whether you are prepared to allow me to make a personal explanation about the matter.

The Hon. K. T. Griffin: You can do that at another time.

The Hon. C. J. SUMNER: Yes, but Parliament is rising tonight. I think that a little bit of indulgence will allow me to get through without any undue problem. Yesterday, Mr McLeay made an attack on me, and I referred to the matter in the Council this morning. I emphasise that the allegations I have made in the Council have arisen out of constituents—

The Hon. K. T. GRIFFIN: I rise on a point of order, Mr President. The matter is quite irrelevant to consideration of the Bill before us. The honourable member is dealing with a difficulty to which he has already drawn attention, and it has nothing to do with the Supply Bill.

The PRESIDENT: I ask the Leader, if he is going to discuss the matter, to refer only to the commission and not to the specific matter.

The Hon. C. J. SUMNER: Perhaps I can indicate to the Council what I have and it can then determine whether or not I can make a personal explanation.

The PRESIDENT: I ask the Leader not to continue with his reference to the McLeay firm, a matter with which he dealt very well this morning.

The Hon. C. J. SUMNER: Thank you, Mr President. I do not wish to have an argument with you or the Attorney-General today, as we are in such a co-operative mood. Perhaps I will seek leave to make a personal explanation at some appropriate time. I support the Supply Bill, and trust that it will receive a speedy passage through this Council.

The PRESIDENT: I hope that the Leader will be granted leave, as he has been so co-operative.

The Hon. ANNE LEVY: I wish to speak briefly to the Supply Bill which, as has been mentioned, is for the appropriation of $310 000 000 for running the affairs of this State. A portion of this appropriation is for the Education Department and the various children's services funded by the State. I refer to a very serious matter which has been drawn to my attention regarding the staffing of a kindergarten, a matter which I am sure all members would agree does come within the responsibility of the Education Department and of this Government and which is funded by the Supply Bill before us. I take it that it is quite in order for me to mention the problems of this kindergarten resulting from the lack of staff provided by the Government.

The North Haven Kindergarten currently has a staff of one full-time teacher in charge, a half-time teacher and a half-time aid. That is the total staff, and this Kindergarten caters for a total of 45 children to attend on a daily basis. However, the North Haven Kindergarten is situated in a very young residential area and all indications are that the population of this area is increasing very rapidly. Certainly, the Mothers and Babies' Health Association in that area has provided figures that suggest that there will be many candidates for the kindergarten in the next several years. We can be sure from the age structure of the population that there will be a great number of children for the kindergarten for at least the next 10 years.

I have data about the waiting list at this kindergarten of children who either have turned four years of age or are about to turn four. These data clearly indicate that by the end of this year 36 children who have turned four will be waiting to go to the kindergarten, but these children will not be able to attend; there will thus be 36 children above the maximum ceiling of 45 children that the current staffing ratio permits. This is in a growing area and projected figures suggest that the situation will become even worse.

As we all know, this Government promised that it would provide kindergarten facilities for all four-year-olds in the State. While I certainly support the Bill, the money that this supply measure will provide for the Government is not being adequately spent to fulfil the promises that the Government made. Something should be done about the staffing at this kindergarten. By the end of this year, the kindergarten will have to turn away 36 four-year-olds and next year the figure will be even greater. One can see from the existing waiting list that the kindergarten will have to turn away 41 children by the end of the financial year that ends in the middle of next year. That number would be sufficient for another kindergarten or for a doubling in the present staffing level. Yet there is no indication that the Government is prepared to provide the extra finance to staff this kindergarten adequately.

I am not talking about three-year-olds: I am talking about four-year-olds, and everyone agrees that it is highly desirable that four-year-olds should have the opportunity to attend a kindergarten for the 12 months before they commence school. I raise this matter, which is related to the supply measure before us, as a matter of urgency. Attention must be paid to the staffing of this kindergarten as a matter of extreme urgency. I hope that when the Supply Bill has been passed the Government will see to it that the North Haven Kindergarten is adequately catered for soon.

The Hon. K. T. GRIFFIN (Attorney-General): The matter to which the Hon. Anne Levy has referred is appropriately within the jurisdiction of the Minister of Education, and her comments will be drawn to the Minister's attention. The Leader of the Opposition sought to repeat the criticisms of the Government's budgetary situation of 1980-81 that were made by his counterpart in the other place. I must say that the Leader does not seem to have recognised that on 26 August 1981 in another place the Premier and Treasurer made a quite extensive reply in the debate on this Bill and drew attention to some of the extraordinary factors that have created particular difficulties in the 1980-81 Budget.

The Leader of the Opposition appears to have been saying that during the previous Government's time in office it had either early Budgets or early elections: for example, 1973, 1975, 1977, and 1979 were all early election years. If one does a calculation on those figures, one sees that that is

one election too many had the previous Labor Administration run its full term of three years after each election. Incidentally, the cost of an election exceeds $1 000 000. In the past 10 years, then, under the previous Administration, it would seem that at least $1 000 000 has been squandered because of an election that should not have been held.

The other point which needs special reference is the fact that the Opposition itself does not offer any solutions to what is a difficult budgetary situation.

The Hon. C. J. Sumner: You've got into a mess.

The Hon. K. T. GRIFFIN: All the Leader can parrot is that the Government has made a mess. That is typical of the Opposition, because it would rather knock than make any constructive criticism. If the Leader of the Opposition had a solution one could presume that it possibly might follow the line of maintaining Government employment in the public sector. Someone must pay for that, so there must be an increase in charges and taxes. An increase in charges and taxes might balance the Budget, but in the longer term it does nothing to contain Government expenditure.

As a Government we came to office on a policy (and we have maintained that policy) of reducing the size of the public sector by putting out into the private sector those jobs and activities which can be done more efficiently in the private sector and for which Governments should not have to carry the cost. Wherever possible, we have also tried to cut down on inefficiency and wastage. We have done that, as the Leader of the Opposition will see when the 1981-82 Budget is introduced in another place.

The Leader of the Opposition, in reply to an interjection of mine, indicated categorically that the Opposition, if it ever came to office again, would not reintroduce succession duties. However, one must speculate, as I have speculated recently, about its solution to the revenue problem.

The Hon. C. J. Sumner: A Labor Government at the Federal level.

The Hon. K. T. GRIFFIN: No. One of the solutions put forward in the Address in Reply debate by the Hon. Mr Foster, the Hon. Mr Blevins and other members opposite was a wealth tax. That has been bandied around for a long time. At election time, however, the Opposition always shies away and tries to dissociate itself from that iniquitous tax. I suspect that, if the Opposition gets back into office at some time in the future, one of the earliest new impositions would be a wealth tax on the people of South Australia.

I wonder, too, whether the Leader of the Opposition will suggest that land tax should be reintroduced on the principal place of permanent residence, or whether stamp duty concessions on the purchase of a first home should be abolished. If he does suggest that, the community should take notice of the usual tradition of the Opposition when in Government of imposing high taxation, increasing the size of the public sector, and reducing wherever possible the impact on the private sector. That is in direct contrast to the policy of this Government.

The Treasurer drew attention to a number of rather unusual factors that have influenced the 1980-81 Budget figures. Special reference was made to salary increases in the public sector. Provision was made for some $76 000 000 to allow for increases in salaries during the last financial year. One would have thought that that was an extraordinarily high figure in itself, but notwithstanding that prudent provision we found that there was an additional requirement of about $17 000 000 to finance increases in salaries in the public sector. That is an incredible $96 000 000 increase in salaries in the public sector in the last financial year. It is really a quite extraordinary escalation. In a debate in this Council later this afternoon, honourable members will have an opportunity to address that very problem, because it is a problem not only for the Government but for commerce and industry and the entire private sector as well.

The Treasurer also drew attention to an extraordinary increase in the unexpected repayment of $11 000 000 in interest. That could not be predicted when the Budget was prepared in 1980. There is also a rather difficult situation that we must come to grips with in relation to servicing some of the millstones that we inherited in 1979. I have already mentioned them on previous occasions. They include the Riverland Cannery, Samcor, the Frozen Food Factory, the debts that were incurred on Monarto, the Land Commission's liabilities to the Commonwealth, and a whole range of difficult areas which impact quite heavily on this State's Budget. An estimate has been made that these items alone have cost the Government and will cost it in excess of $20 000 000. That is $20 000 000 which should never have been incurred. If that money had been applied in the right direction, it would have been of benefit to the whole community rather than propping up failing enterprises.

The Budget will be presented at an appropriate time; it is not unduly late. I think the Leader of the Opposition has sought to be quite dramatic about the position, and he has attempted to be quite dramatic about the 1980-81 deficit. In real terms, previous Governments have had deficits of at least equal to the deficit that we have experienced in 1980-81. In fact, in 1977-78, from memory, the previous Labor Government under Premier Dunstan, had a deficit of $6 400 000, a sum about equal in current money values to the $8 000 000 deficit for 1980-81. In that financial year, the Dunstan Labor Government made a substantial transfer from Loan Account to Revenue Account to ensure that its deficit was kept to $6 400 000.

The Hon. C. J. Sumner: Planned.

The Hon. K. T. GRIFFIN: If it was planned, that is no different from the situation in 1980-81. The Leader of the Opposition has sought to make a dramatic play on the 1981 Budget but, in fact, there is nothing extraordinary about it except those areas to which I have already referred that were an unforeseen and unexpected imposition on the people of South Australia. I am pleased to see that this Council is dealing with the Supply Bill expeditiously and that no member has any opposition to it.

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

PERSONAL EXPLANATION: McLEAY BROS

The Hon. C. J. SUMNER (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

The Hon. C. J. SUMNER: I referred this morning to the personal attack that Mr John McLeay launched on me following my revelations to Parliament about McLeay Bros. I wish to make clear to the Council that the issue was raised in response to representations that I had received from constituents, creditors of Clinton Credits.

Since raising the matter I have received further correspondence that underlines the unjustified nature of the attack made on me by Mr John McLeay. I am gratified that these people have seen fit to write to me in view of the attack by Mr John McLeay.

I would like to read to the Council a letter which I received today and which I believe fully supports my actions in raising this matter in the Parliament. I will not read the names of these people or the amount that they invested, because I believe that their anonymity should be preserved. Dated 25 August, the letter states:

Dear Mr Sumner, As two of McLeay Bros unhappy creditors my husband and I were pleased to read that you are prepared to

bring forward in the Legislative Council—matters concerning McLeay Bros and their collapse.

We commend you for this, and are of the opinion that McLeay Bros have taken very good care of McLeay Bros at the expense of their creditors.

My husband attended the meeting of creditors and noted that many of the creditors were older women—who would be greatly deprived no doubt.

We feel quite embarrassed as between us we had loaned $( ) to Clinton Credits—we have been customers for ( ) odd years and had complete confidence in 'their honesty' . . .

Please accept our sincere thanks.

Yours faithfully

I draw that matter to the attention of the Council in order to indicate that the matter was raised initially on the basis of representations from constituents and that further constituents have supported my actions.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 692.)

The Hon. FRANK BLEVINS: This Bill has already generated a fair degree of interest in the House of Assembly. It was given a thorough going-over by the Opposition in another place and was found to be wanting. Of course, because of the numbers in that House, the Bill passed there, and that is why we in the Council must deal with it. I do not expect that this Council will deal with it at quite the length that the House of Assembly did. However, it will deal with it nonetheless thoroughly.

The first thing to be said about the Bill is that it arrived before the Parliament without any consultation whatsoever having occurred; there was no public discussion at all. If passed, the Bill will change in a very fundamental way (in fact, this is the most fundamental change in about 70 years) the very nature of the South Australian commission, which has been well respected throughout this State and indeed throughout the Commonwealth for about 70 years. The commission has earnt that respect because it has never acted as a tool of the employers, unions or (and I think most important) the Government.

This State's Industrial Commission is obliged to conciliate on and settle industrial disputes. It has carried out its obligations to the people of this State impeccably, without fear or favour, and no-one has been able to argue otherwise.

I have appeared before the commission on several occasions and, although I have not agreed completely with all the decisions that have been handed down, I have never at any stage had any doubts about or reason to question the integrity or the good sense of the commission. However, all that is about to change. This Government is seeking to effect a change and, rather than having that body independent, the Government is now attempting to run the economy of this State through the commission, a role to which the commission is particularly unsuited.

The Government apparently cannot run this State's economic affairs competently and requires the commission to do its job for it. If the Government is incapable of running the State's economic affairs, the sooner that it vacates the stage the better it will be.

If passed, the Bill will do two things. First, it will create and prolong industrial disputes, which the commission was set up to prevent, in which role, I might add, it has had a large measure of success. Secondly, it will reduce the commission eventually to irrelevancies. I cannot for the life of me see how anyone, particularly Government members, can get any pleasure out of that.

The reason why I say that it will create and prolong industrial disputes is fairly obvious. On every occasion that any matter is before the commission, the commission must take into account the so-called public interest, the state of the economy. How one defines the words 'public interest' fails me. It will be an absolute bonanza for lawyers. They will happily and willingly argue with each other endlessly before the commission as to what is the public interest and what must be taken into account. The result of the commission's going into those areas will be delays in commission hearings.

In fact, if this Bill passes in its present form the commission will collapse under its own weight. There is no way in which the commission can function if on every occasion, no matter how trivial the matter before it may be, the commission must hear arguments on the public interest. The commission cannot say, 'This is so trivial that we will not bother.'

That decision could be subject to appeal because the Commissioners did not take into account the public interest. What will happen? It does not matter how trivial or small an issue is, there will be protracted argument about the state of the South Australian economy. That will apply on every issue. We will have the unions on one side, possibly the Government (as the Minister wishes to have his nose in this—and I will come to that in a moment), and also employers, who will buy their tame cat economists, in the same way that people buy a packet of soap powder, to do precisely what they buy them for—to advance whatever argument is required—because one can buy an economist to rationalise any argument.

The highly paid economists will march into the commission in support of both sides. It could be about a matter as trivial as a dispute over the length of a tea break and whether the award should be varied to vary the time or whatever. The Bill provides that the commission has to take the public interest into consideration.

What about employees who feel that they have a justified case? They will be annoyed that their organisation, which may not be rich, will have to employ an economist to argue about the public interest and the present state of the South Australian economy. The economist will have to argue that it is in the public interest and that the economy can afford any minor variation to the award.

The issue will not be dealt with on its merits, which is something the commission has always done. Instead, it will be dealt with in accordance with this rather nebulous concept of the public interest. I think it is undesirable, and I suspect that somewhere along the line the Minister has gone completely haywire, because the real intent of this Bill is to have a go at the agreement between the Storemen and Packers Union and Associated Co-operative Wholesalers. These organisations have come to an agreement outside the commission for a reduction in working hours. When the result of that agreement was announced the Minister immediately rushed into print and said he would oppose the agreement. When the agreement was being made (and attempts are still being made to register it within the commission) the Minister attempted to intervene and say that he did not like the agreement. He wanted to put submissions to the commission. The commission is doubtful, as I understand it, and has not yet announced its decision about whether or not the Minister has the right to intervene.

In a way, this Bill is a bit of insurance should the commission rule that the Minister does not have the right to intervene, and the Minister wants to go in with this legislation behind him and say that he now has the right. What will be the result of that? Here we have a freely negotiated agreement between the two parties concerned, the employer and employees. It was an amicable agreement,

a productivity bargaining agreement which gives something to the employer as well as giving something to employees. I would have thought that would be completely in line with the philosophy of Liberal Party members. Apparently it is not in line with the philosophy of the Minister of Industrial Affairs.

What will be the result if the Minister intervenes if his Bill should pass? The result is clear: there will be a dispute, and it will be a serious dispute. Members of the Storemen and Packers Union employed by Associated Co-operative Wholesalers will say that they have negotiated the agreement with their employers, that they are not employed by the Government, and that now the agreement is being delayed. Those employees will, I believe rightly, take industrial action. About 70 per cent of groceries in South Australia are supplied by this wholesaler, and I have no doubt that 70 per cent of South Australia's groceries will be severely disrupted. That will be the immediate result of this Bill's passing in its present form; there is no doubt about that at all. Although it attempts to play a proper role in settling industrial disputes, the commission will be helpless to stop that result. Further, that will be only the immediate result, because there are thousands of agreements reached annually in this State. Many are registered, but many are not registered. The bulk of agreements are reached between employers and employees quite amicably. No-one ever hears of them and they do not make the front page of the press. No disputes, stoppages or strikes are involved. The agreements are reached through the two parties concerned sitting down and negotiating. The industry with which I am associated, the maritime industry, experiences this all the time.

One party which I dealt with for 10 years had an agreement in Whyalla with an employer in that city. The agreement was never registered—it was not even written out. Indeed, I cannot remember seeing anything written down about that agreement. We used to sit at the table and talk to the shipowner concerned and reach a verbal agreement. That was the end of it. Neither party would in any way dream of deviating one iota from the agreement. However, according to this Bill, and I am sure that is what is being attempted in clause 6, that will stop. What has previously been a satisfactory and amicable practice will have to cease, because it may have no force of common law. Common law protection for such an agreement is apparently being taken away by the Minister. What harm has this kind of agreement done? To the contrary, it has done much good. Agreements like this are being reached daily throughout Australia. Now the Minister is attempting to stop employers and employees making such agreements.

The Hon. R. C. DeGaris: Is this the only State where that occurs?

The Hon. FRANK BLEVINS: Common law agreements happen every day in Australia in every State. The Minister is attempting, although I am not sure he is succeeding, to do this in clause 6 (2), which provides:

> An industrial agreement has no force or effect unless it is registered.

The Hon. R. C. DeGaris: What is the situation in Queensland?

The Hon. FRANK BLEVINS: I have no idea what is happening in Queensland. I have no knowledge of the industrial scene in Queensland, but I will say this: the agreements I have been involved in along with hundreds of other workers and employers every day in this State are common law agreements not registered with the commission. I am not talking about small employers with prefabricated plants and half a dozen employees—I am talking about substantial employers employing hundreds if not thousands of employees in this State.

Apparently the Minister is attempting to do away with those agreements. For what possible reason? There is no reason whatsoever, in my submission. If this Bill does go through and if clause 6 (2) has any validity, hundreds of thousands of employees and several hundred employers will be without protection unless they go to the commission.

The Hon. R. C. DeGaris: Would it be legal under the clause for such an agreement to be made?

The Hon. FRANK BLEVINS: I can only read what is printed in the Bill. Clause 6 provides:

> Section 108 of the principal Act is amended by striking out subsection (2) and substituting the following subsections:
> (2) An industrial agreement has no force or effect unless it is registered.

It seems to be perfectly clear that agreements such as I have outlined, unless they are registered with the commission, will have no effect. I can be perfectly clear about why the Minister is attempting to do this. This Bill will give the Minister the right to intervene before the commission whenever an agreement is to be registered. Quite obviously (and this relates to my second point) the commission will become an irrelevancy, and unions and employers will go outside the commission, will make agreements between themselves, and will not register those agreements in the commission. They will be common law agreements and will be adhered to exactly the same as if they were registered. In an attempt to prevent that, the Minister has put clause 6 into the Bill. There can be no other reason for it. It is a recipe for industrial unrest on an unprecedented scale. It appears from this Bill that the Minister has a hatred for the commission. He has had no experience, as I believe he is an agricultural economist. I am not sure what that is but I suspect that it has little or nothing to do with industrial relations.

The Hon. R. C. DeGaris: Not in Mr Brown's case, but otherwise it is usually a farmer who has gone broke.

The Hon. FRANK BLEVINS: The Hon. Mr DeGaris may well be right. Anybody who takes note of an economist will inevitably go broke. However, the Hon. Dean Brown has had no experience whatsoever in industrial relations, as is perfectly obvious from this Bill. I predicted, when we were in Government and when the Hon. Dean Brown was the shadow Minister of Labour and Industry, that if he ever became Minister (which I said was unlikely) eventually the spitefulness, the pettiness and ignorance of the man (I am not saying that in a rude way) in regard to industrial relations would create industrial turmoil in this State. I think that what we are witnessing today is the start of that. A few weeks ago the commission, when dealing with the flow-on from the national wage case, gave South Australian workers a slightly larger increase than the national wage case provided. The commission did so on the evidence presented and not because it had any particular brief for the workers of this State.

The case that the Government put was given due weight but was found lacking inasmuch as the commission did not go along with what the Government requested. Because of this, the Hon. Dean Brown wishes to take his spite out on this commission—a commission that has worked in a way that has been commended by every authority in this State and throughout Australia—one of total independence and not beholden to the unions, the employers, or the Government. It worked in that way but, because of one decision where it did not accept the case of the Government or the employers, the Hon. Dean Brown, in his spiteful way, wants to attack the commission in this way. The result of that woud be to reduce the commission to an irrelevancy. That, in the submission of members on this side, would be a great pity.

If we deal with clause 7 of the Bill, where the Minister defines 'industrial authority' and lists the Teachers Salaries

Board, the Public Service Board and the Public Service Arbitrator, he is in fact saying that in those areas the Minister may intervene and force those bodies to take note of this very nebulous phrase 'public interest'. How can teachers, public servants or anybody else go before those boards now with any confidence? Already in the case of the Teachers Salaries Tribunal the Minister of Education can appear. Now, apparently, the Minister of Industrial Affairs does not trust the Minister of Education to act competently. In that I have some sympathy with the Minister of Industrial Affairs. How can employees in that area go to those boards with any confidence, because the first thing that the relevant Ministers are going to say is that it will cost the taxpayers of this State millions of dollars.

The Government in the second reading explanation argues a case that should properly be argued before the Teachers Salaries Tribunal but it did not do that. It wanted to argue a teachers wage case here in this Council. That is totally improper and it is not the way to go about achieving industrial harmony in this State. If every employee who applied for a wage increase had first to have his case argued in this Parliament we would really see some industrial action. Is it any wonder that teachers are most distressed about this legislation?

It is difficult to argue on strict economic grounds that a wage or salary increase for teachers or public servants is not directly going to cost the taxpayer money. We have already seen an example of it today. It has been detailed chapter and verse as to what it is going to cost. The teachers will be in the position of trying to argue one side of the case while the Minister will say that it will cost the State something like $60 000 000. It may be in the public interest that teachers or public servants with the responsibilities they have should be paid appropriate salaries which should be increased at the appropriate time.

It may be, in terms of dollars and cents, of benefit to the State to pay them very low and poor wages, but other considerations are associated with the public interest. People in those positions should have adequate remuneration. Basically, that is what the industrial tribunals are set up to do—to decide what are appropriate levels of salary and the appropriate times for salary increases. They are not there to arbitrate on the state of South Australia's economy. They have no expertise in that area. It is not their role to run the State and to say that the State should find money here or there, or shift resources from one place to another. It is not their responsibility to set priorities in this way. They are not capable of doing that job and they should not be expected to do it.

However, this Government, which has that job to do, is abrogating its responsibility in that area and trying to shove that responsibility on to the various tribunals. In effect, the Government is trying to run the economy of the State through the industrial tribunals. The Bill is offensive, and one of its particularly offensive features is in relation to a very well respected member of this community, Mr Frank Cawthorne, who is at present investigating the Industrial Conciliation and Arbitration Act. The Opposition commends the Government for that action: it is about time an investigation was made, and Mr Frank Cawthorne is most capable of making it. However, in the middle of his investigations, this Government has decided to change the ground rules. It has decided that the most fundamental change in 70 years will take place, and it will take place today. There has been no consultation with the trade union movement, the Public Service Association, the teachers federation, or the public and, as far as I know, there has been no consultation with the commission. There has been no consultation with anyone.

The Government says that it will change the fundamental nature of the commission and that it will do it overnight. The only sin that the commission has committed in the eyes of the Government is that a few weeks ago it did not follow word for word the Government's submission. Because Dean Brown could not get his own way, in his petulant fashion he will take on the commission in this manner. Eventually, he will reduce the commission to an irrelevance. The Bill has not been very well thought through. There is no doubt that at present the whole industrial relations scene in Australia is changing. Australia has had a very strong central wage fixing system. It was unique to have such a rigid system, certainly in the developed Western world. It may be that that system needs altering, because in Australia now there is a situation whereby the capacity of various employers to pay differs widely. It may no longer be relevant to have all employees working in those classifications on approximately the same rates of pay.

In certain areas of the economy, the capacity to pay is very much greater than in other areas. I know that in various mining projects, certainly in the development stage, the capacity to pay for construction employees is great, because there are dead-lines to be met. Those projects are large and capital intensive rather than labour intensive, and the amount of capital tied up certainly warrants an early completion of the job. The companies are able to buy skilled and unskilled labour at very high rates.

In effect, we are moving to a system of collective bargaining. I believe that this is recognised by the Federal Government: it is not something that I have dreamt up. In the industrial relations area, what the Federal Government is doing is completely opposite to what this Government is doing. The Federal Government has stated that it will no longer intervene in all cases that come before the commission. It will intervene in national wage cases and I, for one, do not object to that, although I do object to some of the submissions that are made, and no doubt some of those making submissions would object to my point of view. The Federal Government has stated that it will limit its intervention in the industrial relations sphere to major areas, such as national wage cases or any wage case which comes up and which is of major significance. It will no longer intervene before the Federal wage fixing bodies on a normal day-to-day basis, because it recognises that, unless it allows those areas to pay what they can afford, all wages will be dragged up close to the top rates that are being paid in some of the remoter areas of Australia where development has taken place. Unless the Federal Government allows flexibility for employers and employees to negotiate what on the face of it would appear to be very high wages, the whole system will blow up.

The question of an agreement between employers and employees is the safety valve of the system. This Bill is designed to put the brakes on that safety valve, and it will not work. According to today's newspaper, the Australian Democrats will not allow the Bill to go through, but time will tell. Even if the Bill does go through, the commission will become less and less relevant and agreements will be made outside the commission despite the Minister's attempt to have the common law protection for those agreements removed. Whichever way one looks at it, the Bill will be a total failure, but there will be a cost. This cost will be an increased number of industrial disputes and a lengthing of disputes.

By and large, because of the end of indexation, the employers and the employees have faced reality and have said, 'We have to get together to achieve some order.' The result is what is known as productivity bargaining, by which the unions and the employers sit down and thrash out a package that may include reduced hours of work and

altered methods of work, so that the employer achieves higher productivity. A very good current example of that can be seen in the case of Alcoa, which is a very large Australian aluminium smelting company.

It has just granted a 36-hour week to 2 000 workers after negotiation and agreement. It was freely negotiated between the parties. I think that is a very good example of how these agreements are in the best interests of both the employer and the employee. The agreement meets the commission's negligible cost requirement—that any agreement for shorter working hours should have a negligible cost. The agreement also immediately creates 200 more jobs for Alcoa's Western Australian operation, and I think that is to be commended in this period of high unemployment. The parties are presently before the Arbitration Commission in an endeavour to have this agreement brought under the commission's wing.

The Q.C. for Alcoa, Mr Ian Douglas, told the commission that under the agreement the shorter working week would begin on 1 February. He said that the 36-hour week would cost about $10 700 000 each year but that the cost savings would be $10 280 000. Obviously, the cost to the employer was negligible and resulted in an immediate increase of 200 jobs. That is one current example of the type of agreement that this Minister wants to interfere with.

I now refer to the objections to this Bill by the Trades and Labor Council, and I think it is important that those objections are recorded in *Hansard*. It is important that when people read them they realise that this Minister has had no negotiations whatsoever with the Trades and Labor Council and no negotiations whatsoever, as far as we know, with employers. There were no negotiations at all with the Public Service Association, the Teachers Federation or any other employee or employer organisation. There has been no public discussion, and the Trades and Labor Council, quite rightly, is objecting to this Bill. The Trades and Labor Council objections are as follows:

1. The degree of intervention by the Minister contemplated by this Bill is far in excess of that contained in Federal Industrial Legislation, or in that of any other State.
2. The commission is charged under section 25 of the Industrial Conciliation and Arbitration Act to 'do all such things as to it appear to be right and proper for effecting conciliation between parties, for preventing and settling disputes and settling claims by amicable agreement between parties'. The historical practice of the commission has been to put these considerations paramount.
3. The Bill challenges the past practice of the commission in settling disputes between employers and employees on the basis of industrial justice.
4. Where employers and employees concur in wanting an agreement to proceed mischievous interference from the Minister is unwarranted.
5. In any event, sections 30 and 44 already allow the Minister respectively to submit applications to the commission in the public interest and intervene in any proceedings before the court or commission and make representations and tender evidence. The additional powers are necessary.
6. If the State Government disapproves of the content of any agreement amicably reached between the parties this legislation foreshadows that the Minister can interfere and put argument as to why the agreement should not go ahead.
7. The net effect could be to politicise the functions of the commission and to make it unattractive to parties in industrial relations as a faciltiy to formally register industrial agreements, thus diminishing the extent to which it can efficiently perform its functions.
8. The most immediate effect that this legislation would have on the operations of industrial relations in South Australia would be that in any industrial dispute between an employer and his employees the possibility is enhanced of a third party, the Minister of Industrial Affairs, intervening and putting argument to the commission. This will have repercussions for individual unions which do not possess the legal resources of the Crown Law Department to argue their case. The amendments tip the scales of justice against the working man in an unprecedented manner.

Having regard to the economy:

1. The direction is unnecessary because in practice employer interests have historically been able to argue incapacity to pay claims in the Industrial Commission, and this comprehends the only relevant economic consideration.
2. If this legislation were taken into account and applied strictly, unions would be obliged to present economic arguments on all wages and conditions matters. This would be time consuming, lengthen hearings with economic witnesses, and open up cases where in variations to small awards will entail economic submissions. If conflicting evidence is presented, where two expert economists disagree the commission would have the discretion to decide one way or the other. This legislation introduces an element of confusion in that industrial reasons or economic reasons can provide conflicting bases for that exercise of discretion.
3. That there is no need for the legislation is reflected by the Minister's need in the second reading speech to give misleading information. He listed a number of applications including the Caretakers and Cleaners award at $10, yet this has already received $8 (leaving $2); Dental Technicians $7.30, already granted; Minda Home award, already decided. It appears that the other named award applications are themselves either ambit claims or part of the one time comparative wage justice opportunity which is within the guidelines.
4. The amendment makes the general mistake of attempting to change the legislation in the face of a lost argument. The State Full Commission granted full indexation in July after hearing considerable industrial and economic argument from all parties. The employers and the Government failed to present convincing industrial argument and consequently lost. The legislation is an attempt to ensure that does not happen again.

We are told time and time again to accept the decision of the umpire. A few weeks ago the umpire gave his decision on the flow-on from the national wage case and this Government did not accept it. That is the whole basis behind this Bill.

In summary, the proposed Bill is an unwarranted attack on the independent integrity and basic function of the Industrial Commission on certain industrial matters. Therefore, the Opposition will oppose this Bill at all stages and it is our hope that, given the stated intention of the Australian Democrat member, the Bill will fail.

The Hon. D. H. LAIDLAW: I support the second reading of this Bill and, in so doing, I shall confine my comments to the amendment to section 146d of clause 7, which was introduced by the Minister of Industrial Affairs in another place last night. The object of tnis Bill, as honourable members know, is to make the State Industrial Commission, the Parliamentary Salaries Tribunal, the Public Service Board, the Teachers Salaries Board and other industrial authorities take account of the public interest and the economy of this State, and the principles laid down by the Commonwealth commission when it considers the national economy, when the State authorities are having regard to wages and other remunerations.

When the Full Bench of the Commonwealth commission abolished wage indexation at the end of last month, the President (Sir John Moore) said that in future, in accordance with the Federal Act, the interests of society as a whole, will still permeate the activities of the commission, and that Full Benches will still be required, pursuant to section 39 of the Act, to have regard to the state of the economy, with special reference to the likely effect on employment and inflation.

The Federal Minister for Industrial Relations welcomed the abolition of the wage indexation guidelines and said that in future employers and employees would be able to negotiate directly between themselves. The inference was that some new system had been created. I believe that his statement was a very dangerous one to make. Employers and employees have always been able to negotiate directly between themselves.

It must be remembered, however, that Australia has the most legalistic system of industrial relations of any country, and any employer acting on the advice of the Minister who concluded a service agreement with employees might find himself paying twice if the Federal or State Industrial

Commission subsequently granted increases in wages or fringe benefits under the relevant award.

Responsible leaders in Government, employer bodies and the A.C.T.U. realise that some alternative system of industrial relations must be devised forthwith to fill the void created by the abolition of wage indexation. The Minister of Industrial Affairs has introduced this Bill to make industrial authorities administering State awards take into account the economic consequences of their decisions. The relevant section 146b gives the same wording as section 39 of the Federal Act, with one exception. Whereas the Full Bench of the Commonwealth commission has to have regard to the state of the national economy, the State industrial authorities under this Bill, as originally drafted, would consider only the state of the economy of South Australia.

At first sight, this may seem to be a reasonable proposition, but one should consider the consequences. Take, for example, the pastoral industry. There are both Federal and State awards covering shearers and farm labourers in this State, although the coverage under the State award is declining. Last year, there were excellent rains in South Australia, while droughts occurred in other States. If our commission was restricted to take account of the State economy only, union advocates could expect to obtain high wage increases for rural workers under State awards.

In contrast, the national average farm income would be depressed because of widespread droughts, and the Federal Industrial Commission, being concerned with the public interest under the Federal Act, may be expected to grant more modest wage increases. Shearers or farm labourers working side by side on different wage levels under Federal and State awards would no doubt object to these discrepancies, and who could blame them? This situation would soon lead to industrial trouble and a demand for catch-up.

This example suggests that in any one year employees under State awards may benefit against those under similar Federal awards. Of course, the converse could apply, and such instability is undesirable.

We must strive towards uniformity nationally in award wage levels and other remunerations. I should like to see control of the 110 or more wage fixing authorities handed over to the Commonwealth Conciliation and Arbitration Commission in a manner such as has been achieved in the national companies and securities field.

The Minister of Industrial Affairs, after taking note of the shortcomings of the original Bill, introduced last night in another place an amendment with which I fully concur. It provides that a State industrial authority, as well as considering the economy of the State, shall give effect to principles which are enunciated by the Commonwealth commission as they apply from time to time and which flow from consideration by the commission of the state of the national economy, and the likely effects of determinations by the commission on the national economy.

Furthermore, where there is a nexus between the proposed determination and a determination of the Commonwealth commission, a State industrial authority shall consider the desirability of achieving or maintaining uniformity between rates of remuneration payable under the respective determinations. That appears in the amended Bill which is before us today.

Under this amendment, if the Federal commission reintroduced, for example, the concept of a separate annual basic wage and margins case for skilled tradesmen in the interests of the national economy, the State industrial authorities should be expected to conform to this practice and not act in isolation, to the utter confusion of South Australians.

Mr Bob Hawke recently advocated the reintroduction of basic wage and margins cases, and on this occasion I share his views. The separate basic wage and margins cases served Australia well for 20 years or so after the last war, and I think that employers were short sighted in arguing for their abolition on the grounds that they could not afford two wage rises in a year. At least tradesmen could expect with some justification that their skill would be rewarded adequately.

The other effect of this amendment is to try to avoid the anomaly that could be created under the example that I have given of shearers and farm labourers working under similar Federal and State pastoral awards.

The question whether Industrial Commissions should consider the economic effects of their decisions has been discussed amongst employer bodies for at least 20 years, as far as I can recall. Even today, employers are not united on this subject. Advocates say that to do so will minimise sweetheart agreements in industries like the transport industry, where the on-costs can be passed on to the public. Opponents say that Industrial Commissions should not become another economic arm of government with a back-up force of economists and research workers, like the Tariff Board or its successor, the Industries Assistance Commission.

It is most unfortunate that a Bill dealing with a principle of this magnitude should be rushed through Parliament without allowing members or the public time to consider its effect. However, I feel that, with the abolition of the wage indexation guidelines at the end of July and the reversion by the Commonwealth commission to principles laid down in section 39 of the Federal Act, it is important that State industrial authorities should operate forthwith according to similar principles, and should consider the effect on the economy of the State and the principles enunciated by the Commonwealth commission before making wage decisions. For that reason, I support the second reading.

The Hon. G. L. BRUCE: I oppose the Bill. I listened with great interest to the Hon. Mr Laidlaw, from whom I thought we would hear some pearls of wisdom. However, I was bitterly disappointed. I understood that the honourable member was the Liberal Party's industrialist, and I thought that he would at least have the honesty and courage to lay on the line exactly where this Bill is heading the State of South Australia. The honourable member spoke about uniformity. Where is the uniformity between the average wage in New South Wales and that in South Australia? If the honourable member wants uniformity, why does he not look at that aspect for a start?

I understand that this Council is a House of Review, and I take it that this legislation would, in the normal course of events, have come before the Council last night if we had done what we normally would do. This is the most important piece of legislation, since I have been in this place. The Bill would have come before us, in the normal course of events, last evening. It is being subjected to a full-scale debate today, and must be rammed through and carried by this Council today. As I say, I understand that the Upper House is a House of Review, at least in the State of South Australia.

The Bill should be laid on the table, and interested bodies should be allowed to come and put their point of view before us. That has not been allowed to happen. This makes a mockery of what this Council is all about and what it should be doing.

This is legislation by the Government for the Government, irrespective of the Upper House or the Lower House. It just reinforces what I said in my Address in Reply speech, that we are nothing more or less than a rubber stamp for the Government in the Lower House in regard

to what it wants to do. It is treating this Council with contempt. If the Government has such a Council, why not use it as a House of Review? If it does not wish to use it as a House of Review, why not abolish it?

Having commented about the role of this Council, I should now like to express my views about this Bill. I am concerned that the Government is prepared to get out of the way of big business so that it can do what it likes, with rules and regulations taken away. It is setting up bodies to do away with regulations that are frustrating people and interfering with their businesses. At the same time as the Government tells that to big business it tells unions, 'Look out, we will get in your way and we are going to frustrate you and see that you cannot do the natural and normal job that you have been elected to do by your members. We intend to interfere in every action and everything that you intend to do to try to make a better role for the commission; we intend to get in your way and frustrate you.'

What is the role of the commission? I understood it was an independent body. It is intended to deal with arbitration as matters come through on their merits. It is there to try to solve industrial disputes and to assist in the interaction between employers and unions when they cannot agree. It comes up with a decision which may not be acceptable to either Party but which can at least give them a hook to hang their hat on, and it can provide a way out for both parties. This can be carried through to provide some industrial peace or to create a climate in which the functions of workers and employers can be carried out in this State.

No longer is that to be the role of the commission. It is now asked to assess what is the state of the economy. It is being asked to take over the role of the Government. That would be fair enough in regard to a national wage case which affects everyone, but at this level matters involve just one union, and any union approaching the commission will now have to argue about the state of the economy. But unions are geared up to argue about what is happening industrially, about what is happening to their members and how they are relating to other workers. In his explanation, the Minister stated:

> New section 146b is the major provision of the new Division. It provides that in arriving at a determination affecting remuneration or working conditions an industrial authority must have due regard to the public interest and is not to make a determination unless satisfied that it is consistent with the public interest. In determining that question an industrial authority is required to consider the state of the economy—

a Government's role, surely—

> and the likely effects of the determination on the economy with particular reference to its effects upon employment and inflation. New section 146c empowers the Minister to intervene in the public interest, in proceedings before an industrial authority.

A national wage case is not a case involving an individual union which may be arguing about tea or lunch money. An individual union may be arguing about a major or minor condition affecting that union alone, but the Government will have the right to interfere. I do not disagree in regard to the national wage case, but I am most concerned about the result in regard to mundane matters that are of no interest to any other union, or any other industry, yet the Government is looking for the right to intervene. What is the public protection? Do we take it that the commission will not ratify an agreement arrived at by employers and employees? What if there is going to be a blue, say, the greatest blue or argument of all time? Will we say that it is not in the public interest to stop that blue, to try to arbitrate to ensure that that does not arise? That is not part of the brief.

Instead, the commission has to consider the role of the Government and see what is happening to inflation and employment. Why is the Government here? Its action is tantamount to saying that the commission should run the country. This Bill is a recipe for industrial chaos and disaster. The Government is encouraging unions to confront and not consult, to fight and not negotiate.

Another aspect that perturbs me is that the Government is having two bites at the cherry. Initially, the union has to argue and negotiate with employers. Employers and employees must get together. Eventually they obtain a consensus of opinion and approach the commission to seek ratification. But now they will be at the whim of the Minister, and he can please himself whether or not the agreement is in the public interest. It is for the Minister to decide what is in the public interest; there is nothing to specifically determine it. The Minister makes the decision about whether or not he will oppose a matter and then a union finds that, having reached a consensus with the employer, it has to argue the case with the Government and the Minister of the day. The union will have to argue about inflation and employment, and it will have to justify the agreement that it seeks to ratify between employers and employees, otherwise it is not a goer. That is completely wrong. What has happened? Members know that the Liberal Party has its coffers filled by big business. Now big business has two bites at the cherry. Big business knows that, if it is beaten by the commission or a union, it can go to the Government, because the Liberal Government is on its side and can argue against the decision already made.

The Hon. L. H. Davis: That's not true—it's the union that usually bucks at the decision.

The Hon. G. L. BRUCE: At the last election shopping employers supported the Liberal Party financially. Does the honourable member suggest that retail employers who were disadvantaged by some decision would not expect, as supporters of the Liberal Party, the Minister to oppose the decision?

The Hon. J. C. Burdett: They might get a shock if they did.

The Hon. G. L. BRUCE: Does the Minister suggest that the Government would not do it? Are we expected to wear that the Government would not act on pressure from employers if they expected the Government to act? Are Government members telling me that shopping employers who supported the Government do not expect it to act in their interests? If that is not so—I will go he.

The Hon. J. A. Carnie: Are you admitting that the Labor Government acts that way under union pressure?

The Hon. G. L. BRUCE: No; we are saying, 'keep out of it'. Why does the Government want to buy into the situation? It is because of pressure from employer groups seeking another bite at the cherry. Employers will use the good offices of the Minister and this legislation to get another bite of the cherry. This Bill results from the situation in which wage indexation is a possibility for South Australia. I understand that the Trades and Labor Council in South Australia has an application before the commission presently seeking wage indexation to continue in South Australia. If it were accepted by the commission, it would be the basis for wage fixation. That situation is not acceptable to the South Australian Government because, in view of what has happened in the rest of Australia, wage indexation on a national basis has gone by the board, and there is no way that this Government would want to see wage justice happening in South Australia, even if it is not happening in any other Australian State. What the Government is saying is echoed by the Minister in his second reading speech:

> These advantages include lower wages and other costs, greater availability of labour and in particular skilled labour.

The Government is saying that it is looking for the advantage of lower wage costs in South Australia. When it is

confronted with the situation in which the commission might possibly listen to arguments that it should continue wage indexation in South Australia, the Government is violently opposed to that because it realises that it does not apply on a national basis, and it could be landed with a situation in which South Australia is going ahead with wages that keep up with the cost of living.

As I see it, this legislation is a straight-out effort to weaken and break the unions role in society. It will cost unions double the amount they now pay to argue a case. Not only do they have to argue an industrial case but also they may have to argue a case on the inflationary situation, the unemployment situation, and the whole monetary situation in South Australia. They will have three cases to argue—one before the commission, one with the employers, and possibly another before the Government. They may have to amend their case three times before they get any sort of justice at all in the wage or condition stakes for the workers they represent.

I believe that these powers could be used indiscriminately by the Government. It could make fish of one and fowl of another. It can pick out the unions that it wants to oppose and the unions that have a bad public image and have a go at them. It could possibly even go to an election on issues that the unions have created, using those issues as election issues at a time and place to suit it.

The Government is saying that it wants industrial harmony. There is no way in which it would get industrial harmony out of this Bill, as it represents pure confrontation. I can quote examples of industrial harmony in the industry that I came from. In one big industry they have already agreed to a 37⅔-hour week to operate from next month. There is no way that the Government will agree to that proposition. When that was disclosed to the Hon. Dean Brown he was on the phone and down to see the industry concerned and said that it is not on, and that they could not do it. Not only have they done that but also they are going to announce a 36-hour week next June. The Minister's reaction was one of horror and despair—that the country is going broke.

Does he mean to say that a 36-hour week is going to affect that industry? They have already gone into it and the economics of a 36-hour week have been thoroughly canvassed and discussed. There have been no stand-over tactics used by the union or employees. By a consensus opinion, the union and the industry concerned have agreed that they can support a 36-hour week. There will be no detrimental effect on the industry. The union had to concede points. It agreed that it would take less wash-up time, shorter smokos, and so on. The union has conceded a lot of points to obtain the 37⅔-hour week and next year the 36-hour week. Is the Minister happy about that? Not on your sweet life! He is trying to reverse those decisions.

If this Bill goes through, an industrial agreement will have no force or effect unless it is registered. The industrial agreement has been in force since the inception of that industry, and there has never been any argument about both sides observing the validity of that agreement. Each year they sit down and negotiate and, by a consensus of opinion, reach a decision on what is of mutual benefit to both sides.

What is involved does not affect just the one union concerned with this industry; it affects all major unions which are in agreement. None of them is registered. There is the electric union, the metal trades union and the liquor trades union. Every year the four industries concerned have entered into an agreement with this industry. One of the largest industries in South Australia, cited by the Attorney-General as spending millions on investment and as being a vital part of the State for many years, has never had a major strike. There have been strikes of a short duration, for possibly a week, by one of the unions concerned. Never in the history of that industry and those unions has a major strike occurred—it is all done by negotiation.

Does that satisfy the Minister? Not on your sweet life! He wants to interfere and say that an industrial agreement has no force or effect unless it is registered. A gentlemen's agreement is no longer valid, as far as this Minister is concerned. He wants black and white, and he will get his grimy fingers into the commission and creating chaos in the industrial world.

Another area in which he could interfere is the Australian Hotels Association. The union covered by the hotels association has a State award. Traditionally, it always follows the Federal award. The Federal award is negotiated between the other States and the Federal body of the union, and the South Australian body is involved. When that has taken place, the South Australian union goes to the local body of the A.H.A. and negotiates the agreement. If agreement is not reached, they go to the commission. Those agreements revolve around what has happened federally. When they go to the commission here to seek an agreement to conform with what is happening to interstate wages, the Minister can intervene and interfere.

On what grounds could he interfere? He can argue all sorts of grounds: the state of the hotel industry is not good, he may want a cheaper wage rate for the sake of tourism; he can argue, in relation to parity of wage rates, that the State award is not comparable with the Federal award, because it would interfere with employment, tourist potential and all the things that the State Government may want to promote on a separate basis. Members opposite cannot say that he will not do that, because on record we have Liberal spokesmen saying that they want to do away with penalty rates in the tourist industry. They think that people should work Saturdays, Sundays and public holidays and not be paid penalty rates. The Minister and the spokesmen for the Government have indicated opposition to award conditions and rates covering people in the hotel industry in South Australia. There is no way that the Minister will not have his little grimy fingers stuck into the commission to try to interfere with what has already been decided federally and agreed to other States but which has to go through the commission for ratification.

The shop assistants are another set-up. We have often heard the cry from the Government side that penalty rates should be abolished for shop assistants. It is said that shops should be able to open for as long as they like. I understand that a huge campaign is being mounted to have Saturday as one of the shop assistants' days, with shops open through to 5 or 6 p.m. If a six-day week was agreed to by the unions (although it is not likely at this stage), a certain penalty rate would be paid to those shop assistants by agreement, but the Minister could intervene. He could say that it is not in the public interest to have penalty rates paid to shop assistants on a Saturday morning or a Saturday afternoon.

If penalty rates are to be paid to shop assistants for Saturday work, the consumer will have to pay more. The Government will say that it does not want the consumer to pay more and will mount an argument that, because they will affect employment and the South Australian economy, penalty rates for shop assistants on a Saturday should be abolished, irrespective of the fact that shop assistants might have reached an agreement with the employers. The Government will argue that that agreement should not be carried out.

We should not kid ourselves that the Minister will not be there: he will be there with whips cracking. There is not a doubt in the world about that. I understand that a test case will come up next month before the commission in regard

to sick leave and annual leave. The case will be mounted by two unions which approached the commission independently to try to have sick leave incorporated as a separate issue, so that, if a person became sick while on annual leave, the annual leave would not be swallowed up. That person would receive the equivalent amount of annual leave later. The case will come up in September, and the Clerks Union is one of the two unions involved.

What would happen if the commission came down with a decision to the effect that, if a person is sick while on annual leave and has a doctor's certificate, his annual leave stops and he carries on with sick leave? That person might have been employed by the company for a number of years without taking any sick leave. If he goes on annual leave and becomes sick and has to go to a doctor, the union argues that he should be able to take sick leave instead of annual leave. What will happen if the commission agrees to that proposal? The Minister will be there with all flags flying, and he will say, 'No, you can't do it because it is against the public interest. It will create a high wage impact and a bigger burden on industry. The consumer will eventually have to pay and we are protecting the consumer.'

The Government will be in on all manner of things that do not really concern it. Considering the role of the commission, the employers and the employees, why should the Minister be tied into those situations about which he knows nothing and which he believes will affect the economy? Of course, matters such as this will affect the economy: anything that happens in the Industrial Commission affects the economy of South Australia. Anything! The Minister would have the right to intervene on any issue at all in the commission, because there is not one thing that the South Australian Industrial Commission handles that would not affect the lives and the well-being of the people of South Australia and those employed in industry in South Australia. The Minister can interfere on any issue; that is what the Bill achieves.

Another issue is long service leave for casual workers. It has always been a thorn in the side of the union from which I came but it was never properly defined that long service leave should apply to casual workers. A case was put to the commission, and casuals were granted the long service leave provisions of the Act. What would happen in a dispute about that matter? The Minister would be there. He would be in like Flynn. Worse than that, the Minister can pick the issues in which he wants to become involved. The Minister decides what he claims is in the best interests of the people. Why should the Minister have the sole prerogative to decide what or what is not in the best interests of the people or workers in South Australia? Who is he to decide?

The Hon. J. C. Burdett: He doesn't decide—the commission decides.

The Hon. G. L. BRUCE: The Bill provides that the Minister decides. Perhaps I am reading the Bill wrongly.

The Hon. L. H. Davis: Yes, I think you are.

The Hon. G. L. BRUCE: New section 146c states:

> The Minister may, where it is in his opinion in the public interest to do so, intervene in any proceedings before an industrial authority, and he may, in that event—
>
> *(a)* make representations to the authority;
>
> and
>
> *(b)* if he thinks fit, call or give evidence before the authority.

The Hon. J. C. Burdett: That isn't to decide. You said 'decide'.

The Hon. G. L. BRUCE: The Minister decides the issues that he will go in on.

The Hon. J. C. Burdett: So do the unions.

The Hon. G. L. BRUCE: That is all right; the unions have the argument before them. They are faced with two arguments now, one in relation to the Minister and one in relation to the employers.

The Hon. J. C. Burdett interjecting:

The Hon. G. L. BRUCE: Come off it! The Minister is telling me that the unions will not have to mount two arguments. They have to mount an argument in relation to the state of the economy and employment in South Australia as well as an argument about the industrial issues. Is not that an extra burden on them? Of course it is. At present the unions do not have to argue about the state of the economy or employment: they have to argue only about industrial matters. The Minister is saying that the unions do not have to argue twice, but I cannot see it. The Bill provides that they do.

The Hon. J. C. Burdett: The Minister does not decide.

The Hon. G. L. BRUCE: The Minister decides the issues that he will go in on.

The Hon. J. C. Burdett: He is entitled to do that.

The Hon. G. L. BRUCE: Why?

The Hon. J. C. Burdett: Of course he is.

An honourable member: Do you mean on every claim, such as a claim for a parking allowance?

The Hon. G. L. BRUCE: Not on every claim, and that is what I object to. The Minister picks out the issues that he will go in on, and that is wrong. He makes fish of one and fowl of another. He will be in there arguing against the union.

The Hon. J. C. Burdett: The commission decides.

The Hon. G. L. BRUCE: The Minister decides. I must be going either mad or blind.

The Hon. J. C. Burdett: The commission decides the issue.

The Hon. G. L. BRUCE: The Minister decides the issue, according to new section 146c.

The Hon. J. C. Burdett: The decision made in the case is made by the commission and not by the Minister.

The Hon. G. L. BRUCE: Of course, but the Minister picks the issues that he will go in on. Why should the Minister have the right to go in on an agreement that has already been reached between two bodies involving a consensus of opinion? Some things are given by one party and gained by another party. A sacrifice is often made to get a consensus of opinion. Why should the Minister have the right to interfere with an agreement like that? Why should he have the right to take away the right of a common law agreement? I would be very interested to know the Minister's interpretation of clause 6 (2), which states:

> An industrial agreement has no force or effect unless it is registered.

The Hon. J. C. Burdett: You are talking about a different clause.

The Hon. G. L. BRUCE: I am talking about clause 6 (2).

The Hon. J. C. Burdett: You were talking about clause 4.

The Hon. G. L. BRUCE: The Minister picks the issues that he will go in to bat on. If an agreement is not registered, it has no force under common law. If the two parties do not go along with the commission's decision, the agreement will not be enforceable and subject to common law. That is the way I understand it. I object to the Minister's deciding the issues that he will go in on. Why does not the Minister argue in relation to all issues? This Bill is a blueprint for chaos and disaster. It is a front to fight the unions and what they ask for. If the unions by a consensus of opinion achieve a decision, the Minister can oppose that decision. The Minister is asking for strikes and blues. This same Minister says that he wants industrial peace and stability and that he wants to do away with chaos, yet he dreams up a Bill such as this.

This is the most important Bill that has come before the Council in the two years during which I have been in Parliament. It takes away the rights of the unions and of people who have joined those unions looking for support. I believe that some issues that are peculiar to some industries are not understood by the Government, particularly in regard to hazards in industry. These issues have no bearing on the matters that the Government will oppose. The Government has no idea what is happening in industry, no idea at all. It does not matter if there is an allowance or a rise in relation to hazards or any of those things that are peculiar to a section of industry: the Minister will say, 'It is not in the public interest.'

None of it is in the public interest if one looks at it in a certain way, because every wage increase and every gain made by the unions must be accepted by the public. That is part of the industrial procedure, and that is as it should be. Eventually, if the Minister manages to do what he says and keeps wage rates lower in South Australia, it will be disastrous. I cannot understand the Minister's second reading explanation. In one breath he asks for uniformity and in the next breath he says that he wants lower wages for South Australia. I cannot understand how he links those two points. The only result will be that the Minister will push skilled people out of this State and put industry a long way behind the other States.

I cannot see any advantages in the Bill. It is a Bill of confrontation and it will achieve nothing at all. The very fact that the unions and the employers have successfully negotiated and agreed to something should show the good faith of the parties involved. Why should the Minister want to intervene? I have already referred to one industry which is adopting a 36-hour week. That industry's productivity is not being affected one jot, yet the Minister would see fit to intervene. Not only is that industry's productivity not affected, it has also cut down on staff and it is now more viable. It now employs fewer people and has more productivity than ever before, but the Minister would see fit, and he already has, to try to reverse the decision arrived at in an agreement between four unions and the industry concerned. I cannot see what the Minister will achieve.

That particular industry produces the cheapest product of that type in Australia. The price of its product has not been increased and productivity has not suffered. The people concerned have given and taken in a proper spirit of industrial relations, and that should prevail over what the Minister is trying to do. The Hon. Mr Blevins has already referred to the objections by the Trades and Labor Council, so I will not go over that again. I cannot understand why the Government is seeking these powers of confrontation, unless it is looking for an issue on which to base an election in the future.

The Hon. L. H. Davis: We do not have early elections like you.

The Hon. G. L. BRUCE: No, you fix your time and your place. The Government could sit on the fence for 12 months and not interfere with one of the industrial decisions or one of the agreements made with the union, but, when it suited it, it could go to bat on an issue, blow it out of all proportion, create chaos between workers and employers and call an election on a law and order issue. I believe that this Bill sets out on a course to deliberately incite unions and workers to make a stand. It is an attempt to give the Liberal Party a law and order issue that it can use in future elections.

I oppose the Bill. I sincerely hope that the Australian Democrat, who has professed that consensus legislation is the best legislation, will also oppose this Bill. I believe that the indecent haste with which this Bill has been pushed through makes a mockery of this Chamber as a House of Review. I believe that the Australian Democrats have always acted on the principle that a Bill by consensus is a better Bill. This is not a Bill by consensus but a Bill by force. The Government is pushing this Bill down the throat of the trade union movement. It is also being pushed down the throats of the people of South Australia who are looking for justice, proper laws, and rules and regulations from the Industrial Commission without the interference of a Minister of the Government. I hope that we have a consensus of opinion and that this Bill is delayed until proper legislation can be drafted to do the job that the Minister is looking for. I oppose the Bill completely.

The Hon. L. H. DAVIS: Following that fairly emotive speech from the Hon. Mr Bruce I think it is important to reflect on what this Bill seeks to do. It does not seek to protect or promote the interests of employers. It is not seeking to slay the unions. Rather, it is seeking to protect the public interest. I think it is important to remember how the Industrial Commission defined the public interest in South Australia. It has defined 'public interest' as follows:

> I understand the public interest to be the interest of the community as a whole, not that of the employees, nor that of the employers as such, nor that of both.

Quite clearly we are talking about the community as a whole and we are talking about the state of the economy as a whole. I think the sooner we get back to the broad basis of that argument the sooner we can deal more properly and accurately with this Bill.

The reality is that wage fixing authorities have effective control over at least 60 per cent of the Australian economy through their powers to set wage levels. It ignores reality to deny that their determinations have an impact on economic management. One only has to reflect back to the Federal Labor Government of 1974, when it acted as a pace-setter in salary and wage fixing and increased wages and salaries by some 27 per cent in the 1974-75 year against an inflation rate of only 17 per cent. One should not really say 'only 17 per cent', because that is the highest rate of inflation ever recorded in this country.

Members interjecting:

The PRESIDENT: Order! All honourable members will have a chance to speak.

The Hon. L. H. DAVIS: The effect of the Labor Government's intervention in salary and wage determination at that time resulted in profit's share of the gross domestic product falling to its lowest level ever in Australia since federation, with very devastating effects on the state of the economy as a whole. I think we should know enough about the consequences of excessive wages: whilst it may benefit the worker in the short term, in the long term no-one benefits at all.

I now wish to briefly reflect on the history of wage fixation in Australia. It is probably most easily reviewed by looking at developments at a Federal level. In 1907 the Harvester judgment was the first basic or living wage determination by reference to cost of living movements. For the period 1907 to 1953, quarterly wage adjustments, especially in the years immediately preceding 1953, were based on the 'C' series index of retail prices. That quarterly adjustment of the basic wage was abandoned in 1953 because those wage adjustments fed on themselves and led to wage/price spirals.

More importantly, it took no account of economic events and it took no account of the capacity of industry to pay. From 1953 to 1960 the Commonwealth Conciliation and Arbitration Commission used another method. It had an annual review rather than a quarterly adjustment of the basic wage and relied primarily on the capacity of industry to pay. They looked at productivity rather than cost of living adjustments in determining the basic wage rate. From

1961 the commission took into account both cost of living movements and industry's capacity to pay. It is worth remembering that in the 1960's inflation rates were only of the order of 3 per cent per annum; in fact, only 3 per cent per annum, on average, over that whole decade. In the 1970s, when inflation rates moved up sharply, it became very important to review wage fixation measures. In the 1970-75 period the Commonwealth Conciliation and Arbitration Commission tried to take into account both equity and economic consequences. It is never easy to balance off the competing interests of those two factors.

They looked for such factors as the productivity capacity of industry to pay, and industrial harmony. So, one can see the evolvement in this wage-fixing system, at least at the Federal level, of the need to take account of economic factors. With the high level of inflation which reached its peak in the years of the Federal Labor Government from 1972 to 1975, it became necessary to review wage-fixation procedures, and indexation was therefore introduced in 1975. That measure has now been abandoned. Wage indexation, by generally common agreement, has run its course. So, in 1981, we are searching for new ways of setting wages and salaries in the economy.

We cannot look at South Australia as an island isolated from the other States and from the national economy. It is folly to ignore that. We saw only recently, on 13 May, the South Australian Industrial Commission setting down a determination for 170 000 workers. The commission determined that the State wage would rise by 4.5 per cent rather than the 3.6 per cent that had been awarded by the Commonwealth Conciliation and Arbitration Commission. That meant that the South Australian system was out of step with the rest of Australia. That no doubt is a very important factor in relation to the introduction of this Bill.

The reality is that we as a State, struggling to re-establish our competitiveness and the strength of our manufacturing base, which was so eroded under the years of Labor rule in the 1970s, need to take account of the economic factors. The provisions of the Bill, especially in the new section 146b, make specific reference to the economic factors that should be taken into account. For the Opposition to suggest that economic factors should not be taken into account and that the public interest is not important is to ignore two existing pieces of legislation. I refer, first, to section 39 of the Commonwealth Conciliation and Arbitration Act, which provides:

> In proceedings before the commission the commission shall take into consideration the public interest and for that purpose shall have regard to the state of the national economy and the likely effects on that economy of any award that might be made in the proceedings or to which the proceedings relate, with special reference to the effects on unemployment and on inflation.

There are similar proposals set forth in this Bill. Furthermore, no reference has been made by the Opposition to existing section 44 (1) of the State Industrial Conciliation and Arbitration Act, 1972-1975, which provides:

> The Minister may, where in his opinion the public interest is or will be likely to be affected by the wage order, decision or determination of the court or commission, intervene in any proceeding before the court or commission and make such representations and tender such evidence as he thinks necessary.

So, already, under section 44 (1), the Minister can intervene if in his opinion the public interest is or is likely to be affected by a determination of the court or commission.

The fact that the Hon. Mr Bruce ignores that section suggests that he has not really read it. I refer to comments that the honourable member made. He suggested that the Minister, rather than the commission, was in fact making the decision. Of course, that is palpable nonsense. New section 146 (1) provides:

> In arriving at a determination affecting remuneration or working conditions, an industrial authority shall have have due regard to the public interest and shall not make a determination unless satisfied that it is consistent with the public interest.

We have already established, by the commission's words themselves, that the public interest goes beyond that of the employer and employee and really takes into account the interests of the community as a whole. So, the Minister certainly has the power to intervene under new section 146c (1). It is worth noting that the section is not mandatory. The Minister may, where it is in his opinion in the public interest to do so, intervene in any proceedings before the industrial authority.

That really does nothing more than the provision that already exists. It is interesting to reflect on the intervention of the South Australian Government going back to September 1979. I refer to a report headed 'Court move shocks metal industry' in an issue of the *Australian*, part of which states:

> The South Australian Government has intervened in a national wage case in support of a claim for a $40-a-week rise on behalf of more than 300 000 metal workers throughout the country.
>
> The move has shocked employers in the industry who have warned that the rise, if granted, could flow through to much of the workforce and cripple manufacturing industry in general.

So, here is very much a case of the pot calling the kettle black. The State Labor Government, in the dying weeks of its term of office in September 1979, intervened to support increased wages. Presumably, the Minister, when he intervenes using the power proposed under new section 146c, will intervene to support perhaps a more modest increase. Indeed, employers do that, and unions will often seek a higher increase than they ultimately receive.

It is one of the great sadnesses of the Australian system that traditionally Australian trade unions have emphasised the conflict between labour and capital and concentrated on obtaining a certain share of production, rather than looking to the volume of production itself and working towards the aim of increasing productivity and the size of the cake so that there is a larger piece for all. That is very much the procedure that one sees in countries such as Japan, West Germany, Switzerland, and other European countries.

I hope that we can see a growing consensus of the view that pay levels and profits alike depend on production, and that we can work together to achieve that goal. When the South Australian Industrial Commission awarded that 4.5 per cent increase, as distinct from the Federal award of only 3.6 per cent, it sent shock waves through South Australian employers. In the short term, certainly, it would advantage wage-earners, but in the long term it might not necessarily benefit the South Australian economy. I was therefore pleased to see that only this week Australia's industrial tribunals (the Commonwealth Conciliation and Arbitration Commission and the various State wage-fixing authorities) have agreed to seek uniformity in wage decisions. The agreement has set national ground rules for wage determinations later this year. This follows talks between Sir John Moore, President of the Commonwealth Conciliation and Arbitration Commission, and the various leaders of the State wage-setting tribunals. We all know that until this year State tribunals had worked closely with the Arbitration Commission on wage decisions, and that the South Australian decision, which broke away from the Federal award on 13 July, when a 4.5 per cent increase was awarded as distinct from the 3.6 per cent Federal increase, was an historical and pace-setting decision.

Therefore, this Bill is really only giving legislative effect to what has been agreed earlier this week. I refer specifically to new section 146b (2), which provides:

In deciding whether a proposed determination would be consistent with the public interest an industrial authority—

(a) shall consider the state of the economy of the State and the likely effects of the determination on that economy with particular reference to its likely effects on the level of employment and on inflation;

(b) shall give effect to principles enunciated by the Commonwealth commission (as they apply from time to time) that flow from consideration by that commission of the state of the national economy and the likely effects of determinations of the commission on the national economy;

(c) where there is a nexus between the proposed determination and a determination of the Commonwealth commission—shall consider the desirability of achieving or maintaining uniformity between rates of remuneration payable under the respective determinations;

Section 146b (2) *(c)* really does give legislative effect to the decision arrived at earlier this week at that Melbourne meeting.

I want now to reflect on something that was said in another place by the Deputy Leader of the Opposition, who tacitly acknowledged that Federal award rates are higher than South Australian award rates, and that they are already taking into account existing economic differences between the States. We do have a lower cost of living in this State, lower housing costs and greater industrial harmony, which doubtless reflects in those lower awards.

The Hon. Mr Blevins suggested that in every case that comes before the commission or other wage fixing authorities, unions involved will have to go to the expense and time of establishing and presenting economic argument. That does not necessarily follow. Undoubtedly, there will be time taken up in assembling economic arguments for presentation to wage fixing authorities, but in time people will come to accept that this is a proper consideration. I am sure that in time other States will come to introduce legislation that is not altogether dissimilar to this. It is already obvious that economic considerations are taken into account in wage-fixing tribunals at a Federal and State level. We have to accept that the capacity of industry to pay is something that has to be taken into account. I refer to the State Secretary of the Amalgamated Metal Workers and Shipwrights Union, Mr M. F. Tumbers, who is reported in the *Advertiser* of 22 August as follows:

So superficial are this Government's policies, so inept its physical management, it now resorts finally to a strategy of forceably weakening one section of the community through the courts as a means of combating levels of inflation for which existing policies are chiefly responsible.

That is obviously at odds with the real situation. This Bill does not emasculate the Industrial Commission. It does not make the Government the final arbiter of wage decisions. It is the Industrial Commission, the court and the other wage-fixing authorities that finally make the decisions on wage determinations, just as the Conciliation and Arbitration Commission at the Federal level has to take into account the economic factors set out in section 39. This Bill merely broadens the considerations that they have taken into account. Section 146b (1) establishes that they must have due regard to the public interest, the state of the economy, the effect of any decision which has been made by the Commonwealth commission, and any nexus which may exist between the Commonwealth and State awards.

In giving the Minister power to intervene, the Bill does no more than the State Labor Government itself has done from time to time. This Bill has been opposed mightily in this Council and more especially in another place with cries of dictatorial Government, and cries of not enough time to take the legislation into account.

The state of the economy, following the 1970s, is not blessed with much time to right itself. We need to take into account the financial realities of life, and excessive wage demands, if left unchecked, will not help this State's economy. It is incumbent upon the Opposition to appreciate that, if it does not support this Bill and if increased wages are granted that are out of order, the Opposition cannot then turn around later this year or next year and demand the head of the Government because there have been wage decisions that have been excessive, that have put the manufacturing base and other sectors of the economy under pressure, making life even more difficult for a State Government trying to govern as efficiently as this one has. The Opposition cannot have it both ways. It must accept responsibility in determining the best course of action for this State in the years that lie ahead.

We have already heard from the Attorney-General today in response to the Hon. Mr Sumner's contribution on the Supply Bill that wages over-ran Budget estimates by about $17 000 000, and that is in a State where the Budget deficit was $8 400 000, which is doubtless consistent with what other States are budgeting for this year. One cannot allow excessive wage demands to run unchecked. We must take the public interest into account, and both employers and employee interests must be taken into consideration for the long-term good of the State. I support the Bill.

The Hon. J. E. DUNFORD: I oppose the Bill, which should be tossed out of the Council as quickly as possible. It is unfortunate that this is the last sitting day before the Royal Show adjournment and that the Government has seen fit to rush through this Bill and its complementary Essential Services Bill. It has not escaped the observation of the trade union movement and, as I am a member of the Parliamentary Industrial Committee, I can say that this is the first time in the five or six years that I have been in Parliament that we have received representations not from 50 per cent of unions but from 100 per cent of unions in South Australia. I do not believe that this Bill will do the things the Minister thinks it will do. It will do exactly the opposite. As a former union secretary I understand that without the Conciliation and Arbitration Commission operating in this State we would have had industrial chaos. In my years as union secretary I filed hundreds of applications to the Industrial Commission and dozens of privately negotiated agreements with employers. On not one occasion was there ever any interference or intervention by a Government Minister.

We do not require the intervention of the Minister to support us. We have relied on the ability of our industrial officers and the case that we have presented to the court. In my opinion, the Industrial Commission of South Australia functions reasonably well. After all is said and done, there are a lot of people in the community who have only minimal award conditions. Awards registered in the court usually provide a minimum amount that an employer will pay an employee. I always maintained when negotiating private agreements with an employer that, if he gave the worker the minimum possible wage and conditions, he could expect only a minimum return. I used that argument over the years and convinced many employers that, if they wanted increased production, increased attendance and increased loyalty, they had to pay for it, because employees generally believe that most employers who expect more from their workers will pay more.

It seems that everything hinges on a commissioner's considering the state of the economy and the likely effects of a determination on that economy and on employment. From discussions with trade union officials, I understand that, if we are going to judge any application before the court (and I believe there are currently before the court some 19 such applications for increases ranging up to $30 a week) in relation to the economy of the State, we will be in a difficult

position. We know how bad the economy of the State is as a result of the mismanagement of the Government. It is not a good argument to put in an amending Bill that the decision whether or not workers in the State are to receive improved working conditions, rates of pay, etc., relies solely upon the state of the economy.

It has been put to me that the unions will be forced to present economic arguments in all wage and working condition cases. That will be time consuming. Many unions do not have the resources or full-time industrial officers who are able to present these sort of economic argument. It has also been pointed out to me that, when two expert economists give evidence and disagree, on what basis will the commissioner decide the case before him?

Basically, the commission is established to hear and determine industrial matters and to settle industrial disputes. This basis of settling matters on industrial fair play, without compelling the commissioner to consider the state of the economy, should remain. It should be added that, in practice, the employers do often argue about economics, but finally industrial considerations prevail. I have negotiated agreements in Port Pirie on several occasions and have represented 1 500 workers. On three occasions, an award came up for negotiation, and the company used economic arguments, saying that it would give the union nothing at all. The B.H.A.S. is still going and that was 12 years ago.

I presented a claim for an increase in dirt money of $1.30 a week. After three or four weeks arguing, the company came up from $1.75 to $2.75 a week for all workers, which represented $1 000 000 a year on its pay-roll. It was decided to recommend that we accept the $2.75 as it was thought that the negotiating committee was telling the truth and that this was the maximum that the company could afford. I was able to convince the mass meeting that more money should be paid and, as a result of my resolution being carried, the Industrial Commission intervened in the private negotiations and over a long period we received another dollar. That amounted to another $1 000 000 a year, and the B.H.A.S. smelters are still going.

I have negotiated hundreds of industrial agreements and on every occasion the employer argues economic poverty. This legislation is obviously intent on freezing the wages and conditions of South Australian workers. I believe that it will have the effect of consolidating the trade union movement. We know that the trade union movement is like the Liberal Party. It has its divisions, its left wing, its right wing, and its centre groups. However, as a result of this legislation the unions will consolidate their forces and will fight, if necessary, outside the commission, because no union will tolerate interference and reference of items to the Full Bench.

I see in this Bill that the scope of the right of the Minister in respect of the public interest is very wide. If the Minister argued that he had this right and one of the unions took him to the Supreme Court, which found that his definition of 'public interest' was wrong, it would take several weeks and by then the dispute would be settled, won or lost. What the Minister is doing will stop the present flow of progress that we have had in the State Industrial Commission over the number of years that I have been associated with it. I have heard Mr Brown say on several occasions that he believes that unions should resort to arbitration and conciliation and not go outside. I can recall Mr Brown's saying prior to and after the election that, before he did anything affecting any group in the community (not necessarily the trade unions), he would consult with it first. I know that when Dr Cornwall called the Government a liar, he was named. I am saying that Mr Brown has certainly been untruthful in making these promises to the trade union movement. He is trying to rush the Bill through the Parliament, along with that other scab document, the Essential Services Bill. I have often said that Mr Brown is too young, too incompetent and too inexperienced for the portfolio that he has.

The Hon. D. H. Laidlaw: Why did you put up with the Federal legislation for five years without opposing it?

The Hon. J. E. DUNFORD: What section of the Federal legislation do you mean?

The Hon. D. H. Laidlaw: I mean section 39, which provides for the commission to take account of economic factors.

The Hon. J. E. DUNFORD: The commission has not done that. In the basic wage case, the commission decided that that was not its responsibility. It has ignored the Government's request to take into account economic factors.

The Hon. R. C. DeGaris: It can't ignore it.

The Hon. J. E. DUNFORD: That was stated in the last judgment. I have seen it.

The Hon. R. C. DeGaris: Do you mean that the commission can ignore provisions of a Federal Act?

The Hon. J. E. DUNFORD: That is what the commission did. The Hon. Mr Foster can show the honourable member evidence of that. I do not say that the commission always ignores the economic factors but, if the economic factors are used as the main weapon on all occasions, as the employers use them, it does not hold water. I believe, and most people who have studied the Bill believe, that it will mean that the economic factors will be used like a big stick. The commission will be used as another arm of Government and the commissioners will rebel. They will certainly be supported by the trade union movement. The Bill makes it mandatory for the Public Service Board to consider the economic position of the State. Again, those arguments can be and are put up, yet there could be good industrial reasons why certain sectors of the public work force should receive increases that the Public Service Board would accept. However, now it could be argued that any increases would worsen the State's economic position. Overall, there will be more hurdles in the way of achieving industrial common sense.

Mr Brown referred to teachers: he said that they are overpaid and that they will receive a large increase. He also referred to other sections of the work force. From the second reading explanation it is obvious that the Minister will oppose and intervene in applications in relation to such people. Those applications will be referred to the Full Bench. I have already mentioned Mr Brown's inexperience, and this is borne out by further comments in his second reading explanation, as follows:

> There is generally within the community an expectation that there will be a wage explosion in Australia following the collapse of indexation. Already there are ominous signs that a general wage push has commenced in South Australia.

It seems that the Minister does not even know when wage indexation collapsed. For the information of the Council, it collapsed on 31 July 1981. The Minister cited 19 applications that he said supported his assertions, yet only four were filed after the collapse of indexation. In fact, 11 of the 19 applications were filed about a year ago and some have been substantially concluded. Perhaps the Minister would be better advised to adequately prepare himself before rushing into this absurd legislation for which there is clearly no need.

Of the four applications that have been filed since 31 July, the transport workers State award application seeks a flow-on of an anticipated Federal award decision in

accordance with a long standing nexus, and the same applies to the breadcarters award. The other two applications related to the breadcarters award and the yeast goods and cake and pastry awards. In the second reading explanation, the Minister referred to a wage explosion and to 19 applications, which he has either misread or about which he has been misinformed. Of those applications, four have some connection with the transport workers dispute; three involve the breadcarters, bread and yeast, and cake and pastry awards. Another application is in connection with the racecourse groundsmen award and anticipates an increase for a handful of employees of the Jockey Club. About 20 people are involved in that case. This gives us some idea of the ominous signs of the wage explosion!

Before leaving this topic, I point out that the T.W.U. application and the racecourse groundsmen application will no doubt be made out under principle 7 *(c)* 3 of the South Australian commission's wage fixing principle. The Minister should know, but probably does not know, that his counsel told the commission only seven weeks ago that there were no problems in regard to the operation of that guideline. He said, 'I would suggest that principle 7 *(c)* 3 be not so amended and that the wording of that particular provision remain as it presently is.'

The recent wage case decision did not follow the decision on wage indexation made by the Federal court; it gave the full 4.5 per cent flow on, and this is another reason why the Minister has seen fit to introduce this Bill. Economic arguments were delivered in support of the application. Independent economic witnesses stated that the commission could arrive at a decision one way or another. The views of two leading economists were taken into account. One of the economists was Professor Hancock, who, in the course of his evidence, stated:

> I would certainly agree that wages are only one of a number of factors affecting the relative economic position of different States and, if I were discussing the relative position of South Australia and other States, I would certainly be talking about factors other than wages as the predominant consideration or, equally, I wouldn't be giving great emphasis to wage related costs . . .

Professor Hancock, a brilliant economist, gave advice to the commission that would be contrary to any intervention by the Minister.

Another expert witness who gave evidence to the commission in the State wages case was Professor Harcourt, Professor of Economics at Adelaide University, who is soon to accept a position in the economics faculty at Cambridge University. He told the commission that it was in the best interests of the State that the 4.5 per cent wage increase, which was 0.9 per cent greater than that awarded at the Federal court, should be awarded. He was not a representative of the employers or the unions; he was an independent witness.

The Hon. R. J. Ritson: Are you saying that he doesn't have a political commitment?

The Hon. J. E. DUNFORD: There is something wrong with someone who does not have a political commitment. However, Professor Harcourt gave evidence not on a political basis but in regard to the economic situation. Economically, he thought the wage increase could be granted. I have no doubt that, if this Bill is passed (and I certainly hope it is not passed), Mr Brown will have economists in the commission arguing why certain claims should not be granted. There is no doubt about that. Whatever Professor Harcourt's political persuasion, the commission would be interested only in what he said as an economist. It would not be interested in what political Party he supported. To say anything else would be to cast aspersions on the commission. As I said when the Hon. Dr Ritson was absent from the Chamber, my experience with the commission has taught me that it is not overly generous, but I believe that it is fair and that the commissioners are people of high integrity.

The Hon. J. C. Burdett: They still will be—the Bill will not change that.

The Hon. J. E. DUNFORD: No, of course not. The Minister is absolutely right. Mr Brown will not change the commission, even though that is what he is trying to do. He is trying to intimidate the commission and is trying to foul up the Industrial Commission system.

The Hon. J. C. Burdett: He wants a right of audience in some cases.

The Hon. J. E. DUNFORD: He already has that. I am glad the Minister has interjected. Being a Cabinet Minister, he would know what was in the original Bill.

The Hon. J. C. Burdett: Yes.

The Hon. J. E. DUNFORD: What was in it?

The Hon. J. C. Burdett: It was not very different.

The Hon. J. E. DUNFORD: I will tell honourable members what the original Bill said. It did not say that the Minister could 'intervene' but that he could 'rescind' industrial agreements.

The Hon. C. M. Hill: Which Bill are you talking about?

The Hon. J. E. DUNFORD: I am referring to the original draft, which I saw last night. It states that the Minister will have power to 'rescind'.

The Hon. J. C. Burdett: The Bill introduced in another place does not say that.

The Hon. J. E. DUNFORD: No, I am referring to the Bill that he was going to introduce.

The Hon. R. J. Ritson: I think you just made it up.

The Hon. J. E. DUNFORD: No, the Hon. Mr Blevins knows that I did not make it up and he knows that I am right. We are not supposed to know about it, but I have already mentioned it and it is now recorded in *Hansard* so I cannot get out of it. I have said what was in the original Bill; that is what Mr Brown wanted to do.

The Hon. J. C. Burdett: I deny it.

The Hon. J. E. DUNFORD: I know that the Minister denies it, but I have seen it with my own eyes. The Hon. Mr Blevins said that I should not have mentioned that I had seen the original Bill.

The Hon. R. J. Ritson: He said that you did not see it.

The Hon. J. E. DUNFORD: No, he did not. That original Bill convinced me to speak in this debate because I know the evil intent of this wrongly advised Minister. He has watered his power down to intervention, so that it sounds more democratic and more like the Liberal Party. The Minister changed the word 'rescind'.

The Hon. J. C. Burdett: It was never there.

The Hon. J. E. DUNFORD: The Minister keeps on saying that it was never there, but I was not drinking last night when I read the document.

The Hon. J. C. Burdett: That's a change.

The Hon. J. E. DUNFORD: I would not like to keep up with the Minister; I would have to be pretty good. The Hon. Mr Burdett is upset because I have hit the nail on the head. I have exposed his shameful Government and what it intends to do to workers in South Australia. The Government wants the power to rescind industrial agreements that have been freely negotiated. That was its original intention. The Minister then removed the word 'rescind' and replaced it with 'intervene'. However, the Government believes that the present Bill will achieve the same result. The Government hopes to bog the unions down by flooding the commission with interventions. In that way it hopes to slow down the unions. The Government believed that if it set out to rescind something that had been agreed it would be too hot to handle.

We now know the Government's intention. The Hon. Mr Burdett can refute what I have said as much as he likes, but I know, the Hon. Mr Blevins knows, and several other members know what the original Bill contained. Professor Harcourt is soon to accept a position in the economics facility at Cambridge University.

He told the commission it was in the best interests of the State that a 4.5 per cent wage increase, 0.9 per cent greater than granted by the Federal Commission, be awarded. He said:

> ... the overall outcome is after all what is important in the end in determining profitability, viability, employment and growth and so on, may well be a more favourable one if you give full indexation here regardless of what's going on elsewhere than if you don't ... I think the best solution would be for the Federal Commission to go back to full indexation and I think it's a tragedy that they departed from it—even then I would argue that it is better for South Australia nevertheless to have full indexation than to have partial indexation.

I am sure that this Bill will not pass in its present form. I am aware of Mr Millhouse's comments in this morning's newspaper and I believe he has taken a sensible approach. I am sure that he will not be let down by his colleague, the Hon. Mr Milne. I am sure that he will see the ominous signs of industrial unrest, not of a wages explosion as outlined by Mr Brown.

I believe that this legislation is a forerunner to an election campaign by the present Government. The Government wants the unions to argue the economic situation in the industrial arena, but it does not want to argue that economic situation before the public of South Australia. Therefore, the Government must hang its hat on some sort of confrontation with the trade union movement. Once the Minister starts to intervene before the Full Bench, the Government will not be telling the people of South Australia the truth. The truth is that over the past 18 months South Australia has gone down the drain because of the Government's economic mismanagement. The Government will pass the buck on to the trade union movement. It is very sad that the trade union movement will have to react in the only way open to it in order to obtain wage justice, that is, out in the streets.

That was evident during the last transport dispute. The only thing I had against the transport workers dispute was that they were not going for more money for their workers. As an ex-transport worker, I point out to this Council that a $20 increase would represent a gross pay of $220 a week and it should certainly be much more. When the Government was in trouble during that dispute and the Premier was going to call Parliament together to enact an essential services Bill, he called in the President and Secretary of the Trades and Labor Council and the Secretary of the Transport Workers Union. Within a couple of hours they had sat down around a table, and the next day Mr Tonkin in the press congratulated those three leading trade union officials for exempting certain essential goods in the interests of the community.

That sort of action has been part of this State's industrial history. It resulted from consultation between the trade unions and the Government, and that is the sort of procedure that was promised by the Minister of Industrial Affairs. However, the next time that there is an industrial dispute in this State, I wonder whether Mr Brown will talk to the unions. I am sure he would like to have this Bill before him, along with the essential services Bill.

The Hon. R. J. Ritson: The powers will be used very responsibly.

The Hon. J. E. DUNFORD: The Hon. Dr Riston says that the powers will be used very responsibly. The powers that are required in an industrial situation such as the transport workers dispute can be enacted by Parliament during the dispute. It is not difficult to get politicians together in a matter of two or three days, if necessary.

There were many aspects of the transport workers dispute which were certainly repugnant to me. I refer, for example, to milk being tipped down the drain in Victoria. I could not see any justification for doing that or any way in which it could strengthen the case of the workers in the eyes of the public. I could not see how, with milk being destroyed and the public being denied access to it, it could help their case in any way. After all, the workers had all the other avenues at their disposal.

If this Bill is passed, I believe that it will put an end to the South Australian Industrial Commission as we have known it. Had Mr Brown consulted with the President and the members of the Industrial Commission, they would have advised him against this move. I do not know of any employer group (including the Chamber of Manufactures and the retailers) that has endorsed this legislation. It seems to me that Mr Brown has taken this action of his own accord. He is definitely inexperienced. The legislation does not have the support of the main participants in industrial disputes, namely, the employers, the unions, and the commission. This Bill is the Minister's idea of stopping the alleged wage explosion in South Australia. However, as I have said, that explosion is not occurring at all in this State.

While the Hon. Mr Bruce was contributing to the debate, the Hon. Mr DeGaris by way of interjection asked what was happening in Queensland. The only intervention of which I have heard by a Minister in Queensland was that by the Premier himself in the struggle by the power workers, who, with the Premier's support, won a shorter working week.

This Parliament should know that the Minister's original intentions, as contained in the first draft of this Bill, were even worse. I have stated that previously. The Minister's intentions reveal his true motives as a troublemaker. Not only did the Minister seek to give himself the right to intervene in consent agreements but also he wanted the right to rescind or vary those agreements. For the benefit of the Hon. Mr Burdett, I will read the proposals in the draft Bill. Do you want me to do that, Mr Burdett?

The PRESIDENT: Order! The honourable member should address the Chair.

The Hon. J. E. DUNFORD: The Hon. Mr Burdett interjected strongly on several occasions and said that what I had said about the original draft Bill was untrue. I will therefore read it for the Minister's benefit. The draft proposal was as follows:

> An application for variation or rescission of an industrial agreement may be made to the commission by a party to the agreement or the Minister and, upon such application, the commission may by order confirm, order or rescind the terms of the agreement.

What are the associated uncertainties, if that phrase has any intelligible meaning? It has been clearly demonstrated that the Minister has an existing right under section 44 of the Act to intervene in any proceedings before the court or commission. This legislation simply extends that right into the realm of consent agreements that currently require certification by the commission, pursuant to the Temporary Provisions Bill in any event. Such certification requires a proceeding before the commission and involves the right of intervention provided by section 44.

Is intervention by the Minister desirable? Clearly it is not. There has been little if any intervention to date during the time that South Australia has built its outstanding record of industrial harmony. That has been lauded all over Australia and overseas by this Premier and the previous Premier.

There is no panic on the wages front, as has been shown. Applications are being received at a rate that is a little

below average. Such applications are made, in the main, according to the existing wage-fixing principles of the commission, with which this Minister has declared that he has found no problem.

The Minister has claimed the need to have access to the Full Bench. Why should the Minister have the right to seek a referral to a Full Bench when it is not the wish of the employer or the union in the matter? Where the Minister is a party to an industrial matter before the commission, he has the right to seek a Full Bench hearing. That is clear from section 101.

Where the Minister is an intervener, no such right is expressly provided in the legislation. The carriage of an industrial matter should be in the hands of the unions, the employers and the commission. To give an intervener, be it the Minister or any other, rights greater than the parties principal to the matter is to turn justice on its head and all principle against the people for whom the commission is established. It is a surprising proposal from a Government that espouses limited interference by the State. I have indicated my personal ill feelings towards the Minister's introducing this Bill.

The Hon. J. C. Burdett: Shame!

The Hon. J. E. DUNFORD: Did the Minister hear what I said about the draft Bill? I read it out for him, and I will say it outside, too, if he likes. I have genuinely asked this Council to reject the Bill in its entirety, because the Bill is not needed. I believe (and I have not been wrong so far in my predictions regarding industrial relations matters) that it will sound the death knell of industrial relations in South Australia. It is certainly a reflection on a commission that has stood the test of time.

The Hon. K. L. MILNE: Having heard the speeches made by my colleagues, I am more convinced than ever that neither they nor I have yet grasped the full significance of this Bill, and that the Australian Democrats were wise in seeking a review of it.

I have listened intently to the debate and, while much of it was irrelevant, it has proved to me that the proper answer is probably somewhere between what the Government is saying and what the Opposition is saying, although at times it was difficult to understand what either of them was saying.

As all honourable members would know, we have had long discussions with the Government, the United Trades and Labor Council and some individual unions of this important Bill to amend the Industrial Concilation and Arbitration Act, 1972-1979. Each time that we talked to people, we got different views and came to the conclusion that the Bill had not been thought through properly and that the proper consultations with the groups concerned had not taken place, as they should have taken place, with a Bill of this kind. The groups to which I refer include the U.T.L.C., the public, individual unions and the Australian Democrats, who, as the *News* kindly (or should I say unkindly) pointed out, are in a special position of influence because of political fortune, proportional representation and, I might add, the grace of God.

The Bill comes before us as a matter of urgency, although it is much more complicated than it appears. I can see that perhaps the Minister should have more power in such an area, which is in his responsibility, but just how much power is another matter. Also, I am not sure that we have really discovered what the situation is now that indexation has been abandoned by the Commonwealth. In discussing this situation, Sir John Moore stated:

> For these reasons we have decided that the time has come for us to abandon the indexation system.
>
> Now that we have taken this step the guidelines will no longer apply in proceedings before the commission of the Public Service Arbitrator. The commission will deal with applications as filed, members of the commission will sit alone or on Full Benches and the various provisions of the Conciliation and Arbitration Act will apply. For instance the concept of the 'interests . . . of society as a whole' (section 4) will still permeate activities of the commission and of course Full Benches will still be required pursuant to section 39 to have regard to the state of the economy with special reference to likely effects of the level of employment and inflation.

Government representatives have said to us in our discussions that the Government is merely trying to fill the gap that this decision in the Federal sphere has created. I believe it has gone much further than that, and probably much further than necessary. Also, I have been worried about the way that Commissioners are expected to be economists, statisticians and actuaries as well as industrial umpires. First, it is unrealistic to think of them as such and, secondly, it is an impossible task. There is much discussion and confusion about the definition of 'public interest' and I do not wonder. For example, in the Comalco case in Western Australia—

The Hon. D. H. Laidlaw: It was the Alcoa case.

The Hon. K. L. MILNE: I thank the honourable member. The Alcoa case was referred to me in discussions because an agreement was made for a 35-hour week, and I can just imagine the discussions in court under the new suggested conditions. The Government would argue that it was not in the public interest, yet I understand that Alcoa employed another 200 men at a total cost that was lower than the previous cost, because part of the agreement involved the removal of overtime. Depending on how one thinks, that was obviously in the public interest. Now the unions covering that Alcoa activity in Perth are on strike because they are not getting overtime. It may again appear not to be in the public interest. When it is sorted out it will appear to be in the public interest, and it is not fair to place too much emphasis on what is and is not someone's idea of public interest.

In regard to the definition of the state of the economy, it is difficult for people properly or evenly partly trained in the law to try to say that they are accountants or economists and assess what is the state of the economy, partly because economists themselves cannot agree, and the Government and the Opposition certainly would not agree. Much more thought needs to be put into that part of any Bill that comes up in the future. Consequently, for these and other reasons we have requested the Government to drastically amend the Bill, and I look forward to finding out what it is willing to do. It would be in its interests and in this Council's interests as well as those of the State if it would do so. I support the second reading.

The Hon. N. K. FOSTER: I oppose the Bill, because I see no reason for it. From my long experience in the industrial world, agreements were reached that were not supported by Governments initially, and I remember that when a Government interfered or intervened it incurred the wrath of some of the most spiteful employers (absentee employers) in this country, both State and Federal. Perhaps the Hon. Mr Milne should have confided in us when he spoke in the Council about the extent and nature of the amendments that it was suggested that the Government should consider. Perhaps he meant or should have meant what Parliament would consider, because the honourable member is not a member of the Government, and he should not have excluded himself by that comment any more than he excluded his colleague, the member for Mitcham in another place, when he used that term. That is a matter of concern to me.

Now the Hon. Mr Laidlaw is in the Chamber, I would like to acquaint him with certain information. I refer to

'Wage Indexation', a discussion paper from the Department of Labour and Immigration of 1975. It relates to the 1960s, and I want Government members and the Hon. Mr Milne to listen to it. The report states:

> The preservation of the purchasing power of the basic wage versus the objectives of price stability.
>
> In the 1955—

I suggest the Hon. Mr Burdett listens because he is an amateur in these fields. He advised one of his colleagues in respect of legislation, and I believe he did not advise him correctly. The Minister should be a little patient; he usually becomes impatient and interrupts half way through—

The Hon. C. M. Hill: Get on with it!

The Hon. N. K. FOSTER: The Hon. Mr Hill would also be well advised to listen. The report states:

> In the 1965 *National Wage Case* the question of preserving the purchasing power of the basic wage was argued again, and although the majority decision refused to fix the basic wage on the basis of price movements, the minority decision (Kirby *C.J.*, Moore *J.*) contained views which have received support in decisions of the Commission in more recent years. In his judgment Kirby *C.J.* stated:
>
> > During the years of the annual review system which succeeded the automatic adjustment system, my thinking became gradually more preoccupied with the problem of price movements. I was interested not only in my role presiding over cases but also in my role of President concerned with all the workings of the commission. I progressively realised that unless at each review of the basic wage something affirmative was done about adjusting the wages to prices the fact that movement in prices had been considered in arriving at the decision did not necessarily mean anything real was done about the changed purchasing power of the wage.

That is important to remember. We are on about wages and, to some extent, conditions. We are talking about the spreading of monetary funds amongst members of the community. The report further states:

> I became convinced that the normal thing was that price movements should be the dominant factor in one's consideration of a review of the basic wage so that its purchasing power would, if possible, be preserved. However, I was concerned about two things, one a matter of principle and the other of mechanics. The matter of principle was what should happen if the norm was departed from, as for instance in 1951 and 1953?

I ask Mr Burdett, 'What was the norm departed from in 1951-53?' Mr Burdett laughs but he does not know what that departure was. I hope he will have the courage of his convictions to admit it later in the debate. The report further states:

> > The matter of mechanics was in regard to the accurate measurement of the movement in prices . . . What we did in 1961 was to put price movements as measured by the new Index in the dominant position but with allowance for particular circumstances which might possibly occur to make it necessary for price movement not to be the dominant factor at particular times. Then in 1964 and the present time there has arisen the contest as I see it in simplified form between the dominance of the objective of the preservation of the purchasing power of the basic wage on the one hand versus the dominance of price stability for the community at large on the other hand. I am strongly on the former side in this contest.

The President of the commission reiterated these views in his sixteenth and last annual report. He said:

> > The commission's function is to produce industrial harmony with industrial justice and in my opinion it will never do so unless it gives dominance to its constitutional and statutory objects. For example, the commission in modern times, although it must have regard to the fact that to do so might emphasise the problems of inflation, unemployment, lack of spending and so on, must not swerve from the two prime functions I have just mentioned. It is for the Government of the day through its fiscal or banking system to formulate the manner in which inflation and similar problems are to be dealt with and the Government should have no desire and certainly has no power and no right to try to make the commission the executor of its economic policy.

[Sitting suspended from 5.45 to 7.45 p.m.]

The Hon. N. K. FOSTER: Before the dinner adjournment I referred to the remarks made by the President of the Australian commission, His Honour Justice Kirby. A document, which arose as a result of a national wage case in Melbourne in July 1980, states:

> The commission has explained its function under the Act on a number of occasions since indexation was introduced and we do not propose to dwell on the subject at any length. However, we are bound to say that the employers' suggestion that it is the commission's statutory responsibility to maintain economic stability, overstates the position under section 39 (2) . . .

This is the result of indexation going out of the window. The document continues:

> In proceedings before the commission under sections 31 or 34, subsection (4) of section 34A or section 35 or 36A, the commission shall take into consideration the public interest and for that purpose shall have regard to the state of the national economy and the likely effects on that economy of any award that might be made in the proceedings or to which the proceedings relate, with special reference to likely effects on the level of employment and on inflation.
>
> The requirement in the Act to 'have regard' cannot be construed as vesting the commission with the responsibility, in the words of the employers, of 'maintaining stability within the economy'. Economic management is clearly outside its charter. That is a task for Governments. The commission's task is to settle industrial disputes and in doing so to have regard to those matters mentioned in section 39 (2).

The employers put up an argument, and this document represents the answer of the President of the bench. The South Australian industrial tribunals will become a rubber stamp under a Bill before the House of Assembly last night. Is it true that the Minister last night had to apologise to the House of Assembly for quoting from a Bill on his bench that was not the same Bill that lay on the benches of not only the members of the Opposition but also members of the Government? What, then, is the Government's intention in respect of this matter? Is it that there has been some form of collusion brought about in the State commission by employers in respect to this matter?

The Hon. L. H. Davis: Oh!

The Hon. N. K. FOSTER: The Hon. Mr Davis says, 'Oh'. Perhaps in a few moments I can acquaint him with some of the facts. Would Mr Davis accept as proof positive, if I were able to produce it to this Council tonight, a parallel both in *Hansard* and in a letter from Minister Brown to the bench and a reply by the person on the bench to whom the letter was addressed? Would Mr Davis then say that collusion is involved? Such evidence is in this Council tonight. It is a damnation on the Minister, and he should resign. I will table any letters that any member of this Chamber requires me to table in respect to the matter, and I will marry them on a word-for-word basis with the statements that the Minister made (from *Hansard*) on the 20th of this month in response to certain lawyers in this city who represented the Government and the employers, there being only two days difference in the month between those letters of correspondence and the Minister's *Hansard* speech.

It is all right for people within earshot of this Parliament to say that the fact is otherwise. If they are not aware of what their Minister is doing, it should be their responsibility, and I suggest they remain silent by both action and word. The matter has come to a disgraceful state of affairs. We are discussing a Bill that has been condemned by members of both this Chamber and the other place. Even members of the Government Party have made stringent condemnations of the Government in respect to the haste with which this Bill is being pushed through, when, in fact, they were addressing themselves to a Bill that was not even before them. The Minister misled the House of Assembly last night.

If one examines both Bills together, one finds that there is not a minute difference between them (as the Minister said last night in his address to the House of Assembly): actually, there is a vast difference. I want to draw the attention of honourable members, particularly Mr Milne, to the clauses in this Bill. I do not know whether the honourable member intends to propose amendments. For the purpose of clarity, I refer to the second Bill. The contents of the two Bills differ on page 3. One could say that there is virtually no difference, until one comes to the crunch situation when considering the commission. The commission will be deprived of any initiative, understanding and standing in the community, and a position will obtain which is a complete reverse of what was contained in the original Bill. Page 3 of the new Bill, the second Bill before the Council—

The Hon. R. C. DeGaris: Are you talking about two Bills?

The Hon. N. K. FOSTER: Yes, the Bill which was finally introduced, which is now before us and which is the original Bill. The second Bill is now before us. The original Bill was in the House of Assembly. Let us be clear about that.

The Hon. R. C. DeGaris: I am interjecting for reasons of clarity only.

The Hon. N. K. FOSTER: I thank you for that. New section 146b (2) *(b)* of the Bill now before the Council states:

shall give effect to principles enunciated by the Commonwealth commission (as they apply from time to time) that flow from consideration by that commission of the state of the national economy and the likely effects of determinations of that commission on the national economy;

That is all-embracing and it is very different from the other Bill. New section 146c of the Minister's first proposal states:

(1) The Minister may, where it is in his opinion in the public interest to do so, intervene in any proceedings before an industrial authority, and he may, in that event—

(a) make representations to the authority;

and

(b) if he thinks fit, call or give evidence before the authority.

It has gone much further than that in this matter. Indeed, it is a crying shame that one cannot draw that conclusion in relation to the way the Minister has performed. I am sorry that the Hon. Mr Davis has cleared out—no doubt he is on a running mission.

I now refer to an undated letter from the Minister of Industrial Affairs. I point out that it is from a Minister yet it is undated. That's a laugh! And his staff must be a laugh. The letter is addressed to His Honour Mr Justice L. T. Olssen, President, South Australian Industrial Court and Commission, 33 King William Street, Adelaide. The letter is signed by Dean Brown, Minister of Industrial Affairs, and it states:

You will be aware that a special Premiers' Conference was held in Canberra last Thursday to discuss appropriate means for wage determination throughout Australia following the abandonment of wage indexation by the Federal Conciliation and Arbitration Commission. All Premiers agreed to request the Presidents of their respective industrial tribunals to meet as soon as possible in order to assist the establishment of common principles so that there can be orderly processing of claims and consistency of terms in both Commonwealth and State Tribunals. A copy of the press release issued following the Conference attached for your information.

I do not think that I need to read the rest of this letter but perhaps some members might think that I am being less than fair if I do not. The letter continues:

I believe that it is appropriate in the light of these developments for the State Wage Case Full Bench Hearing set down for Friday 21 August 1981, to be brought on as soon as possible. It would be the Government's intention to then request the Full Bench to adjourn the matter *sine die*, together with all other applications which have been lodged since the abandonment of the Commonwealth tribunal's guidelines and which are, by their nature, in conflict with those previously held guidelines. I believe that it would be in the best interests of all concerned if this action was taken so that any decisions handed down are in the full knowledge of the outcome of the Conference of Presidents of Industrial Tribunals. It is my intention to inform the United Trades and Labor Council and employer associations of my request following your receipt of this letter.

The attachments referred to in the letter are not relevant to this debate. I draw the Council's attention to the fact that this letter was written by the Minister, although not necessarily signed by him.

Honourable members might recall that I requested Mr Brown to supply to Parliament a transcript from his department or from the Industrial Court so that it would be available to all members of this Council. Mr Brown replied and said that I could get it from the Miscellaneous Workers Union or the Trades and Labor Council, but that I could not get it from him. He then said that he would make the decision available in the Parliamentary Library. I went to the Chief Librarian this evening only to find that Brown had not honoured his undertaking. I can produce that letter when the secretary made available to Parliamentarians returns to this building. No such copy of the decision was made available to members of this Council, yet it relates to legislation which the Minister thinks is vital. Members in another place had to stay up until 3 a.m., 4 a.m. and 7 a.m. to consider this matter. The librarian suggested that he approach the Minister and ask for a copy of the transcript. I have now received a copy of that decision.

The Minister is very crafty because he never took the pages that he had been referring to and the pages he had handed out to his political stooges in this Parliament from the front of that document. I take the Minister to task for not being good enough as a person and for not being good enough as a Minister and for being lax, to say the least, by ignoring the wishes of members of this Council and ignoring the letter that he had written to me. The Attorney-General is a mate of Brown's in the razor gang. They should chop their salaries in half.

The PRESIDENT: Order! I hope that the honourable member does not refer to other members as 'Brown' and so on.

The Hon. N. K. FOSTER: The Minister and the Attorney-General, to use the phrase coined by the Federal Government and later accepted by the State Government at Cabinet level, are members of the razor gang. Nowhere in the flow of letters and correspondence has there been any suggestion by Mr Brown or any member of the Liberal Party that there should be some form of wage justice or that there should be some initiative taken by the State Government to overcome this problem, which they see as being so drastic that the matter has to be kicked around in Parliament late at night.

According to the newspapers, the wage system of this State rests upon the shoulders of one man. In a real and proper sense that is not true. This afternoon we heard members opposite decrying the end of wage indexation. It does not follow that indexation has ended in relation to this State's tribunal and its wage fixing ability. It has not ended at all. To put it quite clearly and precisely it has paused. It has paused because it no longer has any recognition. My colleagues on this side will recall my raising that matter in the Party room two or three weeks ago. I thought that I would raise that matter in this Council, but I do not think that I can. In relation to this particular matter, the Party room is much more important than Parliament, to this stage anyway, I put it to the Government, to the Leader and to the Hon. Mr Laidlaw quite clearly and quite bluntly. I note that the Hon. Mr Laidlaw is leaving the Council and I only wish that he was the Australian Democrat member this afternoon, because he would probably have quite rightly thrown this Bill out. Mr Brown, with the approval of Cab-

inet, only has to introduce a Bill to provide for indexation. Let us not have the humbug and hyprocrisy that we hear about industrial agreements.

I now return to what I said regarding the letter written by the Minister of Industrial Affairs. On page 6 of the court decision to which I have already referred, one sees the following:

> Before we call upon any of the other parties to speak on this matter there are, I think, one or two points which could usefully be made. The first is that I think that I ought to make it very plain right at the outset that there may be some misconception implicit in the letter as to the nature of the meetings which take place from time to time between the Presidents of the various tribunals.

Do honourable members remember Mr Brown's letter to the judge which mentioned that aspect? The transcript continues:

> The parties would appreciate that those meetings are not decision making meetings, nor could they ever be, it would be quite inappropriate and, of course, at odds with the legislation affecting all of the tribunals.

The Attorney-General, instead of playing with his pen, should take that aboard. His Honour continued:

> They are meetings at which essentially Presidents of the various tribunals exchange information and work towards a better co-operation in procedural terms with one another to ensure that when disputes occur there is the best possible means of providing assistance in resolving them. So that whilst the Presidents of the tribunals are in fact meeting on Monday of next week and had agreed to meet then some six months ago in the normal course. The nature of the meeting will not be to endeavour to arrive at any positive decisions; they could not do so for the reasons that I have mentioned. Nonetheless, certainly the heads of tribunal will, of course, exchange information and views as to what the issues arising in their various jurisdictions are likely to be.

I need go no further than that to clarify the matter and the scurrilous attempt by the Minister of Industrial Affairs to get the commission to do something that is grossly improper. If ever the Minister stands indicted because he has misconceived the totality of his responsibilities to his Ministerial portfolio, it is inherent in the letter that he wrote to Mr Justice Olssen and that gentleman's reply thereto.

I now refer to a little more of the tie-up, and mention Mr Bleby, who comes from an established firm of solicitors. Mr Bleby, who appeared in this matter, made certain utterances in the court, and the same utterances were made two days later by Mr Brown in a Bill. Did Mr Brown have members of his department taking shorthand notes at that hearing in order to provide himself with a Cabinet submission? Of course he did not. He had decided to do things his own way. I doubt very much whether I have been fair to the Attorney-General when criticising him as a colleague of Mr Brown's, as Mr Brown had perhaps done all this on his own. Despite what one might think of individual Cabinet members, I could not think for a moment that one voice would not be raised in warning regarding the actions of the Minister who is No. 2 or No. 3 in the pecking order.

So, this is a most serious matter. Indeed, it is so serious that the Government ought to adjourn the consideration of its own Bill, and indeed the whole matter, not only to allow employers to examine the situation but also to illustrate the collusion that has occurred between the Minister and certain employer representatives, such as Mr Bleby, before the State commission. The hearing was set down as a preliminary to the reopening of the State wage case. That is unforgivable. Indeed, I can draw no parallel with it (and I have had a wide experience in these matters) in a legislative sense. I was in the stevedoring industry, which was governed by legislation. It was necessary for the Government to legislate in relation to actions by that industry's board, and, later, its commission between about 1966 and 1970, or later. I have never known such a blatant case where a Minister has revealed his hand. There is no way, despite the public posturings of Federal politicians of either complexion, that one should allow oneself to become enmeshed in such a sorry situation.

The late Sir Alexander Downer, who for a number of years sat on a constitutional review committee that was investigating the way in which the Conciliation and Arbitration Act should go, brought down a minority report. I do not want to weary the Council with what that document, which I have in my possession in the Chamber, says. However, it is clear that that committee dealt with matters like that with which Mr Brown is trying to hoodwink the Parliament.

If the Minister wants to go all the way with this, he should, in the interests of wage and salary justice, and to maintain the purchasing power of those on minimum to average wages, widen the terms of the Bill in order to wipe out the anomalies that were inherent in the previous indexation system. Would anyone in this building be able honestly to say that a worker who lives adjacent to him and who must travel a 10-mile or 12-mile round trip daily in his own vehicle has not had to face whacking increases in the costs of running that vehicle? I refer not just to the increases in petrol prices, which is only one aspect of the matter. The other aspect is that such a person must pay the hefty taxes imposed by the Federal Government on fuel prices. That factor has been excluded from any consideration in relation to wage indexation. In this respect, I refer also to housewives who go to the supermarket to buy their groceries, the prices of which have increased because of the higher costs of transporting such goods from warehouses to the supermarkets.

In order to get out of the self-inflicted bind into which the Minister has got himself, he should legislate in the way that I have suggested. He should ensure that indexation is known and seen to be working justifiably in the light of the increases to which I have just referred. Mr Brown should ensure that the system does not collapse, and he should embody in the legislation the elements that I have mentioned.

The failure of the guidelines to be properly understood through the Federal Government's intervention or submission to the Federal Industrial Court meant that in many areas wage and salary earners lost a fair percentage of purchasing power. Another aspect was the movement from quarterly to half-yearly indexation hearings. That further reduced the opportunity for unions to seek wage justice for their members. Is it any wonder that we are in this position today?

I cannot produce in this Council any documentation as evidence of a deal between the Australian Democrats and the Government. It seems strange to me that a member who has been a member of this Parliament longer than any other present member would go along with an amendment or do a deal with the Government. It is obvious that a deal has been done. Members have scurried out of this Chamber tonight since I have been on my feet. The Minister has looked through the door twice since I began speaking.

The Hon. R. C. DeGaris interjecting:

The Hon. N. K. FOSTER: The honourable member sits in the same Party room as the Minister, yet this information has been withheld. Everything points to something going on. Whose back is being scratched? What is there for those involved? Why should the Hon. Mr Milne say that there are discrepancies (and I heard him on the radio), and why would he refer to two aspects of the Bill? He referred to public interest, and at the same time he could not tell the Council of his intentions, yet all members were hanging on his words because of his position in the numbers game in this Parliament and his power to make the Bill no longer effective. One tends to get suspicious when one has been in

the game as long as I have. I refer to my first two jobs immediately after the Second World War.

The PRESIDENT: The Hon. Mr Foster should not reflect on the character of the Hon. Mr Milne.

The Hon. N. K. FOSTER: I am not trying to reflect—I am trying to obtain answers. I have sat patiently in front of the Australian Democrat member in this Council for two years. Other members have consistently worn a path to his seat, driving the honourable member crazy. What is going on? I have referred to the collusion between the Minister (Hon. D. C. Brown) and Mr Bleby representing employers before the court. Bleby, who is an ambitious fellow and who is a nephew of a previous judge, is with McEwin and Partners, an old established firm in the city. He wants to get into this place, while the longest serving member wants to get out. The only way he can get out is to get on the bench.

Mr Millhouse has announced that he would like to get on the bench. Perhaps that is the collusion involved, and it is almost confirmed by the Attorney's biting his pencil and laughing at the same time. He has to hide his real feelings from the Council. There are forces at work outside this building in his own Party that will deny the Attorney the Chief Justiceship when Len King finishes. There has to be a reason: Sinclair had a reason—he was cooking the books; Fraser wanted to kick Gough Whitlam out; Kerr had a reason—all lawyers have a reason for the devious aspects of their lives.

The Hon. K. T. GRIFFIN: I rise on a point of order, Mr President. The honourable member has made an injurious reflection and I ask him to withdraw it. He has been given much liberty and is rambling on. His comment is irrelevant, and I ask for a retraction.

The PRESIDENT: I take the point of order and ask the Hon. Mr Foster to withdraw.

The Hon. N. K. FOSTER: What was the word I used, Mr President?

The Hon. K. T. Griffin: It was 'devious'.

The Hon. N. K. FOSTER: It is a good word.

The PRESIDENT: I ask the Hon. Mr Foster to retract.

The Hon. N. K. FOSTER: Unreservedly.

The PRESIDENT: I ask the honourable member to withdraw and not make any explanation.

The Hon. N. K. FOSTER: I do, Mr President, and I do so in a way that I have never done before—unreservedly. I am not concerned about the small-mindedness of individuals but about the collective of people outside this Council who rely on one wage, and a pretty poor wage at that, to exist in the type of economy that this Government has created. I refer to the great price increases demanded for simple commodities that they are expected to buy out of their mere pittance. Members in this Chamber are much better off.

Perhaps the Attorney will reply by interjection and say whether he knows that the Hon. Mr Brown, his colleague, had written to the President of the court?

The Hon. K. T. Griffen: I do not have to interject.

The Hon. N. K. FOSTER: Would the Minister have written to the Chief Justice interfering in a matter before the court? I refer to the long established practice handed down from one Government to another, from one judge or president to another over a period of years. One does not meddle in such things. Every time Governments attempt to do that they do not necessarily come out as winners.

I wish to refer to a transcript of one case before the court, wherein some revealing comments were made, at page 28, as follows:

Mr Bleby: There are some matters proceeding before the commission in accordance with the existing guidelines particularly in bread and cake and pastry but there are additional applications which have been filed, in addition to those applications currently—

His Honour: In those industries.

Mr Bleby: Yes.

Eglinton, C.: Are those applications in the transport area outside the previous Australian guidelines?

Mr Bleby: Well, the difficulty of course is to know just how they might be justified by an applicant and I've not made any of my remarks on the assumption that cases are within or outside those guidelines. All I'm saying is that there comes a certain date where this commission has to decide whether those guidelines are going to apply for a certain date either by way of applications lodged before or decisions made before and whether something else is going to apply after a certain date.

I will now quote Mr Brown's speech in *Hansard* as follows:

Whilst it is difficult to know just how these claims might be justified by the applicants and thus whether or not all would fall within or outside the wage indexation guidelines, nevertheless their impact on this State's economy will be significant. They are as follows:

And he goes on. That is a direct lift from that quotation that I have given from the hearings before the court. Mr Bleby, representing the employers, must have been in cahoots with Mr Brown. It is not just a throw-away line—it is there for any reporter to see a quote from *Hansard*.

The PRESIDENT: I hope it is in reference to the Bill.

The Hon. N. K. FOSTER: Yes, I am referring to the Minister's speech on page 19 of *Hansard*. We should know one another better than that, Mr President. I would not be so unfair as to do what Mr Brown has done to others. He has listed various awards and the claim per week. For the breadcarters award—$20; boarding houses and guest houses—$20. What honourable member would want to send his wife out to work in a guest house for the wages paid under that award? The Minister refers to bread and yeast goods, two claims for $21.30 and $20. They are claims before the court and are never fully met. The actual amount awarded is often only about 25 per cent of the amount claimed. He refers to brushmaking—$30; cafes and restaurants, which range from $8.30 to $15.70; cake and pastry—$21.30; canteen employees (industrial and commercial)—$28; canteens, dine-ins—$28; caretakers and cleaners—$10. A lousy $10 for cleaners, and the Government wants to take action against unfortunate people in the community on the wage that they are seeking. It must make good reading for Mr Brown.

He goes on to refer to catering and reception houses—$20; delicatessens—$20; dental technicians—$7.30; field officers (Road Safety Council)—a 5 per cent increase. They could get knocked down by some mad motorist and die, hoping that the court might make a retrospective arrangement to give 5 per cent to his widow because he did not live long enough. It goes on to refer to Fire Brigade officers—$23. They are fighting fires, such as the one that broke out in Sydney the other night, in buildings that do not meet the required safety standards. The next is the Minda Incorporated award—$20. I do not see any great gallop from the tertiary area to serve in those institutions for a meagre wage. The next is the S.A. Medical Officers—$60 approximately; transport workers (S.A.)—$20; transport workers (S.A. Public Service)—$8. I think that about 30 per cent of our total income as a nation is spent on transport one way or another. The last is the Teachers Salaries Board—12 per cent.

One honourable member, Mr Milne, may be being used without his knowledge in regard to this Bill. I am sure, after listening to him and the news broadcast tonight, that he is not aware of the implications of it. He was quite wrong to say this afternoon that many of the matters already referred to had not gone anywhere near the mark.

I refer now directly to the Bill. In its present form it will deny a right to those in the community who are making submissions on behalf of a wide section of the community.

I refer to the trade union advocates who are briefed on matters before the court. There was a period when certain judges of the Commonwealth jurisdiction refused to accept those advocates on behalf of trade unions and members who were employed by trade unions. I can recall a case involving the waterside workers when the advocate was refused permission to appear by more than one judge, and that union was forced to hire members of the legal profession. One person that the waterside workers used to brief and had to pay was Sir Garfield Barwick. It cost us a million.

Is that the sort of thing we want to have introduced into the State? The ability of advocates is much better in some respects than that of some of the eggheads, and that was proved in the recent wage case. Somebody has to foot the bill for the trade unions.

I absolutely oppose this Bill. I now find myself having to make the remark that those who have attempted to sugar the Bill have used strychnine rather than cane sugar, because the Bill spells the death knell for the freedom of those representing worker organisations to feel that they are uninhibited before the tribunal in the pursuit of wage justice for those in the community who seek it through the bench. The Government is deceiving itself if it thinks that, by going national in respect to the wage-fixing authority of this State, the problem of wage increases will be solved. That is false and foolish thinking.

I have heard here today in the debate that the Government underestimated by some $17 000 000 in its Budget and is attempting to lay the blame on wage increases. I ask honourable members to consider what percentage of that figure, be it right or wrong, emanated from Federal court decisions. The Constitution Review Committee of 1959 dealt with this question in more depth than any other matter under review and that review covers every part of the Constitution, but, I hasten to add, not necessarily every section. I notice that Mr Downer, a former member of Federal Parliament, had reservations, as stated on pages 174 and 175 (15 paragraphs, in all). It was stated:

> The alternative to Parliament having full power to legislate on industrial relations is not the creation of extra-parliamentary bodies as supreme industrial legislators with power to regulate every aspect of the industrial relations of employers and employees throughout the entire structure of Australian industry. Economic virility is better preserved if the parties are free to negotiate amongst themselves, and have recourse to the industrial machinery on matters unresolved between them. Accordingly, I believe in the retention of the concept of a dispute as the basis of Federal jurisdiction in industrial matters.

He brought in a minor report, because he disagreed with the recommendation of that committee in respect of the matters before it. I will not weary honourable members by quoting the recommendations other than to suggest that, if they wish to look at them, they appear at the foot of page 107. Nothing has changed in that short time of 20 years in respect of the hard won, often criticised but rarely altered, never accepted concept that the basis of this type of negotiation and understanding is sacrosanct within the unions, and it does not matter how much posturing there may be on either side of the political fence or on either side of the industrial area, be it the employers on the one side or the employees on the other. I will refer to this matter in relation to another Bill that may see the light of day in this Council before we rise tonight.

The whole matter is one of confusion and damnation, and is fraught with a great deal of danger. Has the union movement in this State to take the matter to a point of social disintegration before the Government realises the seriousness of the position in which this Bill will place the people of this State? The Bill is designed to pit person against person and one element of society against another. I have no doubt it will achieve that end. If we consider the world industrial relations (and I personally deplore the utterances of Australians abroad in respect of strikes in Australia, because I believe they say things without thinking), we will see that, on the overall record, Australian unions generally are well behaved indeed.

Canada has just experienced a strike of almost 12 months; the coal strike in America continued for almost 12 months; and the coal strikes in Britain usually last much, much longer than any strike in this country lasts. Other countries of the world experience transport strikes, even one of the countries of the world that has more unions than any other country—Japan. There are thousands of trade unions in Japan, almost one for every area of industry and manufacture, and when they decide to take out the stick the strike lasts from nine to 12 months.

There has not been an industrial dispute in this country of the magnitude of the great strike which took place in Broken Hill over 50 years ago (from memory) and which lasted for 12 months. There has been hardly a strike of any note in Broken Hill since then. Mount Isa is a classic example, with the strike in 1965 producing a lock-out. That strike continued for a considerable duration.

Finally, I sound a word of warning to those honourable members who are still in the Chamber: industrial chaos is brought about by unscrupulous employers who deny employees their proper rights and dignity. Chaos has been spelt out in strikes over a period of years. I worked in an industry from the early 1950s to the late 1960s and I could not pick one day on which there was not disputation because of the action of employers.

On 23 September 1965, the Federal Government introduced into the Parliament (through the Minister of Labour and National Service, the then Mr McMahon, later Prime Minister) a Bill in relation to ending strikes on the waterfront. That was the most vicious industrial legislation ever. The result was that there was not a union in the country worth its salt that did not telegram the then Prime Minister Menzies to the effect that he should seek an audience with the President of the A.C.T.U., Albert Monk. There was not a union in the country that did not state that the action, if ever implemented, would mean a total walkout. In 1965, there was the audience to which I referred, and an inquiry was set up under Mr Justice Woodward, the fellow who recently vacated positions in ASIO and in other areas.

They decasualised the industry and there has hardly been a strike since. When one hears of waterfront stoppages today one must look further than waterfront workers. The employers and the Government sought to intrude into trade union matters such as the denial of the right to strike, the right to freedom and the right to decent wages and that meant that the Government had come to the end of its tether and understanding. If this Bill is passed, that situation will prevail in this State. All the good relations built up over the years will then go down the drain.

This Bill deals with people in the community who are low wage earners and the most disadvantaged. They feel that their authority and status have been insulted. The Industrial Commission feels that it has been brutally assaulted by the legislative machine. I do not believe that any Government has the right to do that without proper and adequate understanding and dialogue between all parties, especially with those on the bench who must pass judgment. I have cursed those people in my day, and many advocates on both sides have done the same thing. However, I do not think I ever walked away from a hearing saying that I would drag everyone off the job because of a particular judgment. Although one may want to do that at first, one realises that that is not the proper remedy. I do not know of any judge of any jurisdiction who has not enter-

tained proper argument put forward by a union, apart from those I have already mentioned. There was also one other occasion in 1964 where the bench was particularly brutal in relation to a V.B.U. dispute.

By and large the bench deals with these matters in a fair and proper manner. I do not think that any unionist has walked away from a hearing saying that he had got what he wanted from the court. However, many unionists walk away and accept the decision. The only time unionists will not accept the decision is when it is a half-way decision. A decision such as the one given in the Public Service Board dispute is a different matter altogether. Immediately an imbalance is created in the minds of those people who play an integral part in the industrial relations system there will be trouble. Industrial courts should not be burdened for any great length of time with such hearings. In fact, they should be released of that particular burden to hear other claims arising within the trade union movement.

How long has it been since a case was heard in relation to the takeover by technology or reorganisation in industry occurring through the establishment of a different regulatory body? How many problems have there been in relation to manning scales on production lines? A motor car can be assembled in less time and at less cost than a few years ago. Is it any wonder that trade unionists are frustrated?

I accuse Mr Brown of misadventure in relation to the handling of this Bill. He must bear the responsibility for the additional cost and additional frustration brought about through the recent State wage case. That was one of the longest hearings ever in an attempt to save the State Government some money. What did his application achieve? In the end it amounted to less than 1 per cent. The Minister took it upon himself to have experts flown in from interstate and elsewhere. That case took quite some time, sitting late into the night and it may have even sat one Saturday morning. The Minister dragged that case on and on because he thought that he could save this State a great deal of money. The result was that he has probably denied the lowest paid people in this State about 80c or 90c a week. The final judgment from the bench was forecast and expected. If this Bill continues into the third reading stage it may well be that I will be on my feet quite frequently to defend the right of industrial organisations to be properly understood and not be downtrodden and overridden by the elements of this infamous Bill.

The Hon. R. C. DeGARIS: I do not know whether I can match the oratory of the Hon. Mr Foster. He spoke for an hour and a half and I was very interested in what he said, particularly those matters that did not relate to the Bill. It is sad that this Bill was presented to the Council today, because we are about to rise for the annual break in Parliamentary sittings for the Royal Show.

I believe that this Bill deserves deeper consideration than can be given in the time available. This Bill also lends itself to opposition from the A.L.P. to a measure that has some merit. The only way the A.L.P. can attack the problem is head on, and I think that is somewhat sad. The A.L.P. has clearly stated its position on the Bill—absolute opposition to all its clauses.

This is an example of the type of legislation that should have been referred to a committee of the Legislative Council, where the views expressed by the Australian Labor Party and the Australian Democrats could be carefully considered before a decision was made. Although the trade union movement opposes the provisions of the Bill with a good deal of vigour, and the A.L.P. is reflecting that view in the Parliament, I accept that, following the decision of the Select Committee on random breath testing, A.L.P. members and Liberal Party members serving on inquiring committees can come to a reasonable view if given the time and evidence to enable them to do so.

I do not know much about industrial matters. For expertise in those matters, I prefer to take my views from an assessment of those who do have a close relationship with the industrial field. So, my contribution to this debate will be more of a comment on the Bill as a legislative document rather than my dealing with the underlying philosophy of the Bill, although I will touch a little on that aspect.

I see nothing difficult in the commission's being required to take into account and consider a question of the public interest. If one reads the Industrial Conciliation and Arbitration Act, one sees constantly the question of the public interest referred to therein. As the Minister said in his second reading explanation, it is already contained in section 39 of the Conciliation and Arbitration Act. So, I take no point on the necessity of taking into account the question of public interest.

Argument has been advanced today that one cannot define what is meant by 'public interest'. However, I do not think that that is a reasonable opposition to the Bill because, as I have said, the Industrial Conciliation and Arbitration Act and section 39 of the Federal Act use those words. It is Parliament's clear responsibility to support a legal framework which insists that the commission make decisions based, among other things, on the public interest. After all, that must be one of the major considerations of the commission and of setting up the Industrial Conciliation and Arbitration Act in the first place.

The Bill redefines 'industrial agreement'. Previously, it was defined as 'an industrial agreement filed under section 108 of this Act', and it includes 'any industrial agreement that is pursuant to section 112 of this Act continued in operation as an industrial agreement'. The definition previously provided that 'an industrial agreement to and in relation to this Act applied pursuant to section 113 of this Act'.

I point out that in the definition in the principal Act 'industrial agreement' means an industrial agreement filed under section 108. The first amendment made by the Bill changes that definition to an industrial agreement made under Part VIII. So, no longer under the definition of 'industrial agreement' does the matter have to be filed. Any agreement made under Part VIII is an industrial agreement. This change concerns me, because I do not quite understand exactly what that means.

I refer to the point raised by the Hon. Mr Blevins regarding industrial agreements. I am unsure whether all industrial agreements that are made fall within the ambit of the Industrial Conciliation and Arbitration Act or whether agreements can still be made outside that Act. That question concerns me, and I should like information from the Minister regarding it. I could make certain other points, although I need more information regarding industrial agreements.

Also, I do not object to the Minister's having the right to request a reference of matters to the Full Commission. This matter has been dealt with by honourable members in the debate. Section 100 of the Act provides that the Minister may refer any award of a committee or any part thereof to the Full Commission. The Bill provides that the Minister also will have the power that he now possesses under section 100. That will be incorporated in section 101, under which an appeal can lie. My point is that the Minister already has that power under section 100. He can refer any award to the Full Commission.

This Bill merely gives the Minister power to refer matters other than awards to the Full Commission. I do not see where there is any great fault in that power lying with the Minister, when he already has that power under section

100. Perhaps those who strongly oppose that part of the Bill may explain in Committee why they oppose it, when, as I have said, the Minister already has the power under section 100 in relation to awards.

The next part of the Bill that concerns me includes new sections 146a and 146b. I do not intend to deal with that at length now, although I may have more to say about this aspect in Committee. New section 146a, which comes within Division 1A, is the interpretation provision. There is a series of industrial authorities. 'Industrial authority' means the commission, a committee, the Parliamentary Salaries Tribunal, the Public Service Board, the Public Service Arbitrator, the Teachers Salaries Board, the Local Government Officers Classification Board, or any other authority or person declared by proclamation to be an industrial authority. New section 146b relates to the industrial authorities having to pay due regard to the public interest. New section 146b (2) *(a)* contains a reference to the industrial authority, as follows:

> shall consider the state of the economy of the State and the likely effects of the determination on that economy with particular reference to its likely effects on the level of employment and on inflation.

I raise doubts about that clause.

The Hon. D. H. Laidlaw: It was much worse when originally drafted.

The Hon. R. C. DeGARIS: Yes, I realise that, and I realise the amount of work that has been done in the back rooms on this Bill. I believe it is possible to make a determination in relation to the national economy, and it is possible to include a consideration of the public interest, but I have grave doubts whether it is possible to make any consideration of the economy of the State on a rational basis. I find that extremely difficult to understand in regard to this point.

Is it possible that a Government may find itself in difficult financial circumstances and claim that it cannot afford any increases because of the state of the economy of the State? Is that the economy of the State or not? Can the section act in this opposite direction? Could there be a period when South Australia enjoyed, for a brief period, a flush of development or an extremely good season over and above the national level and the State economy could afford increases beyond those granted at the national level? I make that point because I do not believe it is possible in this consideration for a determination to be made of the economy of the State in isolation.

Perhaps I am making a case for total Federal power in regard to wage fixation matters. I do not know whether that is the case or not; nevertheless, I believe that this provision has a serious philosophic difficulty in this regard. The provision goes further because, not only must it take into account the question of the economy of the State, but there is reference to the likely effect on the level of employment and inflation. I refer to the question of the State commission making a determination in regard to the authorities that have been mentioned and others, where they must take into account the effect that their decision will have on inflation. Inflation is a national problem.

For example, if the Local Government Officers Classification Board makes a determination for a heavy increase in salaries for local government officers, one could say that the effect on inflation would be nil in Australia from such a salary increase. I do not see how inflation can be a question in regard to State wage-fixing organisations. How can they take it into account? What worries me the most about this provision is that it can work both ways. It can work to the detriment of people applying for wage increases, and the other way is that it is possible for increases to be granted above those granted in other States and nationally.

They are the only comments that I desire to make on this Bill, except to reiterate that I am sorry that a Bill of this nature has come before the Council at such short notice, because it has aroused much opposition from various elements in Parliament. Some of the opposition is unfounded. If one examines some of the points that have been made, there is justification for laying down guidelines that the commission must follow in its determinations. I find no fault with some of the provisions. I am concerned about the three points I raised: first, the question of the industrial agreement; secondly, the question of relying upon the economy of the State in this matter; and, thirdly, including determinations in relation to inflation, which I believe no State commission or authority can consider in isolation from the whole national scene. I support the second reading.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank honourable members for their contributions to the debate. Some of the matters which they have raised will doubtless be further addressed in Committee. I intend to reply briefly and cover in a general fashion the contributions that have been made. In doing so, I would pose the question: what does the Bill do in its present form? It does provide consistency between the national and State industrial environments. It does clarify the right of the Minister as an intervener to have a matter before a single commissioner committed to the Full Bench. It does tidy up the interrelationship between the principal Act and the temporary provisions legislation. It does defend the public interest in industrial matters.

It is worth considering what it does not do. It does not provide any power for the Minister to dictate to the commission. Some of the remarks made by honourable members have seemed to indicate that that is the case, but it does not do that. It simply gives a right to the Minister in certain circumstances to intervene. It does not provide any additional right for the Minister to intervene where an industrial agreement has been filed before the commission to be registered. There is an underlying assumption in all the arguments of the Opposition that, if this Bill is passed, the Minister will intervene in every matter before the commission, but he has had this power previously and has not used it recklessly. Why will this Bill change that in regard to the Minister's right to intervene?

The Hon. Frank Blevins: Why does he need it if he already has that right?

The Hon. J. C. BURDETT: The power is somewhat extended. The power to intervene is already there. The Hon. Mr Bruce said that the Bill allows the Minister to intervene and then dictate the matters to be taken into account, but the Minister is only one party. The commission will still give weight to all arguments placed before it. The Hon. Mr Bruce also suggested that the unions have not the capacity to argue the state of the economy, yet it was the T.L.C. that launched a long argument before the most recent State wage case on economic grounds.

The Hon. Mr Dunford reflected on the competence of the commission to consider economic arguments. The Federal and State commissions have been doing so for a long time. The Hon. Mr Dunford made his claim, even though the Federal Act contained in section 30a the requirement that the Full Bench take notice of economic impact. The honourable member attempted to confirm his statement by referring to the most recent decision of the commission. However, the decision he referred to was the most recent State wage case and not the Federal one. The very point of this whole Bill is to give the State commission a charter to consider economic effects. The Commonwealth Act has since 1972 enabled the Full Bench to have regard to the effect on employment and inflation of their decisions. The

Hon. Mr Dunford claimed that he knew of no support for the Bill from any employer group or the commission. In fact the Employers Council has been consulted and has not opposed the Bill. The Government has consulted the employers over many months in respect to the principles contained in the Bill. They have examined the Bill—

Members interjecting:

The PRESIDENT: Order!

The Hon. J. C. BURDETT: The Industrial Commission, through its President, has been consulted, and no objections have been raised.

The Hon. Frank Blevins: But not the unions?

The Hon. J. C. BURDETT: The unions have been consulted but they have not indicated objections. In regard to the Hon. Mr Milne's comment that it is too difficult for the commission to determine the matter of public interest, I point out that the commission has previously had to have regard to public interest and has been able to satisfactorily resolve the matter. The Hon. Mr Foster read a long passage related to the view of one former President of the commission on the role of the commission in wage cases. At that time there was no requirement for the commission to have regard to the economic impact. That provision was not inserted until 1972 and has been in force since.

The case to which the honourable member referred was much earlier than that. The section of the Bill which we are proceeding with at least provides that the Industrial Commission must have regard to the public interest as defined therein in connection with giving effect to any industrial agreement or variation of any award. It provides consistency between the State and the Federal guidelines. It does not extend to industrial authorities other than the Industrial Commission in the form which we would hope to proceed with. The Bill will clarify the doubts as to the right of the Minister to ask that a matter be referred to a Full Bench.

The Government maintains its firm belief that the whole of the Bill is necessary and desirable. However, we do not propose to proceed with all of it at this time. Questions have been raised and we are prepared to give time to consider those questions. I indicate now that when we go into Committee I propose to seek to report progress at clause 2 so that matters may be further considered. The Government will raise these matters at another time because we believe that they are all necessary. Unless the whole of the provisions are agreed to in the near future we believe that decisions will be made by industrial authorities which may have massive impact on the economy of the State and on employment and inflation. Yet, these industrial authorities have at present no charter to consider the economic impact of their decisions. The only basis on which trade unions can oppose these provisions is their belief that they should be able to use industrial muscle to obtain sweetheart agreements which can be against the public interest.

The Council divided on the second reading:

Ayes (9)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Noes (8)—The Hons. Frank Blevins (teller), G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, N. K. Foster, Anne Levy, and C. J. Sumner.

Pairs—Ayes—The Hons. L. H. Davis and C. M. Hill. Noes—The Hons. J. E. Dunford and Barbara Wiese.

Majority of 1 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

[Sitting suspended from 9.25 to 11.22 p.m.]

Clause 2—'Commencement.'

The Hon. FRANK BLEVINS: Clause 2 states that this Act shall come into operation on a date to be fixed by proclamation. The Opposition believes that the Act should not come into operation at all. Since the reasons we say that have been canvassed in the second reading debate extensively by honourable members, I do not intend to go over all that again. In summary, I point out that this Bill has come before this Council with no consultation whatsoever having taken place with one of the principal parties affected by it—the trade union movement.

In response to the second reading, the Minister of Community Welfare stated that he had had extensive discussions over many months with employers and with the commission itself, but no consultation at all with the trade union movement.

The Hon. J. C. Burdett: I didn't say that.

The Hon. FRANK BLEVINS: The Minister interjects softly that he did not say that. He said it as regards the employers and the commission, and I am saying it as regards the trade union movement. The Minister knows that it is a fact.

Not only does the Opposition believe that the Act should not come into operation on any day, let alone the one to be proclaimed, but also it was my understanding that the Australian Democrats were of the same view. This morning's *Advertiser* referring to the Australian Democrat Leader in the House of Assembly, Mr Millhouse, contained the following report:

> The Industrial Conciliation and Arbitration Act Amendment Bill would not be passed this week and might never be passed, Mr Millhouse said yesterday.

To me, that was a very clear categorical statement. If a person made such a statement, one would assume that, if such a person had any honour at all, he would adhere to it. What has transpired over the past couple of hours shows that the word of Mr Millhouse, the Leader of the Democrats, is totally worthless.

Members interjecting:

The CHAIRMAN: Order! I remind the honourable member that we cannot have a full scale debate on this clause; he should deal with the clause as it appears in the Bill.

The Hon. FRANK BLEVINS: I am dealing with the clause, which states that this Act shall come into operation on a date to be fixed. I am developing an argument that it should not come into operation on a day to be fixed or come into operation at all, as the Democrats have said and as we have said throughout. I claim to be directly speaking to the clause. On the front page of the *Advertiser* this morning, the main headline is, 'Democrats back down on tax bill row'. That refers to Federal Parliament. In this evening's *News*, the main headline is, 'Democrats gutless, says Hayden'. We say exactly the same thing.

The CHAIRMAN: Order! I do not care what was said in that paper. The honourable member is not now dealing with the clause, and I ask him to come back to it and develop his argument.

The Hon. FRANK BLEVINS: It is quite clear from the evidence in Canberra and in this State that the word of the Democrats is totally worthless. They are Parliamentarians completely without honour.

The amendments that have been circulated to this Bill are cosmetic amendments only. They do absolutely nothing at all to change the Bill itself. Basically, the wording of some of the clauses has been altered to make them more acceptable to the Democrats without in any way whatsoever changing the nature and general thrust of the Bill.

The Hon. C. J. Sumner: Have the Democrats been conned?

The Hon. FRANK BLEVINS: If one were to be charitable one could say that the Australian Democrats have been conned by the Government. However, I do not believe that for one moment. The Democrats have not been conned by the Government at all: they know precisely what they are doing and what they have done in collusion with the Government. They have allowed some cosmetic changes in a futile attempt to save face when they know that their actions in this Council tonight are as dishonourable as were the actions of their counterparts in Canberra earlier today.

The Opposition will oppose the clauses in the Bill. It will also oppose the amendments, which do nothing whatsoever to improve the Bill. I suppose that if one were nit-picking one could say that in some minor way some of the amendments were the lesser of two evils. We maintain that the whole Bill is so evil that we are not looking for marginal improvement. The marginal improvements do nothing to take away the general thrust of the Bill. Some comments will be made by honourable members as we go further through the clauses. However, we will oppose the clauses and the amendments.

To conclude my remarks, I stress that the Opposition does not believe that the Bill should go through the Council. We concur completely with what Mr Millhouse said in the paper today—that the legislation should not be rushed. There has been no consultation whatever with one of the principal parties involved. It is the worst possible type of legislation inasmuch as there is no consensus about it at all. No consensus has been attempted. It is legislation that will fundamentally change the Industrial Commission in this State, yet there has been no public debate at all. The Bill has been rushed through Parliament in a most undignified and undemocratic way, and for that reason we completely oppose this clause.

The Hon. C. J. Sumner: I thought Mr Millhouse said yesterday that he was not going to let the Bill through.

The Hon. FRANK BLEVINS: I have dealt with that. Throughout Australia, the Democrats have come out of this past 24 hours very badly. In one way, I am pleased to see them exposed for what they are—a bunch of political waffflers without principles or policies. Because of their actions—

The CHAIRMAN: Order!

The Hon. FRANK BLEVINS:—they have had their day.

The CHAIRMAN: Order! If the Hon. Mr Blevins thinks that I do not mean what I say when I say 'Order', I will have to deal with him in some other way. He is getting a long way from the clause. He has already given the Democrats a reasonable pay-out.

The Hon. N. K. FOSTER: It is all right for the galahs on the other side to laugh.

The CHAIRMAN: Order! The honourable member must return to the clause.

The Hon. N. K. FOSTER: The clause deals with galahs, because the galahs will be considering the clause under discussion. They are the people who know not what they do. Because of what they are doing in ignorance, they will condemn those who make any feeble attempt to defend themselves. It is all right for the Leader of the Council to sit in another place in this Chamber and cackle with the Minister of Health. They should have some respect for you, Mr Chairman. Shut up or get out, the three of you.

The CHAIRMAN: Order!

The Hon. N. K. FOSTER: I say that because of my respect for you, Mr Chairman. They are cackling, and interjections from the back row should be stopped. The Bill will come into operation on a day to be fixed by proclamation. The person who told that to members opposite should also have told them that a fiddle is involved. If we are to seriously consider a day of proclamation, the Executive Council is involved, and that is why I would like to see the Attorney take his rightful position in this place, instead of skulking with a Minister in the background, because there is no need for that—

The CHAIRMAN: Order! I ask the honourable member not to refer to whoever is in the gallery and to concentrate on the clause. This matter is not a joke.

The Hon. N. K. FOSTER: Who is in the gallery? I say this and no more—the rules have allowed me at this point to address myself to a paragraph in the Bill that consists of 12 words. It is not easy to do that, and I realise that. Executive Council will insist that the Governor of the State place his signature on this infamous document that has been introduced by members opposite who know not what they do. I want to reiterate within the bounds of reason and propriety that there is a person within hearing in this Chamber who should take his rightful place in the Chamber, because he is one of the principal officers of the Government when the Government is acting out its role as an Executive Council to determine at what time and on what day or hour it will inflict a burden on a very large percentage of the community in the form of the provisions in this clause.

He is the fellow who will grab $60 000 of the taxpayers' money and he should at least present himself in the Chamber. He should be prepared to come in, as the Leader of this place, when the buzzers ring. Instead, he has enthroned himself outside the area of the Chamber. He should extend the courtesy to members on this side of being available for questions to be directed to him in respect to this matter.

The CHAIRMAN: Order! The honourable member must come back to the clause. I will give the honourable member one more chance.

The Hon. N. K. FOSTER: I will not get tossed out tonight, because I have a lot to say about the clauses of the Bill. Back-benchers on this side and on the Government side will not even be told when the Bill is to be proclaimed. They can take little comfort from that. Had I known that members in this place would take such an attitude towards certain other clauses of the Bill, I would have opposed clause 1, but it has been passed and I will not go through the tedious business of having it reconsidered. My wailing about this matter has had some effect, because at least the Leader of the House has now returned.

Might I say, in respect to your arduous position, Mr Chairman, sitting as you do as Chairman of Committees, that your position may well be tested as to whether we are sticking to the clause. For instance, it is not for me to decide whether the word 'This' at the beginning of the clause has a double meaning. Does it mean the 'this' that is? I could go on and refer to the word 'Act', and seek a definition. One could go on if one wanted to filibuster—do not worry about that.

The Hon. C. M. Hill: What do you think you are doing now?

The Hon. N. K. FOSTER: I am not filibustering now: I am pointing out that it can be done, and perhaps it should be done, because of the scurrilous manner in which this Bill has been dealt with tonight. Some members have no more intention of keeping their undertakings than they have of seeking out the nearest undertaker for a wooden suit.

The Hon. C. J. Sumner: Who are they?

The Hon. N. K. FOSTER: I am disgusted that the Australian Democrats have seen fit to back down twice in this Chamber in two years. It is beyond a joke. I have been more than tolerant. I suggest that the Hon. Mr Milne should vote against this clause, put it to a vote, and agree with anyone on this side who seeks to move an amendment

relating to the date of proclamation. That is an avenue, as late as it may be, for the honourable gentleman, who said tonight on a radio broadcast, which I heard as I drove home, that the Bill does not permit the requirements that the principles of his Party support—and I have put his words in a slightly different way. I cannot understand why anyone in this place who is not a dedicated fool to his political beliefs would want to inflict the impositions that this Bill will inflict on the greater and more important members of this community.

The Hon. J. C. BURDETT: The Hon. Mr Blevins said that he intended to address the Bill generally and express his opposition to it. That was fair enough and I think that can best be done at this stage in this clause. The Hon. Mr Blevins said that the Industrial Commission ought not to be changed. The Bill does not change the commission, nor do the amendments. The Bill does not seek to change the commission at all; it is left in its present form. All that can be said is that there is some impact in the Bill on the guidelines presented to the commission. I believe that comments made by the Hon. Mr Blevins, and certainly those of the Hon. Mr Foster, in regard to the Australian Democrats, were very much less than fair.

The Hon. J. R. Cornwall: Are you getting into bed with them now?

The Hon. J. C. BURDETT: No, I am not. In this mornings *Advertiser* Mr Millhouse, the Leader of the Australian Democrats, said that the Bill would not be passed this week in its present form—and it will not be passed this week in its present form.

The Hon. J. R. Cornwall: It may never be passed.

The Hon. J. C. BURDETT: Yes, it may never be passed in its present form. Honourable members only have to take a cursory look at the amendments that I have placed on file: Clause 4—this clause will be opposed; clause 6—this clause will be opposed.

The Hon. Frank Blevins: And you pick them up again later on.

The Hon. J. C. BURDETT: No, I do not. It is very apparent to anyone that they are substantial amendments to the Bill. It is just not fair to say that the Australian Democrats have let the side down or gone back on what they said this morning, because the Bill that is being presented to the Committee tonight is in very different form from that which was previously proposed. I think that what the two honourable members who previously spoke said about the Australian Democrats is totally unfair.

The Hon. J. R. CORNWALL: I propose to refer to clause 2, which will come into operation on a date to be fixed by proclamation. I reiterate what my colleagues have said. I take issue with what the arch hypocrite Mr Millhouse said in this morning's *Advertiser*.

The Hon. J. C. BURDETT: Mr Chairman, I rise on a point of order. That language is unparliamentary.

The CHAIRMAN: Do you want it withdrawn?

The Hon. J. C. BURDETT: Yes, I do.

The CHAIRMAN: The Hon. Dr Cornwall has been asked to withdraw.

The Hon. J. R. CORNWALL: Yes, certainly, I will do that. I refer to what that mendacious fellow in another place, Mr Millhouse, had to say to get his big headline on page 3 of this morning's *Advertiser*. Refering to Mr Millhouse the report states:

> He said his colleague in the Legislative Council, Mr Milne, would use his vote to stop its being passed.

He was referring to the Bill. That is what Mr Millhouse, the arch hypocrite, was reported to have said in this mornings paper.

The Hon. M. B. DAWKINS: Mr Chairman, I rise on a point of order. This clause says nothing whatever about Mr Millhouse.

The CHAIRMAN: We have been right through that. The Minister in charge of this Bill said that this was perhaps the clause where there could be general discussion. I point out to the Hon. Dr Cornwall that he must not wander too far away from the clause.

The Hon. J. R. CORNWALL: You are quite right, Mr Chairman, just as you usually are. We have stood around for two hours while the Government has done a dirty deal with the Hon. Mr Milne. We have put up with the cant and hypocrisy of the Hon. Mr Milne in this Chamber for almost two years and it is about time that he was brought to book. He is a Liberal in a dirty white shirt. He is the greatest phony since Father Christmas. It is impossible to believe that the Hon. Mr Milne is as naive as he pretends to be. No-one could be that stupid. The fact is that he belongs with the Democrat Senators in Canberra, whom Mr Hayden has quite rightly described as the 'gutless wonders'. The Hon. Mr Milne stands absolutely condemned tonight and he should be thoroughly ashamed of himself.

The CHAIRMAN: Order!

The Hon. J. R. CORNWALL: I oppose clause 2 completely.

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

The Hon. J. R. CORNWALL: I have finished, Mr Chairman.

The Hon. N. K. FOSTER: I refer to the 10 or 11 words which you say, Mr Chairman, that we can debate at the moment. The Bill says, 'The Act shall come into operation . . .'. Why should it? The Government has said that the Act shall come into operation. It is all right for you to laugh back there Jennifer—go back to Coles.

The CHAIRMAN: Order! The Hon. Mr Foster will resume his seat. The honourable Mr Milne.

The Hon. K. L. MILNE: I have listened with interest to what the Opposition members have been saying with great emotion. I think that their emotion has perhaps led them a little bit astray. This morning I was telephoned by Stephen Middleton of the *News* who referred to what Mr Millhouse had said in the *Advertiser*. He said that he was interested in what Mr Millhouse had to say but that he wondered what I was going to say. Honourable members may have seen the article in the *News* headed 'Talks to settle fate of key Bill'. I mention this because we are discussing whether the Bill should be proclaimed at all. The article said that I would meet with Mr Brown to consider the Industrial Conciliation and Arbitration Act Amendment Bill. It also said that I held the balance of power and so on, and that the Bill would be debated today. The article further stated:

> He said today he would not allow the Bill to pass in its current form. If the Government was not prepared to accept amendments, the Bill would be rejected.

That is what I said.

The Hon. C. M. Hill: Perfectly clear.

The Hon. K. L. MILNE: Perfectly clear. That is what I have done and I do not see anything reprehensible about it. One must make up one's mind in this situation whether to allow the Government to govern or reject something outright when it can be amended and has been amended. I suggest that the Opposition should wait and see what the effect of the amendments will be before they do their block.

The Hon. Dr Cornwall, who, unfortunately, is not here said the most scurrilous things to me personally that were not meant to be heard in this Council. He does that sort of thing and then expects forgiveness. He must be building up an awful lot of things which he thinks he wishes he had

not said and which he thinks about before he goes to sleep at night.

The Hon. N. K. FOSTER: I do not know why we did not move an amendment to this particular clause, which states:

This Act shall come into operation on a date to be fixed by proclamation. Not before the year 2022.

The CHAIRMAN: Order! I have asked the honourable member to resume his seat and that applies to the rest of the debate.

The Hon. C. J. Sumner: For the whole debate?

The CHAIRMAN: No, for this clause.

The Hon. N. K. Foster: Under what Standing Order?

The CHAIRMAN: The honourable member continued to refer to persons in the gallery.

The Hon. FRANK BLEVINS: I rise on a point of order, Mr Chairman. I seek an explanation. The Hon. Mr Foster has apparently incurred your wrath and you will not allow him to continue to debate this clause. Under what Standing Order is the Hon. Mr Foster no longer able to debate this clause?

The CHAIRMAN: Standing Order 367 clearly indicates what prevents him from doing so.

A division on the clause was called for.

While the division bells were ringing:

The Hon. N. K. Foster: The honourable member is a liar and—

The CHAIRMAN: Order! The honourable member can withdraw that.

The Hon. N. K. Foster: But he has just called me a liar.

The CHAIRMAN: I want the honourable member to withdraw the accusation he has made.

The Hon. N. K. Foster: It is an unusual step, but I am not going to cover my head. If you want me to withdraw matters that are not true, I will withdraw them.

The CHAIRMAN: Order!

The Committee divided on the clause:

Ayes (11)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Noes (10)—The Hons. Frank Blevins (teller), G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Majority of 1 for the Ayes.

Clause thus passed.

Clause 3—'Arrangement of Act.'

The Hon. FRANK BLEVINS: I indicate that the Opposition is opposed to clause 3, just as it is opposed to all the other clauses. However, the vote on clause 2 has been taken as a test case and it is obvious that the Hon. Mr Milne has his hands tied, for whatever reason, and it would be pointless to divide continually on the remaining clauses, but we do oppose them as they come before the Committee.

The Hon. N. K. FOSTER: Section 3 of the principal Act is amended by inserting after the item certain words. The principal Act will no longer exist in its present form. It is a complete and utter miscarriage if this Bill passes.

Clause passed.

Clause 4—'Interpretation.'

The Hon. J. C. BURDETT: I oppose this clause. The amendments to be moved later substantially change the Bill in regard to industrial agreements. The definition is no longer relevant.

The Hon. FRANK BLEVINS: I would like to point out that the Minister stated earlier that these amendments made a substantial difference to the Bill. The exclusion of this clause was one of the examples that he gave. In effect, clause 4 is merely consequential on striking out clause 6. It has no substance whatever. When we deal with clause 6 I will point out that striking that clause out also has absolutely no effect.

Clause negatived.

Clause 5 passed.

Clause 6—'Form and registration of agreement.'

The Hon. J. C. BURDETT: I oppose this clause. It relates particularly to industrial agreements and, because the provisions of the Bill in regard to those agreements are opposed, I oppose the clause.

The Hon. FRANK BLEVINS: The only truth in what the Minister said was that he was opposing clause 6. This clause goes out and will disappear. However, the principle behind this clause is picked up in the amendment to clause 8. On the surface, the wording is completely different, but the meaning, intent and effect are exactly the same. I congratulate the draftsman on his ingenuity. I do not suggest that it is being done in an underhand manner in any way, but I congratulate him on his ingenuity in putting the content of clause 6 in clause 8 in considerably different wording having the same effect. It is a real credit to the draftsman but it is a face saver for the Democrats. I readily concede that the Hon. Mr Milne does not understand it, but the member for Mitcham understands exactly what is going on, and this is the face saver for them. With the deletion of clause 6 we will get to clause 8, and the Committee will see the principle that the Hon. Mr Milne genuinely believes has been removed—a very bad principle which the Minister was attempting to achieve in this clause has been picked up in clause 8. One of the substantial differences, according to the Minister, between the Bill and what will now obviously pass is not really a difference at all, substantial or otherwise.

The Hon. C. J. SUMNER: I think that what the Hon. Mr Blevins has said requires an answer from the Minister. The Hon. Mr Blevins has made the point that the deletion of clause 6 is all very well. However, the effect of it has been reintroduced into the Bill in the proposed amendments to clause 8 that are on file. If that is the case, the Minister should admit it and come clean with the Committee on that point. Indeed, the Hon. Mr Milne should also do so, as he is apparently a party to the so-called compromise that has been worked out. What the Hon. Mr Blevins has said demands some sort of explanation from the Minister at least, and I hope from the Hon. Mr Milne.

The Hon. J. C. BURDETT: Anyone who reads clause 6, which we are opposing, will see that it is quite different from the amendments to clause 8 that I intend to move later. Clause 6 is quite a substantial provision on page 2 of the Bill. Clause 8 refers briefly to the remuneration, working conditions, and so on, of the commission. The two matters are quite different, and anyone who reads them can see that.

The Hon. C. J. SUMNER: I have not entered into this debate during the course of the day, but I am afraid that I am compelled to do so now in view of the Minister's quite specious argument on this proposition. Clause 6 clearly, in its original intention, set out a procedure for the registration of industrial agreements, that registration being consistent with the public interest. When one turns to the proposed amendment to clause 8, given that the Minister intends to delete clause 6, one finds precisely those sorts of condition imposed. Neither the Minister nor the Hon. Mr Milne has satisfactorily explained this matter to the Committee.

The Hon. J. C. BURDETT: If the honourable member cannot read the Bill and the amendments that are on the file, I will put it simply this way: the Bill puts forward a new principle of registered agreements. The amendments in broad terms depart from that and return to the existing arrangement of filing and certification.

The Hon. FRANK BLEVINS: Although I concede that the Hon. Mr Milne does not understand this clause and the effects of deleting it and inserting clause 8, I cannot accept that the Minister does not understand it. Clause 6 is being deleted; that is the object of the amendment. However, it seems to me that the words in clause 8 say exactly the same thing. If there is a difference between clause 6 and the new amendment to clause 8, will the Minister explain it in simple terms?

The Hon. J. C. BURDETT: The difference is perfectly apparent. The principle proposed by the Bill is one of registered agreements, which is now departed from. The amendment proposed to clause 8 poses a system of returning to the existing arrangement of filing and certification. It inserts different guidelines.

The Hon. C. J. Sumner: It cannot be entered into unless the commission certifies.

The Hon. J. C. BURDETT: Certainly.

The Hon. C. J. Sumner: That means that the commission is involved.

The Hon. J. C. BURDETT: At present the commission is involved in filing and certification, and that is exactly what the proposed amendment to clause 8 does.

The Hon. N. K. FOSTER: The Minister's explanation when opposing clause 6 and referring to the substitution of clause 8 was based on the fact that there is a difference. I scribbled down the exact words that the Minister used, namely, 'departed from'. If the Minister says that we are departing from those words as clause 6 how can the provision be reintroduced in new clause 8? If I was wiser in relation to the Council's Standing Orders and regarding what is a meaningful amendment, be it contradictory or not, and if I knew whether or not it was an amendment in the true sense—

The CHAIRMAN: Order! The Committee is not really dealing with the amendment.

The Hon. N. K. FOSTER: I realise that, Sir. The only explanation the Minister has given is that clause 6 is being opposed because we have departed from industrial agreements. One cannot go on and debate clause 8 at this stage, although that clause has most certainly been introduced into the matter. The thing has been put there as a sop so that certain people can go on the hustings and say that they have had their wilful way, or whatever.

Clause 6, on page 2 of the second document, in the amendments under the name of the Minister of Community Welfare, was brought into the Council at about 2.30 p.m. today. In reply to the Hon. Mr Blevins and others, the Minister merely said that the difference is that we have departed from industrial agreements.

Surely you, Mr Chairman, have a role to play in the Committee stages. Can you be requested by a member to rule whether or not the attitude taken by the Government, that attitude being one of opposition, means that clause 6 no longer stands part of the Bill because it is omitted by the Government? That seems to be quite contrary to the common practice of motions and/or amendments.

The CHAIRMAN: The honourable member has asked me the question and I will give him the answer. I have been lenient because I believe that there is some relationship between the two clauses. In fact, we must stick to clause 6 and when we get to clause 8 we can then refer to those amendments. We are now dealing with clause 6 and, if the honourable member wishes to talk about the construction or compilation of the amendments when we get to clause 8, that is fair enough.

The Hon. N. K. FOSTER: At the moment I cannot do that. If the clause is to be opposed by the Government, is it a ruse to withdraw that clause and use the subsequent clauses in substitution? Is that in order? I cannot see it that way. If I could consult with the clerks I would do so. How can we oppose the clause and then reintroduce it? Surely it will be struck out of the Bill.

The CHAIRMAN: As far as I can see, what the honourable member is saying about the amendment is correct. However, if the Government wishes to strike out clause 6 and make it clause 10, there is nothing to stop it doing so, subject to a vote by honourable members.

Clause negatived.

Clause 7—'Insertion of new Division.'

The Hon. J. C. BURDETT: I move:

Page 2, lines 37 to 40—Leave out all words in these lines after 'includes' in line 37 and insert 'a declaration of the Commission under section 8 of the Industrial Commission Jurisdiction (Temporary Provisions) Act, 1975-1981, that an industrial agreement is consistent with the public interest'.

The first part of the amendment relates to a declaration in regard to industrial agreements; it is related to the deletion of clause 6 and to the amendments proposed to clause 8. The second part of the amendment substantially changes the definition of 'industrial authority'.

The Hon. FRANK BLEVINS: This amendment further exposes the absolutely ridiculous situation that the Democrats have got themselves into in an attempt to save face after grabbing the headlines this morning. People who do that will eventually trip up and be destroyed by the same publicity that they so slavishly seek. In clause 7 of the Bill there was a definition of 'industrial authority' and the following were listed:

(a) the Commission;
(b) a Committee;
(c) the Parliamentary Salaries Tribunal;
(d) the Public Service Board;
(e) the Public Service Arbitrator;
(f) the Teachers Salaries Board;
(g) the Local Government Officers Classification Board; or
(h) any other authority or person declared by proclamation to be an industrial authority.

It seems that, if some people wish to deal with wage determination boards in this way, one can put a case for having those boards listed and even having subclause *(h)* which states, 'any other authority or person declared by proclamation to be an industrial authority'. The Opposition maintains that none of them should be there, as we are totally opposed to the clause. Perhaps there is some rationale behind listing those authorities and giving the Minister authority in those areas. What have the Democrats come up with on this? They have retained only *(a)* the commission; *(b)* a committee; or *(c)* the Teachers Salaries Board.

One very significant omission by the Democrats (and this has been their *quid pro quo*) is the Parliamentary Salaries Tribunal. All the nonsense over the years, all the hypocrisy from Mr Millhouse every year when there is a Parliamentary Salaries Tribunal hearing, all the humbug that I have had to listen to for six years (and considerably longer for many honourable members) about the question of Parliamentary salaries—all is for nought. We find that this omission has been at the request of the Democrats. The Government wanted the Parliamentary Salaries Tribunal to be in the Bill and it put it in the Bill. However, the price for co-operation by the Democrats is that the Parliamentary Salaries Tribunal has been excluded.

The Hon. K. T. Griffin: Absolute nonsense.

The Hon. FRANK BLEVINS: Why has it been deleted then? The explanation given by the Minister as to the reason for that amendment was not good enough. I would like to hear him attempt to rationalise why we are reduced to having only the commission, a committee and the Teachers Salaries Board retained in the Bill and why the other bodies previously mentioned have been deleted, in particular the Parliamentary Salaries Tribunal.

The Hon. J. C. BURDETT: The Government at the present time is prepared to leave out those authorities as provided for in the amendment. I make it quite clear that the Government will certainly introduce another Bill on this issue later in the session. I think it is fair enough to say that reservations have been expressed by the Australian Democrats and others about matters in the Bill. As they are important matters and as they ought to be addressed, we are prepared to amend the Bill to the form that we are now proposing. Those bodies which have been omitted from the amendment we may think about when we introduce a Bill later in the session. We want these urgent matters dealt with, and that is why these amendments have been moved.

The Hon. D. H. LAIDLAW: It is worth reiterating that in the short time before a Bill is introduced, there is no likelihood that the Parliamentary Salaries Tribunal will sit. It is a short-term issue. Perhaps the Teachers Salaries Board is included because the Government seeks the right to present a case, and not the right to interfere or force the commission to make a certain decision. That must be stressed again and again.

The Hon. FRANK BLEVINS: I thought I had made my question as simple as possible: obviously, I did not, because the Minister refused to reply. If I can, I will be even more direct. The original Bill included the Parliamentary Salaries Tribunal. Will the Minister say what representations were made in regard to the removal of the Parliamentary Salaries Tribunal from the Bill and who made them, or does the Government want the tribunal removed from the Bill? Is it the Minister's decision or is it the Democrats' decision to remove the tribunal from the Bill? What representations has the Minister received on this question?

The Hon. J. C. BURDETT: The honourable member would know that the question of who made representations should not be discussed. The Government is moving this amendment because it wants to address the questions that seem to be urgent and to leave other matters to a later time.

The Hon. C. J. SUMNER: The Minister, quite wrongly, accused me of not being able to read clause 6, but I believe that anyone who followed the substance of the debate would realise that, even though the Government is deleting clause 6, substantially the same provisions are inserted in clause 8. I can read clause 6 and I know what the Government is doing. I am somewhat amused by clause 7, which clearly deletes the Parliamentary Salaries Tribunal from the effects of the Bill. In other words, the tribunal is not to be subject to a public interest consideration, whereas the Industrial Commission is to be subject to that consideration.

If a trade union, say, the Australian Workers Union, approaches the Industrial Commission with a claim for wages or some other allowance, the public interest argument can be put by the Minister under this Bill. However, if the Minister on behalf of the Government approaches the Parliamentary Salaries Tribunal and claims an increase in wages or, indeed, if any back-bencher approaches the tribunal, the tribunal is not obliged to take into account any public interest factors. In other words, there is one law for the ordinary working people, one law for the politicians, and one law for the fat cats.

Unfortunately, that is the effect of the deal that is being done between the Government and the Democrats and I can only assume that there is quite a substantial split in the ranks of the Australian Democrats, because this compromise has all the hallmarks of a Milne deal rather than a Millhouse deal. I do not believe that the member for Mitcham could be quite so silly or illogical. On many occasions he has talked about the importance of public interest in Parliamentary salaries determinations. Over the past few years, I believe that he has given back his salary or has given it to charity. At least he always tells us that that is what happens.

The Hon. Anne Levy: Just a little bit.

The Hon. C. J. SUMNER: I do not want to argue about that. The honourable member has said that, and presumably that is what he does. If he does that, I cannot understand why he agrees to the deletion of the Parliamentary Salaries Tribunal from public interest considerations. That seems to be somewhat inconsistent. He is prepared to put the ordinary working man and woman of this State in a position where public interest considerations must be taken into account, but he is not prepared to put the salaries of Parliamentarians into that position. That is why I believe that this is a Milne compromise and not a Millhouse compromise.

The other fact that seems to be quite illogical, and I would have thought not fitting the views of a person who appears before the Supreme Court as one Her Majesty's counsel, is that for some extraordinary reason the Teachers Salaries Board has been left in, but the Public Service Arbitrator and the Public Service Board have been taken out of the Bill. That means public interest considerations must apply to the Teachers Salaries Board but not to the Public Service Board and the Public Service Arbitrator. How can the Minister tell the Council that there is any logic in that? The Hon. Mr Milne may be able to see some logic in it, but I doubt whether Mr Millhouse can see any logic in it and, if he can, I am not sure whether he should not hand in his commission.

The Hon. J. R. Cornwall: He says he has made a terrible mistake.

The Hon. C. J. SUMNER: Perhaps he should apologise to the court for having taken silk. This is quite extraordinary and quite illogical. The Hon. Mr Burdett is a lawyer: can he tell me why a public servant who is the head of a department on, say, $30 000 a year and who is not a teacher, if he approaches the tribunal over the next few weeks, will not have his application subject to public interest considerations, but a teacher on the same level and on the same salary who approaches the tribunal over the next few weeks will have his application subject to public interest considerations? What sort of legislation is that?

The Hon. Anne Levy: It is discriminatory.

The Hon. C. J. SUMNER: It is an absolute and complete farce. I believe that the Government has been exposed. It is obvious that the Government is out to get someone, and it will get the teachers and the industrial workers who come under the commission. It will not get the fat cats in the Public Service or the politicians. If that is the level of the Bill that this Committee is about to pass, I do not want to have anything to do with it.

The Hon. N. K. FOSTER: I suppose this amendment must be regarded as one of the most dangerous aspects of the whole unhappy exercise. Contained within the framework of the amendment is this provision. Honourable members opposite have now revealed the dishonesty of their intention, if their intention was ever honest. The Government's original intention was to include those bodies referred to by my colleague. However, by catching the trade unions and the Teachers Salaries Board, the Government may well be using this Bill as a device to allow increases to flow to those who are least entitled to them. The whole intent of this Bill relates to the public interest, because the Government thinks there will be a move for excessive wage demands. This particular clause and the amendments, which I oppose strenuously, mean that the unions cannot be offered anything, but those who come within the category of 'a committee' can be offered even 50 per cent.

I notice that the Public Service Arbitrator has been removed, so the Public Service can be given $18 000 000 or $20 000 000, but the Government will not accede to $2 000 000 or $3 000 000 for those people under wage and salary determinations. Is that the intention of the Democrat in this Chamber? If it is, he ought to be damned by the people he purports to represent. I do not expect the Democrats to fall over backwards marching down King William Street when the Queen is here or in the Labor Day march, nor do I expect them to knock a float together for the Labor Day procession. I do not expect them to fall over backwards in support of industrial legislation or to come out on the side of the trade union movement.

I take umbrage at the fact that this Bill is a subterfuge to hide the Government's fear of a wages explosion. It is unfair. I do not know how the Government defines 'a committee'. I would have thought that, because the jurisdiction was in the original Bill, the Public Service Arbitrator would have been included in this Bill. I realise that some areas of the Public Service contain people who are some of the lowest paid employees in this State. I ask the Minister to clearly define this provision. How will the Government instruct its representatives when they appear before the commission and when they are dealing with those who are in greatest need of wage increases and wage justice, as opposed to those people who sit in this building tonight and who come under the Parliamentary Salaries Tribunal?

The Minister has already told us that we do not want to jump to conclusions in respect of this Bill, or this clause particularly, and that the Government will introduce another Bill. If another Bill is to be introduced in respect of this matter, why has this particular measure been introduced? Why did the Government not give more consideration to withdrawing this measure and introducing a measure in proper form later? Is it, and I suspect this to be nearer the mark, that the Hon. Mr Brown has failed to consult his Cabinet and Party colleagues to the extent one would have expected him to do in respect of this Bill? Why have the unions been distinguished from other groups in respect of this Bill? What does the Government intend doing in relation to later legislation in this area? Will the Minister set our minds at rest on this matter, if the intention of the Government is to withdraw this Bill, tear it up and return to sanity through the prospect of another Bill?

The Hon. ANNE LEVY: I have not so far taken part in this debate, although I have agreed wholeheartedly with what has been said on this side of the Chamber. I must add my voice to the objections about this definition proposed of 'industrial authority'. It is quite obviously a 'get the teachers' provision. As the Hon. Mr Blevins pointed out, the definition in the Bill as originally presented did have some logic, since all the different tribunals were included. While we maintain that none of them should be included, at least there is a logic in including them all, if any are to be included.

However, the amendment we are now discussing removes several tribunals—the Public Service Board, Public Service Arbitrator and the Local Government Officers Classification Board, quite apart from the Parliamentary Salaries Tribunal, which has been discussed by others. However, it leaves the commission, the committee and the Teachers Salaries Board. It is as clear as the nose on my face that this is a 'get the teachers' provision.

I hope that the teachers of this State will realise what the Government is doing to them and what the Democrats have done to them, because it is part of the deal between the Government and the Democrats to get the teachers. They have already been told that the money for education will be slashed. Now they are being told that they are being singled out specifically by the Government for it to have a bash at them when it comes to determining their wages before the Teachers Salaries Board.

Teachers are being treated differently from other Government employees, and I just hope that they are aware of this. I am sure they will be. The current President of the Teachers Institute was present in the gallery earlier today following this debate with great interest. I am sure that he has more sense and is home in bed at the moment.

The Hon. D. H. Laidlaw: Who's keeping us up?

The Hon. ANNE LEVY: That seems a rather unnecessary remark, as this is the first time that I have spoken in this debate for the whole day. The Hon. Mr Laidlaw has had a lot more to say that I have. I stress the point that the amendment is a 'get the teachers' amendment, and I trust that the Teachers Institute will be well aware of this and that it is being done by agreement with the Democrats. These gutless wonders, to use a quotation, are responsible for this compromise which leaves the teachers as the main sufferers of this Act at the present time.

The Hon. J. C. BURDETT: After the meanderings of those on the Opposition benches, particularly the Hon. Mr Foster, I might just say regarding the suggestion of fat cats that fat cats are certainly caught by the Bill. There is at present a claim by salaried doctors for $60 a week, and they are caught. So, any suggestion of laying off fat cats is ridiculous.

The Hon. Anne Levy: What about the Parliamentary Salaries Tribunal?

The Hon. J. C. BURDETT: The point is simply that the Government proposes that the Bill be mainly concerned with matters before the commission and major tribunals.

The Hon. FRANK BLEVINS: For the third time, I ask the Minister in charge of the Bill whose decision was it to remove the Parliamentary Salaries Tribunal from the ambit of the Bill? Was it at the request of the Democrats; was it at the Government's own initiative; and have any representations been made by anyone to exclude the Parliamentary Salaries Tribunal, and, if so, who made those representations? In effect, I want to know who is responsible? Is the Government responsible for excluding the Parliamentary Salaries Tribunal, or are the Democrats responsible? I am attempting to pin down the responsibility.

The Hon. J. C. BURDETT: I have moved the amendments and, therefore, the Government is responsible. I have no intention of making any comment on who may or may not have made representations.

The Hon. C. J. SUMNER: The Minister has explained to the Committee that the reason for the amendment to the Government's original Bill is that the amendments will exclude those tribunals before which there are no claims that the Government is worried about, such as the Public Service Arbitrator, the Parliamentary Salaries Tribunal and the Local Government Officers Classification Board.

In other words, the Government is engaging in a form of retrospective legislation. Apparently the Minister has admitted that there are certain claims before the commission and the Teachers Salaries Board, presumably claims that have been lodged, or claims that are in the process of adjudication, and the Government now wants to intervene in those proceedings. That seems to be what the Minister is saying—that the Government wishes to intervene in proceedings once they have started and once they have been under consideration by those tribunals. Is that or is that not retrospective legislation? I believe that it is, and it can be the only rationale for the Government's excluding these other tribunals about which it is not worried.

What the Hon. Miss Levy said is correct. These amendments must be construed as being designed to get someone. It is obviously the teachers, because they are included and are still in the Bill. However, the Public Service people are

not in the Bill, and there obviously must be some proceedings before the commission that the Government now wishes to influence or stop. Given the Government's general principles, and particularly those of the Hon. Mr Burdett, against retrospective legislation, I find it a little hard to understand why he is going along with that proposition on this occasion.

The Hon. J. C. BURDETT: The Leader seems to have an obsession, as do other members opposite, that we are trying to get someone. We are not trying to get anyone: we are simply at present confining ourselves to the major tribunals.

The Hon. N. K. FOSTER: I rise again because I have had no reply from the Minister regarding the matter I raised about this clause. It was indicated that another Bill was to be introduced in a number of Parliamentary days. That was the impression that the Minister gave. I could have said Parliamentary weeks, and perhaps that would have been nearer the mark. Is it Parliamentary months? I canvassed this matter with the Minister, who obviously does not want to tell us. However, we should keep trying to wring from the Minister some form of understanding so that he can allay certain fears about this measure that he or his Government would have openly withdrawn. When can we expect the promised legislation? The Democrats have said that they have agreed to this legislation on the basis that there will be fresh legislation in the near future.

The Hon. K. T. Griffin: They said they would consider it.

The Hon. N. K. FOSTER: I do not know what the Attorney means by that. Does he mean that the Government will consider it, that the Hon. Mr Burdett is misleading us in this matter or that the Democrats will consider it? And, what is 'it'? Is it in the form of a Bill or whatever? There seems to be some witholding of information from the Committee, after the Minister responsible for this Bill has clearly indicated that there will be a subsequent Bill. What is it? When is it going to hit us? For how long is this sort of rubbish going to remain, if it is ever put on the Statute Book? I hope that the Minister will answer.

The Hon. FRANK BLEVINS: A very good example of the absolute botch that the Government and the Democrats have made of this Bill has just hit members' benches. On page 3 of today's *Advertiser* is a report by Greg Kelton headed 'Public servants seek pay rise'. Part of that report is as follows:

> South Australia's 16 000 public servants are seeking a 13 per cent across-the-board wage increase. The claim was served on the Public Service Board yesterday by the Public Service Association.

As the report States, the claim was lodged yesterday. The incredible and pathetic attempt of rationalising the exclusion of the Public Service and other boards was that the Bill was to deal primarily with current cases. How on earth is the Committee expected to accept this legislation when it has been thrown together, mixed up, and squeezed through the mincer of Mr Millhouse and Mr Milne, and now, at this time of day, is before the Council in a most incredible mess? In the same report, the Hon. Dean Brown said:

> If there were justification for the Government's new industrial legislation relating to the powers of the Industrial Commission, it was this claim.

The Hon. Mr Brown, who is in charge of this legislation, has given as one of the reasons for the legislation, this claim by the public servants. Then, the Government introduced an amendment to exclude the public servants from the ambit of the Bill. How on earth are we expected to take this procedure seriously? We have gone on for three days with this incredible farce, and the Government has absolutely no idea of what it is doing. Not only does the Government have no idea what it is doing: on this occasion neither does Mr Millhouse. He has no idea at all. This is the most disgraceful exhibition that I have ever seen from Mr Millhouse. He must be thoroughly embarrassed and ashamed of himself for getting mixed up with such a farce as this.

I am more charitable to the Hon. Mr Milne. He quite obviously and understandably did not understand what the whole thing was about. The Hon. Mr Milne left it in the hands of Mr Millhouse, who has left him with egg all over his face. It is impossible to take this Government seriously on this Bill. It would be a kindness to the Government if it reported progress now. I suggest that the Minister do that, and come back in a fortnight when the Government has got its act together, and so that Mr Millhouse can collect his thoughts and wipe the egg off his face. Perhaps some sensible legislation can come before the House in a fortnight.

The Hon. D. H. LAIDLAW: It is not likely that this Public Service Association claim will be heard within the next few weeks.

Members interjecting:

The CHAIRMAN: Order!

The Hon. N. K. FOSTER: We are debating a clause that purports to concern things in the public interest. We are informed, during the course of the debate, by people in the business of publicity (namely, the *Advertiser*) of what has just been revealed to this Committee by the Hon. Mr Blevins. The only rejoinder, the only comment or expression of any viewpoint up to now has come from Mr Laidlaw, who, I am quite sure, is very unhappy about this Bill. No doubt he would like to get Mr Brown by the scruff of the neck and dash his head against the railings of the House. However, he has not done that. All that the Hon. Mr Laidlaw can say is that there is no guarantee that the claim of the Public Service to the board will be heard expeditiously.

The Hon. D. H. Laidlaw: I did not say 'expeditiously'.

The Hon. N. K. FOSTER: The honourable member did not say 'expeditiously', but he did not say that the matter would be expedited in the near future. The words across the Chamber were that there was no guarantee that the matter would be heard very quickly.

The Hon. D. H. Laidlaw: I said that there was no likelihood within the next two or three weeks.

The Hon. N. K. FOSTER: Thank you, Mr Laidlaw. There is no likelihood that it will be heard within the next two or three weeks. I come back to the point of honesty that I want from somebody on the Government side and that is, 'What is the intention of the Government in respect of the new Bill?' We have now narrowed down the fact that it might be one of the first Bills to be reintroduced on resumption after the coming two-week break. One takes that because of the Minister's reply and submission to the clause. The Minister in charge of the Bill has not expressed anything in terms of time other than to indicate that it would be due in the course of this calendar year. So, what is in the Government's mind? Why does it laugh when there has been a serious and proper suggestion in respect of this Bill that progress be reported? If progress is reported the State structure will not collapse in the next two or three weeks—the Royal Show will take half the people's minds off it. The Government ought to let this Bill lay aside or even lapse and look at the measure after it has consulted all parties in the community, particularly those in the trade union movement and in wage fixing authorities.

The Hon. C. J. SUMNER: Does the Minister concede that this is retrospective legislation? Has he in the past expressed grave concern about retrospective legislation? Why is he proceeding with it on this occasion?

The Hon. J. C. BURDETT: The legislation is not retrospective.

The Hon. C. J. SUMNER: The Minister has said that the legislation is not retrospective. Clearly it is retrospective in effect. There are claims before the courts which this legislation is designed to affect. If it is not retrospective legislation, I do not know what is.

Amendment carried.

The Hon. J. C. BURDETT: I move:

Lines 18 to 20—Leave out subsection (2).

The Hon. N. K. FOSTER: Something about this stinks; there is an odour. The Government is clearly hiding something. What next is coming up in this place? What Budget problems are there that the Government does not want to tell the community about?

The Hon. D. H. Laidlaw: We are not hiding anything.

The Hon. N. K. FOSTER: You must be. There is no other reason. There has got to be something of concern to the Government, and it is fetching in this measure because of something that concerns it in relation to the delivery of the Budget in a few weeks.

The CHAIRMAN: Have you found the amendment?

The Hon. N. K. FOSTER: No.

The CHAIRMAN: I draw your attention to it, if you wish to speak to it; otherwise, we should proceed.

The Hon. N. K. FOSTER: I had said what I wanted to say for the moment.

Amendment carried.

The Hon. J. C. BURDETT: I move.

Page 4, lines 1 to 8—Leave out new section 146c. and insert section as follows:

> 146c. This Division applies in relation to all determinations made after the commencement of the Industrial Conciliation and Arbitration Act Amendment Act, 1981, whether made in proceedings that were commenced before or after the commencement that amending Act.

The Hon. R. C. DeGARIS: I want to speak on a matter before the amendment, in relation to lines 25 to 30, dealing with the fact that the Industrial Court shall consider the economy of the State and the likely effects of the determination on that. I refer to the words 'with particular reference to its likely effects on the level of employment and on inflation.' I have heard the Minister say that the Bill will be coming back to us again in a short period, and I will not press my view at this stage, but I ask the Minister to give me an undertaking that the views I have expressed in relation to lines 25 to 30 will be considered when the amending Bill comes back.

The Hon. J. C. BURDETT: Yes. I have taken into account what the honourable member said when he spoke in the second reading debate, and I give an undertaking that his views will be considered.

Amendment carried; clause as amended passed.

Clause 8—'Consequential amendments to Industrial Commission Jurisdiction (Temporary Provisions) Act.'

The Hon. J. C. BURDETT: I move:

Page 4, lines 11 to 35—Leave out all words in these lines and insert paragraphs as follows:

> *(a)* by striking out subsection (1) of section 8 and substituting the following subsection:
>
> (1) No industrial agreement affecting remuneration or working conditions has effect unless and until the Commission, by order, declares that the agreement is consistent with the public interest;
>
> *(b)* by striking out from subsection (2) the passage 'may apply' and substituting the passage 'may, subject to the principal Act, apply';
> and
>
> *(c)* by inserting after subsection (2) of section 8 the following subsections:
>
> (3) This section does not apply to an agreement filed in the office of the Registrar before the commencement of the Industrial Conciliation and Arbitration Act Amendment Act, 1981, unless the agreement was one in respect of which—
>
> *(a)* provision for certification was made under this Act, as in force before the commencement of that amending Act; but
>
> *(b)* that certification had not been granted as at the commencement of that amending Act,
>
> in which case any uncompleted proceedings in which certification was sought may be continued and completed as if they were proceedings for a declaration under this section.
>
> (4) In this section 'remuneration' and 'working conditions' have the meanings respectively assigned to those terms in Division IA of Part X of the principal Act.

The amendments are aimed at establishing the interrelationship between the temporary provisions Act and the principal Act as amended. Amendment *(a)* amends clause 8 of the temporary provisions Act to provide that an industrial agreement which is made between two parties and which is brought to the commission for registration, which is the normal procedure, does not have effect unless the commission first declares that the agreement is consistent with the public interest. Thus it is a procedural amendment consequent on the amendment to the principal Act contained in clause 7 of the Bill which requires an industrial authority to give due regard to the public interest.

Amendment *(b)* is a purely procedural amendment to provide consistency between the temporary provisions Act and the principal Act. One must remember that the temporary provisions Act was passed by the previous Government in about 1976, and those two Acts have been running side by side since then.

Amendment *(c)* ensures that agreements that have already been filed with the commission prior to the commencement of these amendments are brought to the commission only if the agreement is one that has been filed for certification but the procedure of certification has not been completed.

The Hon. Frank Blevins: That is to get the Storemen and Packers.

The Hon. J. C. BURDETT: We are not trying to get anyone. This is merely procedural. The application lodged will continue to be processed and under the new provisions of the industrial agreement it will be examined to ensure it is in the public interest. I do not believe that anyone would want agreements to be processed and certified unless they were in the public interest. The amendment also provides that the definitions of 'remuneration' and 'working conditions' as used in the amending clause 8 of the temporary provisions Act are consistent with the principal Act.

The Hon. FRANK BLEVINS: Hopefully, for the last time I will be asking the Minister to explain the difference between this amendment to clause 8 and the previous clause 6 of the Bill, to which the Minister moved an amendment. I will try to go through it step by step in a final attempt to explain the problem to the Minister. The Hon. Mr Milne, and the Hon. Mr Millhouse when he reads *Hansard*, will I hope enlighten me as to any substantial difference. Clause 6 states:

> (4) Where due application for registration of an industrial agreement is made, the Registrar shall, subject to subsection (5), register the agreement.
>
> (5) Where an industrial agreement affects remuneration or working conditions, the Registrar shall not register the agreement unless authorised to do so by order of the Commission.

New section 146b (1) states:

> In arriving at a determination affecting remuneration or working conditions, an industrial authority shall have due regard to the public interest and shall not make a determination unless satisfied that it is consistent with the public interest.

If those two parts are put together they simply say that the commission has to take public interest into account before

dealing with an agreement. It is as simple as that. The amendment to clause 8 states:

No industrial agreement affecting remuneration or working conditions has effect unless and until the commission, by order, declares that the agreement is consistent with the public interest.

I seem to recall somewhere in my schooling the phrase 'elegant variation'. I think it was Fowler, and he was referring to people who did not want to use the same words—although it was perfectly correct to do so—and by some almost artificial device plucked words out of the air rather than repeat them. I suggest that this amendment does precisely that. It is a case of not so elegant variation. The amendment means precisely the same thing as the clause.

If the Australian Democrats have hung their case for supporting this Bill on this particular amendment—after saying quite clearly that they would not, and also saying that the amendment is substantially different—then I am afraid that the Australian Democrats are conning us. I do not believe that Mr Millhouse could be conned by a set of words as transparent as these. I have asked the Minister about five times to explain the difference, and I would appreciate it if he would do that. I would like the Hon. Mr Milne to comment on this amendment and tell the Committee where he believes it differs substantially from clause 6. Given a satisfactory answer by the Minister, I promise that this will be the last time I speak in Committee.

The Hon. J. C. BURDETT: This should be a satisfactory answer. Clause 6 does not refer to the public interest at all. Clause 7 has only been amended in a way accepted by the Committee. Clause 8 sets out the procedure in relation to the public interest.

The Hon. FRANK BLEVINS: I asked for a satisfactory answer, so I am not breaking my promise. Whilst clause 6 certainly does not mention the public interest, subclause (5) states:

Where an industrial agreement affects remuneration or working conditions, the Registrar shall not register the agreement unless authorised to do so by order of the commission.

The Hon. J. C. Burdett: That clause has been taken out.

The Hon. FRANK BLEVINS: I appreciate that. Clause 7 states:

In arriving at a determination affecting remuneration or working conditions, an industrial authority shall have due regard to the public interest and shall not make a determination unless satisfied that it is consistent with the public interest.

An industrial agreement affecting remuneration or working conditions cannot be registered unless authorised by the commission. The commission, under clause 7, cannot make that determination unless satisified that it is consistent with the public interest. Therefore, the two clauses must be read together.

The CHAIRMAN: Order! We are dealing with clause 8.

The Hon. FRANK BLEVINS: In all fairness, they are linked. When I tried to deal with it under clause 6, you, Mr Chairman, said it would be better to refer to it under the clause we are now dealing with.

The CHAIRMAN: The honourable member was allowed to return to the amendment. I thought that would cover the matter. This is just tedious repetition.

The Hon. FRANK BLEVINS: It is tedious for me, too, because neither the Minister nor the Hon. Mr Milne will answer my question. I have just complained that I raised the matter under clause 6 and was told to raise it under clause 8.

New subsection (1) provides:

No industrial agreement affecting remuneration or working conditions has effect unless and until the commission, by order, declares that the agreement is consistent with the public interest.

That is exactly the same. There is no way in the world that Mr Millhouse has been conned by this variation in style and drafting.

The Hon. R. C. DeGaris: It is an entirely different approach.

The Hon. FRANK BLEVINS: It is a different approach, I can see that readily, but the effect is exactly the same. For the Australian Democrats to say that this Bill is now satisfactory to them because of the substantial changes is absolute nonsense. They have not been conned by the Government, I do not believe that at all. Mr Millhouse is far too bright to be conned by such a transparent device as that. It is, as I said before, merely the face saver to allow the Democrats to get themselves off the hook after they have had their headline for the day, which makes the whole process we have gone through tonight a total and utter farce.

The Hon. N. K. FOSTER: I want to speak to clause 8 because we touched on it when we were on clause 6 and you allowed debate to ensue. However, you said to me in respect of some questions I asked that they were better left to clause 8. Now that we are dealing with clause 8 we are referring back to clauses that have been carried. What the hell is the Government thinking about in respect of this matter? It has made the greatest botch I have seen in this Parliament or any Parliament it has been my sorry lot to be associated with. I am quite sure that there will be a deal of footwork to get out of it.

I ask the Minister again: will he indicate to the Committee the intended life of this Bill, in view of the fact that there is an impending Bill that will overtake this Bill in a matter of weeks? What is the purpose of this measure, in view of the fact that there is no immediate concern arising from applications before the commission that have any dire implications for the State's economy, other than if the Government is in some sort of an economic bind or a technical problem or time factor in respect of the Budget? Will the Hon. Mr Burdett come clean in respect to what the matter is really all about? I have not yet been able to penetrate the crossword. The *Advertiser* has thrown some light on it during the last half hour or so — since it was delivered to the Chamber. John, will you let us into the secret please? Obviously the Minister has told the Democrats about it, but it is so serious that they have kept close-lipped about it.

The Hon. J. C. BURDETT: I will enlighten the honourable member. Old clause 6 in conjunction with clause 4 of the Bill replaced the present procedure of filing an agreement with a procedure of registering an agreement. Secondly, it provided that an agreement lodged with the registrar for registration should not be so registered until the commission was satisfied that it was consistent with the public interest. The amendments to clause 8 provide that an agreement which has been filed will have no effect unless and until the commission declares that the agreement is consistent with the public interest. The difference, therefore, is that the old clause 6 provided a system for dealing with the question of the public interest under the proposed new procedure of registration. Now that that new procedure of registration is not proceeded with in this Bill, the amendment to clause 8 deals with the question of the public interest under the existing and retained procedure of filing, and is a different procedure.

The Hon. R. C. DeGARIS: Perhaps the Minister can explain to the House when an industrial agreement is not an agreement. The amendment to clause 8 states:

No industrial agreement affecting remuneration or working conditions has effect unless or until the Commission, by order, declares that the agreement is consistent with the public interest.

I have no objection to industrial agreements being treated in that way. I agree almost entirely with the interpretation given by the Hon. Mr Blevins. Really, there is not much change between the provisional clause 6 and the present clause 8, but there is a change in relation to the application of industrial agreements. The definition of industrial agreement now in the Bill is as it was in the principal Act and 'industrial agreement' means an industrial agreement filed. I ask the Minister whether that is any significant change from the position as originally envisaged in the Bill when 'industrial agreement' was changed to something made under Part VIII of the Act.

The Hon. J. C. BURDETT: I believe there is no significant change there. Industrial agreements are rarely enforceable anyway. It is mainly a question of whether or not they are made. There may be industrial agreements made which are not registered or not filed, whichever procedure you use, but in fact they are likely to be adhered to. With regard to the question asked by the Hon. Mr DeGaris, there is no substantial difference in the definition and, in fact, the definition in the principal Act remains.

Amendment carried; clause as amended passed.

Title passed.

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a third time.

The Hon. FRANK BLEVINS: The Opposition opposes the third reading. It has opposed this Bill throughout its passage. Without repeating everything that has already been stated, it is legislation that has not had proper Parliamentary scrutiny. There has been no public involvement whatever. The Bill changes one of our very successful institutions in a way that appears to be most undesirable. It does only two substantial things—it bashes the Storeman and Packers Union on Wednesday (that is the urgency of the Bill)—and, in effect, it reopens the hearing before the Teachers Salaries Board.

The handling of the Bill, as well as the Bill itself, has been an absolute disgrace. The Government's understanding of what it was trying to do was totally deficient. The Bill is totally deficient, and the amendments that have been moved today have been totally deficient. They do nothing to alter the Bill in any substance at all. The Government has quite rightly been condemned for the way in which it has handled the Bill in this House and in another place. No credit at all can be reflected on the Government for the past couple of days in regard to the Bill.

Also, no credit can be given to the Australian Democrats for the role they have played. Their initial opposition to the Bill was well founded; their desire to have the Bill wait a couple of weeks was quite correct. That is what should have happened. What transpired and finally convinced them to go ahead with the Bill, given the face-saving amendments, we will never know. The Hon. Mr Milne—and I do not say this in any derogatory manner—put himself in the hands of his colleague, Mr Millhouse, who on this occasion let him down badly. In fairness to them, the Democrats were instinctively against the Bill. I do not believe that they did their homework completely on it, and the results of the past two or three days reflect as badly on them as they do on the Government.

I predict that, if the provisions of this Bill are used in any substantial way to delay the case of the Storemen and Packers and Associated Co-op Wholesalers before the commission (and one does not have to be a genius to make this prediction), 70 per cent of the grocery supplies in this State will be tied up. That is the percentage of groceries delivered to various stores by that association. The union had come to a freely negotiated agreement that was well within the law when the agreement was reached. In all good faith they went to the commission and now, in the middle of the process, the Government has changed the rules. It is the worst kind of retrospective legislation, and there is no doubt that the Storemen and Packers will be fully justified in taking what action it thinks fit.

Already there is much unrest among the teaching profession in this State, and this Bill will undoubtedly add to that unrest. The case will have to be reheard, and the public interest aspect will have to be considered by both sides. That will create a considerable delay. I would not be surprised, considering the militant mood of the teachers these days, if that does not also have some industrial implications. They are only the two immediate cases. If the Government persists with this type of legislation we will see, as I predicted many years ago, that the Hon. Dean Brown, Minister of Industrial Affairs, will be a total disaster to industrial relations in this State.

One of the most significant speeches today on this question was given by the Hon. Mr Laidlaw. He stuck strictly to the one point, which was the point of the amendment that was moved in the House of Assembly yesterday. I suspect that amendment was made at the request of the Hon. Mr Laidlaw. He made no other comment on the Bill whatsoever. Unlike the Hon. Dean Brown, the Hon. Mr Laidlaw is in the industrial relations field and knows how it operates. He knows what laws are justifiable and appropriate in that field and what laws are inappropriate. He saw fit not to comment on the Bill at all. I think that was possibly the most telling comment on the Bill.

The whole exercise of the past three days is only the start of the chaos that this kind of stupid legislation will create in this State. We will vote against the third reading. We know that in many ways that will be empty gesture because the Bill will go through and chaos will be created, but the Australian Labor Party wants it on record that we have opposed this Bill at every step. We think it is unnecesary and devisive legislation, and an absolute disgrace to the people who were associated with it in both Chambers.

The Hon. J. R. CORNWALL: I would be remiss if I did not add some brief comments to the remarks which have been made by my colleague, the Hon. Mr Blevins. This Bill represents a diversionary tactic by a conservative Government which is going very badly. It is a traditional conservative ploy; it is straight out union-bashing of the worst kind. It cannot possibly make better industrial relations. It cannot realistically make any contribution to the economy and the containment of costs, because we have to look at that as a national problem, and the small contribution that we make to that in South Australia has to be seen in context. Overall, what will be achieved by this means will be miniscule. As I have said, it is a ploy to take the heat off what is happening to a Government that cannot manage the affairs of the State.

The Hon. C. J. Sumner: They cannot even work out which union to attack.

The Hon. J. R. CORNWALL: That is very true; they are going to take them on one at a time in a very small or large way—anything that comes up at all.

The Hon. D. H. Laidlaw: What about the Commonwealth legislation?

The Hon. J. R. CORNWALL: The Hon. Mr Laidlaw, who should know better, as an industrialist, is a man for whom I have great respect, and really should not be in this place.

The Hon. J. C. Burdett: Why not?

The Hon. J. R. CORNWALL: Because he is far too good to be in it on the conservative side. He is a man of considerable reputation, one of the top three or four industrialists

in the country. He found himself here by mistake in the first instance.

The Hon. C. J. Sumner: He's still a Liberal.

The Hon. J. R. CORNWALL: The Leader is quite right. He is basically conservative but, unlike his colleagues, he is a man of reasonable intention. I would be very surprised if he tried for preselection next time. I think he has had a gutful of this place. He has known the total frustration of being a small 'l' liberal on the conservative side. I am sorry he has entered the debate because his contribution was very poor for a man who possibly had much to add to the debate. He has indicated to me that he may go for preselection but the amount of money that he is prepared to wager is not commensurate with his ability or his income. He is not a man inclined to take risks—he only likes to bet small amounts. That is beside the point.

What we have really seen tonight is the total cant and hypocrisy of the Democrats. I say with great sincerity that I feel totally bitter about it. The Hon. Lance Milne came into this place some two years ago at the age of about 65. He was not a young man. He was accorded the respect from this side of the House that we thought he deserved. He was given considerable assistance. Despite his relatively great age, he was a little boy lost but we all helped him. He did not have anybody in here to help him.

The PRESIDENT: Order! I ask the Hon. Dr Cornwall to relate his remarks to the third reading of the Bill and not to attack the Hon. Mr Milne.

The Hon. J. R. CORNWALL: I am not attacking anybody; I am being very gentlemanly about it. Mr Milne has played a key role in the passage of this legislation, and we are at the third reading stage. It is not inappropriate that I should refer to him. We looked after him and helped him through his early and difficult stage. We thought we were able to cope with his rather difficult—

The Hon. J. C. BURDETT: I rise on a point of order, Mr President. This matter is not relevant to the third reading of the Bill.

The PRESIDENT: I take the point of order. I have already raised the matter with the honourable member, and I ask him to relate his remarks to the third reading of the Bill.

The Hon. J. R. CORNWALL: I thought that I was being pretty relevant. I will come right back to the reason why this Bill is about to be passed: it is because a deal has been done between the Democrats and the Government. I will say quite frankly (and I hope and am sure that it will go into the public record) that only an hour ago I approached the member for Mitcham, a former Attorney-General, and said to him, 'What has happened? How can you possible reconcile your publicly recorded statements in the House of Assembly yesterday—the remarks attributed to you directly in the *Advertiser* yesterday morning—with what you have done?' He said to me, 'I have made a terrible mistake.' I said to him, 'I hope you will be prepared to say that in public. I hope you will be man enough, that you will have guts enough to say that in public,' and he said, 'I will.' I will hold him to that promise. I am not sure what his terrible mistake was but I think it may have been in having his larynx in gear and having it disconnected from his central nervous system.

The Hon. J. C. Burdett: It was probably said in a different context.

The Hon. J. R. CORNWALL: It was not. I am sure that Mr Millhouse, being an honourable man, or a formerly honourable man—

The Hon. J. C. Burdett interjecting:

The Hon. J. R. CORNWALL: We can do without your ridiculous comments at this stage.

Members interjecting:

The Hon. J. R. CORNWALL: The Hon. Mr Milne says it is quite a ridiculous speech.

The Hon. K. L. Milne: I said it is better than the interjections.

The PRESIDENT: Order!.

The Hon. J. R. CORNWALL: I will address the Chair. All that can result from this are two things. The first is that I think the Democrats' credibility is on the line. More than that, I think it has been destroyed for ever, and I think it should be, because the Democrats have shown themselves in their true colours. When it comes to a bit of union bashing and supporting a diversionary tactic to get us away from the true ills facing the State and the nation, the Democrats are prepared to back down and to go along with their Liberal colleagues, with whom they fit in and mesh in very naturally. The Democrat in this place tonight has quite disgracefully gone to bed with the Liberal colleagues, and he seems to find no particular discomfort. He should be ashamed of himself.

This is a very Draconian Bill. Let us make no mistake about that; the things proposed in it are very Draconian. They fit quite well with Mr Bjelke-Petersen, in Queensland; quite ill with the traditions of industrial relations in this State in the past 20 years, and quite well with the traditional ultra right wing union bashing that has gone on as some sort of diversionary ploy amongst the State Governments that have had problems. This Government has many problems. It has been guilty of gross mismanagement in the past few years and it is looking for issues that may create diversions. In this Bill, as in another one currently before the other place, it has found them, or so it thinks.

I do not think the people of South Australia are so foolish. I do not think that they have been conned by this Government. I am certain that, perhaps for the first time, they will now see the stark reality of just what fraudulent people are the Parliamentary representatives of the Democrats. I am sure that, for the first time, the rank and file members of the Australian Democrats will see that they have been conned by their Parliamentary representatives, and more particularly by their representative in this place. He is nothing more than an aged confidence trickster. It is a very sad day, I believe, that we have seen this legislation go through—with amendments, admittedly, but with amendments which do very little to the original Bill.

The Hon. N. K. FOSTER: I oppose the Bill, and it will come as no surprise to anyone to hear that. However, I want to address my remarks to the sequence of events which has been revealed during the course of this debate. A Minister of the Crown has written a letter to the President of the commission in an endeavour to intimidate that person. Even after he had his reply to the letter that was addressed to a matter before the court at that time, he still went ahead with this measure. He failed to consult those in the community at whom the Bill was aimed, on whom it will inflict the greatest penalties. He had no regard for them. The Minister of Industrial Affairs should relieve his fellow Cabinet Ministers of his presence in this Parliament and gracefully resign, if there is such a manner in which to do that.

I am talking about Dean Brown, the Minister of Industrial Affairs. I am not talking about Mr Brown, in Canberra, who has about the same sort of record for his portfolio area, as has been displayed in statements to the newspapers in the last few weeks. I cannot believe for a moment that the Minister of Industrial Affairs in this State could have put this matter properly and in a considered manner to the Cabinet, because I cannot conceive of a situation in which there would not have been one of their number who would question the stupidity of such an action.

Having taken this Bill into consideration in the past hour or so, we are now advised that another impending Bill is already being drafted, if not in the advanced stages of drafting at present. Where is the need for this Bill? What sort of bind has the Government got itself into? Is it so short of funds that it has delivered itself into the hands of this Parliament in relation to a Bill that is so ill-conceived and without any direct purpose in principle?

There is no principle in any one of the clauses of this Bill. It purports to say that we should rubber stamp the Industrial Commission so that it becomes no more than an echo of the Federal conciliation and arbitration process. To my way of thinking, it almost fits the 'If it's your State mate, keep your act together' sort of idea. Has the Minister been so ill-advised by some of his advisers that he is seen as kicking the trade union can? I do not believe that that is the case. True, it is inherent in the Bill, but there is something behind it. If the Democrats have been told something in confidence this afternoon or this evening by the Government, they have kept their end of the bargain very confidential. We will go and listen in the Lower House.

The Hon. C. J. Sumner: Let's go home.

The Hon. N. K. FOSTER: The Leader can say, 'Let's go home.' It is not even 2 a.m. yet.

The Hon. C. J. Sumner: I know that is early for the House of Assembly.

The Hon. N. K. FOSTER: Mr Hill has been to a function. He has probably lost half of his Parliamentary allowance tonight.

The PRESIDENT: Order! The honourable member must return to the third reading of the Bill.

The Hon. N. K. FOSTER: I have to pull my colleagues into gear at the same time.

The Hon. L. H. Davis interjecting:

The Hon. N. K. FOSTER: I will keep in mind the lurks, perks and privileges.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: I will do that, and I wanted to let the honourable member know. We have been subjected to delays and the Leader blames me instead of blaming members opposite.

The Hon. C. J. Sumner: I wasn't blaming you; I just said we wanted to go home.

The Hon. N. K. FOSTER: It is an absolute disgrace. Dean Brown used to run around—

The PRESIDENT: Order! If the honourable member does not return to the third reading of the Bill, I will ask him to resume his seat and not continue.

The Hon. N. K. FOSTER: The Minister, when in Opposition, had a great deal to say about the matters contained in this Bill. Many speeches were made and many pamphlets were printed. All sorts of reading was canvassed. The Minister made all sorts of press releases, but, when it comes to putting it down in writing, we find that the bill was prepared, altered, withdrawn, and the Minister had to make a spectacle of himself in the House of Assembly by saying that he apologised that the Bill from which he was quoting was not the bill before other honourable members. That is condemnation enough. I only hope that there is a last minute undertaking by Mr Milne, because I believe he is quite nonplussed at what has appeared in the *Advertiser* in respect to this Bill in the past hour or so. I hope he will lay aside the Bill so that we can return in a fortnight to see whether or not the Government is prepared to be honest in what it has in mind.

The Hon. G. L. BRUCE: I rise briefly to oppose the third reading of this Bill, on which I spoke earlier tonight. I am amazed that this Council can put legislation of this nature through with such ill-conceived haste. It has always been rammed down my throat by the Government that this is the House of Review and that this is the Chamber that has a commonsense point of view. Tonight I heard that commonsense point of view thrown out. The amendments from members opposite were hasty, ill-concieved, and did nothing for the Bill.

By the Minister's own admission, the Bill is so inadequate that another Bill dealing with the same matter is being prepared. Surely this Bill must be ill-conceived. If this Council is to do its job properly, surely we should report progress and hold the Bill up. However, that will not happen: it is a matter of urgency to get stuck into the unions about any 35-hour week deals coming up. It is ill-conceived, hasty legislation and it is being pushed through. It does no credit to this State or this Parliament, and I oppose the third reading.

The Hon. J. E. DUNFORD: I also spoke earlier on this Bill and opposed it very vigorously. What concerns me are the comments by the Australian Democrat, the Hon. Mr Milne, reported in the *Advertiser* as follows:

> Mr Milne said he was worried that members of the Industrial Commission would be expected to become economic experts as well as industrial umpires.

An honourable member: He's forgotten that.

The Hon. J. E. DUNFORD: I saw six or seven Liberal members nearly tearing him apart out in the corridor. If they were not influencing him they were certainly doing something to him. I am inclined to agree with the Hon. Dr Cornwall. The honourable member wants to be nice to everyone and the Government confused him so much that he went along with this renegade Bill.

The Hon. Mr DeGaris asked about how long an industrial agreement should last and when it expires, but the Hon. Mr Burdett did not seem to be able to answer that question. When speaking to this clause I am aware of how the commission works and how industrial agreements are made. I refer to a situation where the Minister does not intervene in any way whatsoever when a union applies for a $10 across-the-board increase in its award. After hearing the evidence, neither the employer nor the union put forward economic arguments for the $10, and, of course, the commissioner then awards the amount of money which has been applied for by the union and which has been agreed by both parties.

If this Bill is passed, no industrial agreement affecting remuneration or working conditions has effect unless and until the commission, by order, declares that the agreement is consistent with the public interest. The commissioner who heard evidence for the $10 then has to make a decision himself without hearing any evidence whatsoever. The commissioner is just like a judge in a court of law. He must hear the evidence and then make a decision on the evidence presented. How can that industrial commissioner represent the public point of view when he does not know what the guidelines are? That is the position the commissioner is placed in. Every commissioner and every industrial agreement will have to be determined based on the commissioner's opinion of what is consistent with the public interest. That is nothwithstanding whether or not the Minister of Industrial Affairs intervenes or someone else intervenes on his behalf. When I spoke to the Hon. Mr Milne this morning he convinced me that this Bill was ill-conceived and that there was certainly not enough time to consider it.

The Hon. C. J. Sumner: This legislation?

The Hon. J. E. DUNFORD: This legislation.

The Hon. C. J. Sumner: Did he talk you into voting against it?

The Hon. J. E. DUNFORD: No, he did not. I knew it was crook. I woke up before the Hon. Mr Milne, but he told me that this morning.

The Hon. C. J. Sumner: What has he done then?

The Hon. J. E. DUNFORD: I told you what happened to him in the corridor with the six heavy Liberals. Of course, they got Mr Brown over and he hopped into him, too.

The Hon. C. J. Sumner: But he told you this morning he was not going to have anything to do with it.

The Hon. J. E. DUNFORD: Absolutely.

The PRESIDENT: Order!

The Hon. J. E. DUNFORD: It is sad, because Mr DeGaris has said time and time again this is not a Party House and that we do our own thing here. We have had the Democrats at Federal level supposedly 'keeping the bastards honest' and then going to water. They have gone to water here, too. I feel sorry for Mr Milne because he has Mr Millhouse to deal with—Millhouse was out there too.

The PRESIDENT: Order! The Hon. Mr Dunford is to discuss the third reading of the Bill. It was unparliamentary language that he used, as he should refer to Mr Millhouse as the member for Mitcham, not as 'Mr Millhouse'.

The Hon. J. E. DUNFORD: I have had experience with him in the Industrial Court and I know how bitterly he is against trade unions and working class people's increases. This is where I see the purpose of this Bill. I am trying to tell the people in this House that you have got one of the most reactionary people against trade unions and working-class people—

The PRESIDENT: Order!

The Hon. J. E. DUNFORD: I will not come to order.

The PRESIDENT: Order! I will name the honourable member.

The Hon. J. E. DUNFORD: And they ought to be locked up for what they have done—

The PRESIDENT: Order!

The Hon. J. E. DUNFORD: I oppose the third reading, and you can declare me in or out—I don't care a stuff—

The PRESIDENT: Order! I have no option but to ask the honourable member to withdraw that remark immediately. What ought to happen is that the honourable member ought to leave the Chamber and not have a chance to vote on the Bill.

The Hon. J. E. DUNFORD: Well, you put me out.

The PRESIDENT: Very well, I name the Hon. Mr Dunford.

The Hon. J. E. DUNFORD: Well, I will withdraw.

The Hon. C. J. SUMNER: I think that the honourable member ought to be given an opportunity to make an explanation.

The PRESIDENT: I will let him do that.

The Hon. J. E. DUNFORD: I withdraw the word 'stuff'. What is wrong with that?

The PRESIDENT: The honourable member will withdraw. I am not satisfied with that.

The Hon. J. E. Dunford: I am not going to apologise to him.

The PRESIDENT: The honourable member has had his opportunity—I have named him.

The Hon. K. T. GRIFFIN: It is somewhat regrettable at this hour of the morning that the honourable member is not prepared to comply with your ruling.

The Hon. C. J. SUMNER: Mr President, the honourable member should be given another opportunity to make an explanation. With due respect to everyone, it is a rather curious situation we find ourselves in at 2 o'clock this morning on the third sitting day. I suggest one way out would be to ask the honourable member to withdraw the remark that he made and perhaps the matter could be resolved like that.

The Hon. J. E. DUNFORD: The Hon. Miss Levy said she did not hear me. I do withdraw unreservedly.

The PRESIDENT: The honourable Minister of Community Welfare.

The Hon. J. C. BURDETT: I thank honourable members for their contributions to the third reading debate, even though they were totally irrelevant. I support the third reading.

The Council divided on the third reading:

Ayes (11)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Noes (10)—The Hons. Frank Blevins (teller), G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Majority of 1 for the Ayes.

Third reading thus carried.

Bill passed.

ESSENTIAL SERVICES BILL

Received from the House of Assembly and read a first time.

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

Honourable members will recall that, several weeks ago, serious disruption to the community occurred due to industrial disputation and placed at risk the delivery of vital commodities, including food and petrol. In seeking to respond to the situation with which it was presented, the Government's powers were severely limited except with regard to petrol, which the Government could deal with under the Petroleum Shortages Act passed last year. The situation in South Austrlia is different from that pertaining in other States, where legislation exists to allow the Government to ensure that essential services are not interrupted. Indeed, the Victorian Government took action under its Essential Services Act of 1958 during the recent strike in order to maintain food deliveries, a matter of vital concern for the health and well-being of the community.

In our own State, during the T.W.U. dispute, *ad hoc* arrangements for the maintenance of essential food requirements made betweens the Governmnent and that union did minimise the worst effects of the dispute. However, the Government is acutely aware that, if an accommodation of this type is not possible in the future, the outlook for the South Australian community will be bleak, to say the least. It is also aware that interruptions to essential services may result from causes other than industrial disputes, the medium to long term economic and social effects of which are not dealt with by the State Disasters Act.

In these circumstances, the Government believes it appropriate that it should have the power to deal with such situations expeditiously. At the same time, it recognises that such powers must be exercised sparingly and only when absolutely justified by events. The Bill I am introducing today takes account of these considerations.

The Bill provides that the Governor may declare a period of emergency and that specific essential services are the subject of such a proclamation where in his opinion, circumstances have arisen, or are likely to arise that have caused, or are likely to cause, an interruption or dislocation of essential services in the State. Essential service is defined

in the Bill to mean a service (whether provided by a public undertaking) without which the health of the community would be endanagered, or the economic or social life of the community seriously prejudiced.

The Bill provides that such a period of emergency, which in the first instance must not exceed seven days, may be extended by successive periods of seven days up to a total of 28 days. Once a total of 28 days has been reached no further extensions are permissible for a further 14 days unless Parliament is recalled and approves a further extension of the period of emergency by a resolution of both Houses. These provisions regarding the length of the period of emergency are identical to those in the Petroleum Shortages Act approved by Parliament last year. Its is considered that they strike a proper balance between the need for the Government to act promptly and responsibly and the need for the Government to be accountable to Parliament for its actions, even though they can create some difficulty for the Government in an emergency.

During the period of emergency, the Minister may give directions relating to proclaimed essential services generally or to a particular proclaimed essential service. Such a direction may be given to a specified person, or class of person or members of the public generally. Where such a direction is to a particular person or class of persons and, as a result, that person or class of persons incurs expense in complying with the direction, those expenses may be recovered from the Minister as a debt.

The Bill also provides that the Minister may provide, or assist in the provision of a proclaimed essential service or provide, or assist in the provision of, a service in substitution for a proclaimed essential service. In exercising these powers the Minister may employ at not less than award rates such persons as he thinks fit and enter into such contracts or arrangements as he thinks fit. The Bill provides for the application of moneys from the general revenue for these purposes. Thus, any proposed action has to be weighed against its probable costs.

The Minister is also given power to requisition property. In the event that this power is exercised the Minister is liable to compensate the property owners for damage or deterioration to it while it was in the possession of the Minister and for loss suffered by the owner in consequence of deprivation of the use of his property. The property must be returned immediately the proclaimed period of the emergency ends.

These powers can only be exercised by the Minister when he considers their exercise to be in the public interest. The situation contemplated by this Bill, that is, a major disruption to essential services, may lead to acute shortages. For this reason, the Bill includes a provision enabling the Minister to fix maximum prices in relation to the sale of specified goods or services during a period of emergency to prevent profiteering. The Bill includes appropriate penalties to ensure compliance with its provisions. The Bill reflects the Government's view that this legislation is required to safeguard the interests of the public in circumstances which we hope will not occur. We believe, however, that in the light of recent experience in South Australia and in other States it is necessary to have the ability to safeguard the public in those circumstances. I commend the Bill to the Council. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 sets out the definitions required for the purposes of the new Act. I draw attention particularly to the definition of an 'essential service' which embraces any service (whether provided by a public or private undertaking) without which the health of the community would be endangered or the economic or social life of the community seriously prejudiced. It should be noted that a 'service' includes the production, distribution and supply of goods.

Clause 3 provides for the declaration of a period of emergency in respect of specified essential services. Such a period is not to exceed seven days but it may be extended by further peiods (each not to exceed seven days) until a maximum limit of 28 days is reached. Then no further extension is possible unless authorised by a resolution of both Houses of Parliament. After the expiration of a period of emergency, no futher such period is to be proclaimed until at least 14 days have elapsed, unless Parliament otherwise authorises.

Clause 4 is a general power to give directions in relation to the provision or use of proclaimed essential services (i.e. services that have been declared by the proclamation establishing the period of emergency to be services in respect of which the period of emergency applies). Clause 5 empowers the Minister himself to provide a proclaimed essential service, or to provide services in lieu of a proclaimed essential service. For the purpose of doing so, the Minister is empowered to enter into contracts of employment and other contracts. The general revenue can be applied towards satisfying the liabilities incurred by this clause. The Minister is also empowered to requisition property for the purpose of exercising the powers conferred by the clause. The owner is to be entitled to compensation for damage to or deterioration of the requisitioned property occurring while it is in the Minister's possession, and also for loss flowing from deprivation of the use of the property.

Clause 6 empowers the Minister to gather information in relation to the provision or use of an essential service. Clause 7 enables the Minister to fix maximum prices for goods and services during a period of emergency and imposes heavy penalties for profiteering. Clause 8 makes it an offence for a person to impede, by force or intimidation, the performance of a duty related to the provision of a proclaimed essential service, or the administration of the new Act.

Clause 9 empowers the granting of exemptions from the provisions of the new Act, or of directions under the new Act. The terms of any such exemption must be published in the *Gazette* or in a newspaper circulating generally in the State. Clause 10 is a power of delegation. It should be noted that no delegation of the power to requisition property or to fix maximum prices for goods or services can be made. Clause 11 prevents actions being taken in pursuance of prerogative writs to compel the Minister to take, or to restrain him from taking, action under the new Act. Clause 12 is an evidentiary provision. Clause 13 provides for the summary disposal of proceedings in respect of offences under the new Act. Such proceedings are not to be commenced except upon the authorisation of the Attorney-General. Clause 14 is a regulation-making power.

The Hon. C. J. SUMNER secured the adjournment of the debate.

[Sitting suspended from 2.10 to 3.25 a.m.]

The Hon. K. T. GRIFFIN (Attorney-General): I intimate to the Council that the House of Assembly intends to suspend its sittings until 11 a.m. this morning. After the suspension of the Council's sittings until later this morning, I would not expect us to sit until after 11 a.m., but honourable members should be available within the building at

an appropriate time after another place has completed its consideration of the message from the Legislative Council.

[Sitting suspended from 3.26 a.m. to 12.30 p.m.]

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 12.32 p.m. the Council adjourned until Tuesday 15 September at 2.15 p.m.