HOUSE OF ASSEMBLY

Wednesday, March 24, 1971

The SPEAKER (Hon. R. E. Hurst) took the Chair at 2 p.m. and read prayers.

QUESTIONS

DUTHY STREET

Mr. LANGLEY: Has the Minister of Roads and Transport seen newspaper reports about the accident rate in respect of Duthy Street, Unley, and can he say whether any move is being made to make this arterial road safer in the future? The accident rate in respect of Duthy Street has concerned local residents for a long time. These people are particularly worried that nothing has been done for a long time to make this road safer. Only last week, a fatality occurred on the corner of Edmund Avenue and Duthy Street, and there have been many other major and minor accidents on Duthy Street, which was described recently as one of the most dangerous streets in the metropolitan area. Although Duthy Street forms part of the boundary of the districts of the member for Mitcham and the member for Bragg, parts of it lie in my district: the accident that occurred last Saturday was in my district. I am sure that the people of the area would be pleased to know whether any action has been taken.

The Hon. G. T. VIRGO: Following the tragic accident that occurred last Saturday, I contacted the Road Traffic Board, and I think it best that I give the House details of the report I received. What I will say is not meant (and I stress this) as criticism of the Unley City Council, in whose area this street is located, but it is a factual report. In August, 1969, the Road Traffic Board presented to the Unley City Council a report on Duthy Street, Unley, which covered the accident history for the five-year period between 1964 and 1968 inclusive. The report pointed out (and I should have thought the member for Mitcham was interested in this, as part of it is in his district—

Mr. Millhouse: It is not; it's the boundary. You are wrong again.

The Hon. G. T. VIRGO: I am sorry if the member for Mitcham is not interested in road safety, but I am sure other members are interested and would appreciate his silence, so that they could hear what has been done.

Mr. Millhouse: Your criticism is unwarranted, and you are provoking me.

The Hon. G. T. VIRGO: I did not provoke anyone. The honourable member was too busy speaking to those members sitting alongside him to be interested in what was being said. The report pointed out the use being made of Duthy Street by through motorists and highlighted the excessively high speed of these motorists, especially in conjunction with the restrictive sight distance available at most of the intersections, together with the repetitive nature of the intersections. The recommendation of the report was to construct star-shaped islands at two intersections, one at either end of Duthy Street. This, it was considered, would achieve a reduction in accidents by reducing the possible number of conflicts and would also reduce the severity of any accident occurring. The street would lose its attractiveness for through traffic and the traffic that did use it would do so at a reduced speed.

On September 30, 1969, the council replied to the board that it was not in favour of the star-shaped islands and that it considered the best treatment would be two sets of traffic signals, one at Wattle Street and one at Frederick Street, together with improved delineation by means of safety bars at all other side streets. I am sure that the member for Mitcham would be interested in this, except that he is too busy talking to the Leader to be able to listen. The council also requested the replacement of the existing "stop" signs at the intersection of Fisher Street and Duthy Street with "give way" signs. The board on October 23, 1969, approved in principle the recommendation of small rotary islands as an alternative to the star-shaped islands. On November 11, 1969, the Executive Engineer of the board discussed with the Town Clerk and the City Engineer of Unley the problems associated with Duthy Street, and agreement was reached on the general proposal to install small rotaries at several locations along Duthy Street. The City Engineer agreed to investigate the intersections involved to determine the extent of the engineering works required, particularly with regard to drainage.

Further investigation by the board has revealed that the uncontrolled intersections of Frederick Street and Cheltenham Street with Duthy Street are high on the priority list of hazardous intersections in the metropolitan area. The principal accident pattern shows Duthy Street traffic not giving way to traffic on Frederick and Cheltenham Streets. To correct this problem, "stop" signs were this day approved for erection in Duthy Street at both these intersections.

KADINA EDUCATION FACILITIES

Mr. HALL: Will the Minister of Education take action to expedite plans to surface the schoolyard of the Kadina Primary School, and will he find out the best means of providing a new building for the adult education centre at Kadina? Representations having been made to the Minister in the past about both of these matters, he has been good enough to reply. However, the primary school committee still does not have a programme for the surfacing of the schoolyard that would enable it to look forward with confidence to the provision of this facility before the coming winter. Also, as yet, the adult education centre has not heard of a firm construction programme. I should be grateful if the Minister would inquire about these matters, expediting action if possible.

The Hon. HUGH HUDSON: I shall be pleased to look into the matter regarding the primary school. The Leader will recall that the Kadina council objected to a wooden building for the Kadina Adult Education Centre being erected on the site previously agreed to. As a consequence of this, I agreed that at least a transportable unit would be placed there. The delay has been caused by an investigation that has been proceeding into the use of another type of building that would be more attractive than a transportable unit. Indeed, the department has been conducting experiments regarding the use of this type of building, which is similar in appearance to a Samcon building and which, I am confident, will be completely acceptable to the local residents and the Kadina council. I have decided that the delay involved in investigating this alternative possibility has been worthwhile and that, if it produces a result attractive to the local community, the latter will also regard it as worthwhile. I assure the Leader that, as soon as a definite decision regarding this centre is made, I will inform him and the local council.

FIREARMS

Mr. RYAN: Has the Attorney-General received from the Chief Secretary a reply to the question I asked on March 3 regarding the sale of firearms in supermarkets?

The Hon. L. J. KING: The Chief Secretary states that the matter of uniform firearms legislation throughout the whole of Australia is at present under review, and it is considered preferable to await the result of these negotiations before introducing amendments to this aspect of our existing legislation.

MOUNT GAMBIER HOUSING

Mr. BURDON: In the absence of the Premier, has the Minister of Works a reply to the question I asked on March 17 regarding Mount Gambier housing?

The Hon. J. D. CORCORAN: The Housing Trust recently let a contract for a further 10 maisonette-type units, which are designed to provide rental accommodation for lower income people. Additionally, a contract was let for five single-unit houses. Tenders will be called soon for a further 20 maisonette-type units and for a further 15 single units.

DAW PARK CROSSINGS

Mr. PAYNE: Has the Minister of Roads and Transport a reply to the question I asked on March 16 regarding the zebra crossing on Goodwood Road near Richmond Avenue and the school crossing adjacent to Crozier Avenue, Daw Park?

The Hon. G. T. VIRGO: The responsibility for undertaking work in connection with school and pedestrian crossings rests with the appropriate local government authority, not with the Highways Department. However, arrangements have been made for an officer of that department to bring the shortcomings of the two crossings mentioned to the attention of the councils concerned and to request that action be taken as required.

METROPOLITAN BEACHES

Notice of Motion, Other Business, No. 1: Mr. Becker to move:

That in the opinion of this House an advisory committee be formed of representatives from the Marine and Harbors Department, Tourist Bureau, Lands Department, State Planning Office and local government bodies, to investigate and report to the Minister of Marine on measures which should be taken to preserve and improve the future of metropolitan beaches, and, in particular, steps which should be taken to prevent beach erosion.

Mr. BECKER (Hanson): As a committee similar to the one proposed in the motion has been appointed, I do not wish to proceed with my notice of motion.

Motion lapsed.

FIREARMS

Dr. TONKIN (Bragg): I move:

That an Address be presented to the Governor, praying His Excellency to amend regulation No. 2 of the regulations under the Firearms Act, 1958, so as to read as follows:

2. Firearms—The following class or description of portable gun is prescribed as a firearm within the meaning of the Firearms Act, 1958:

Any air gun from which a shot, bullet or other missile can be discharged.

I am sure that you, Mr. Speaker, and all other members are well aware of the concern I have expressed previously about the many tragic accidents involving air guns that occur, and I hope that all members will share my concern on this occasion. The motion is a means whereby the regulations may be changed by deleting the words "with a rifled barrel". An air gun with a rifled barrel must be registered at present, whereas an air gun without such a barrel not need be registered.

Work to prevent blindness has come a long way in the last few years. We have seen a changing attitude in industry, where the wearing of safety spectacles has now become the rule. The former Australian point of view that it was cissy to wear any type of protection has now given way to a commonsense point of view. Action on the prevention of blindness has gone so far that, in many places overseas, legislation has been introduced requiring that spectacles generally be dispensed in safety glass, and I am not sure that it would not be a bad thing for this Government to consider taking similar action. Rotary lawnmowers have been a potent source of eye injury in the past and, as the lawnmower manufacturing industry affects South Australia particularly, it is good that the manufacturers of these items have devised safety precautions and guards for the mowers so that stones will not be thrown up into the eyes of onlookers, particularly the children who gather around to watch their father mowing the lawn.

Children are particularly susceptible to the dangers involved in the toys with which they play. The dangerous toys include scissors, which cause many eye injuries when they are sharply pointed and when young children fight over them and stick them in their eyes. Scissors that young children play with should be round-ended and blunt. There is a natural tendency for young boys to fight with stones and green fruit. I should think that all members (except perhaps the members for Tea Tree Gully and Davenport, of course) have done this in the past.

Mr. Jennings: You don't know them!

Dr. TONKIN: I accept the honourable member's assurance on that. Shanghais, bows and arrows, sharply pointed sticks, and air guns each year cause many accidents, resulting in loss of sight. The crux of the matter is whether or not an air gun has a rifled barrel. I understand that the rifling adds to the accuracy of the aim. The fact that its barrel is not rifled does not make much difference to the power of the gun. It is difficult to explain to those members who have not seen cases how tragic it is to see a young child with an air gun slug in what was an eye and, indeed, to have to remove that eye or to have to try and patch it up. I will mention four cases that I have treated during the last few years.

A lad of 12 years was riding a bicycle in the street when he was struck a severe blow in an eye. We took him to hospital, and on the operating table it became obvious that the eye was a complete writeoff. It was removed and an air gun slug was found inside it. A girl of 10 years was playing at one end of a drainpipe in a children's playground when someone at the other end pulled the trigger of an air gun and the slug ricochetted and hit her in the side of the eye and the slug lodged between the orbit and the eye itself. The eye has been saved but the vision that remains is only about 20 per cent of normal vision.

A boy of four years on a picnic in the country was brought in with a severe haemmorrhage in his eye, with no vision at all. No-one knew what had happened to him until six months later, when we found that someone who had been using an air gun thought he might have shot this young boy. The most recent case is of a 14-year-old boy from Clare who had his eye removed with an air gun slug in it. I could go on and detail numerous cases of this kind..

I am told that the Police Department would have no difficulty in administering the provisions of this motion because the department already registers air guns with rifled barrels and it would be only a little more difficult to register all air guns. I do not intend to labour the point, for I hope all members realize what a danger to vision are air guns, with or without rifled barrels, and this is one way of bringing them under control. If parents realized that all air guns must be registered, I think they would think twice before giving them to their children without a commonsense course of instruction on how to use them. No parent would give a 14-year-old boy a .22 rifle without giving him a good grounding in the use of firearms and the precautions that should be taken. It is just as important to understand the dangers of air guns because at close range, air guns,

with or without a rifled barrel, can be equally as dangerous as a .22 rifle. I believe this is one way of controlling the indiscriminate use of air guns by untrained young people. I ask members to give this motion their favourable consideration.

The Hon. L. J. KING (Attorney-General): The case made by the honourable member in support of his motion is undoubtedly persuasive, and I think we are all conscious of the suffering that has been occasioned by the use of air guns. As the honourable member says, the method adopted here is one way of dealing with the situation. I do not think it is the only way, but the question is whether it is the best way. As I said in reply to a question earlier today, the control of firearms is the subject of discussions that are taking place between the responsible Ministers and officers of the various States. As I also said previously, the Chief Secretary takes the view that it is unwise to deal with firearms by way of piecemeal legislation until all matters relating to firearms have been fully considered by the Ministers and officers of the various States.

Until the result of those discussions is known, Cabinet cannot make a considered judgment whether the course of action proposed by the member for Bragg should be adopted, and at this stage and for that reason I oppose the motion. However, I make clear that the Government is not prejudging the question whether the action suggested by the honourable member should ultimately be taken, but in the present situation we lack the complete information that will be available when discussions between the Ministers of the various States and their officers have been completed. In our view, a final decision on whether this course of action should be adopted should await the conclusion of those discussions, so that Cabinet will have an opportunity to make a considered judgment on the basis of complete information. I therefore ask the House to oppose the motion.

Dr. TONKIN (Bragg): I am conscious of the points made by the Attorney-General, but I point out that I have asked several questions on the matter this session, and during the course of at least one of the replies I received (I think it was when the Chief Secretary had come back from the conference with other Chief Secretaries) I was given to understand that no action was being taken in the matter, because of lack of co-operation from other Governments. This may or may not be so but, if the Attorney-General can assure me that this matter has not died and is being considered, perhaps I will not feel so badly about it; nor will many of the parents of those young people who have already lost their vision and/or their eyes; nor will the parents of those young people who may well lose their sight or the use of an eye while the Government makes up its mind.

I am in the Government's hands; if there is a better way of proceeding, and if it is done soon, I shall be pleased; but on the other hand I cannot see that changing the regulations by making this one small adjustment will have the slightest effect on any impending legislation. I cannot understand the Attorney-General's reasons for objecting, for this motion seeks to stop a gap temporarily. If the Government introduces legislation to tidy up the matter, I shall be more than pleased, but I am not at all happy about the present situation, in which children in this State may lose their vision or their eyes while the administrative processes grind on slowly. I ask the Attorney-General and members generally to consider that this might happen to one of their children some time in the next week or in the next month: let us relate this to the individuals who possibly will suffer. Once again I strongly urge the House to support the motion.

Motion negatived.

BUILDERS LICENSING

Mr. HALL (Leader of the Opposition): I move:

That the Builders Licensing Board regulations, 1970, made under the Builders Licensing Act, 1967, on November 26, 1970, and laid on the table of this House on December 1, 1970, be disallowed.

If these regulations remain in force, it will lead to a time of crisis for the building industry in South Australia. We know that the Premier has said that he will introduce regulations different in detail from these regulations, but they will still achieve a similar object within the building industry. These regulations represent one of the most dangerous and most damaging measures to the building industry that South Australia has seen, for they will create regimentation on a scale that no State has yet tried to implement. There is nothing like these regulations elsewhere in Australia, and this should be borne in mind when members consider the full effect of the regulations. The regulations define the restricted or classified trades, listing dozens of

categories, including people engaged in earthworks, foundation construction, general bricklaying and masonry.

These regulations are the teeth of the Bill that has been the subject of much discussion in South Australia recently, and the Government relies here on the support it received for builders registration in 1967, when the Master Builders Association and the Housing Industry Association supported the Government in that respect, although they did not support licensing. At that time, as I found when consulting with members of the building trades and their representatives, no-one expected to see this type of regimentation foisted on the public and on the building industry itself, yet here it is. It is these regulations, not the Bill itself, that have disturbed the industry and resulted in my presenting to the House a petition from the members of the Master Builders Association seeking to disallow these regulations. At a meeting held about a fortnight ago in the Estonian Hall which was attended by over 300 people, it was overwhelmingly decided to seek to have these regulations disallowed. Where are the people in the industry who now support them?

Mr. Langley: What about the subcontractors' association?

Mr. HALL: To what can the Deputy Premier point, except Labor Party policy and a few small groups—

Mr. Langley: Some want them—over 50 per cent.

Mr. HALL: Of course some want them, but the member for Unley is in error when he says that anywhere near 50 per cent wants the regulations, and he cannot substantiate that statement. Reports that have been made on the matter are overwhelmingly in favour of disallowing these regulations. Why have members of the trade said that the regulations are obnoxious? First, it is because of the intentions of the board and the Government that are revealed through the type of qualifications that will be sought in future in respect of a classified tradesman. I have received from the Builders Licensing Board a brochure that lists the qualified trades and generally indicates the scope of the work authorized in respect of the various qualifications, indicating also the experience of applicants. Perhaps it will interest members opposite if, once again, I go through the qualifications that will be needed by individuals so that they can work in business on their own account within the trade.

First, I will set out the training required of a lawyer, which is a total of five years or six years, and of a doctor, which is six years and one other year, making a total of seven years, before he can ask the public to give him their business. Those professions are looked on as the hardest to learn in the community. However, a ceramic and glazed wall or floor tiler must have eight years' training before he is allowed to put tiles on a wall. Members opposite call themselves representatives of the worker, but they want only to represent people who are employed by other people and who can be forced to join unions.

This is an obvious attempt to unionize an industry which at present is shot through with people who work on their own account. The Labor Party finds it obnoxious that so many people earn money on their own account on an incentive basis. Members opposite know that this Bill is being promoted by the union movement; it is an attempt by the unions to unionize the industry, tossing out subcontractors and the incentive that now applies. A tiler must have eight years' training, an electrician seven years' training, and a roof sheeter three years' training. A person must have a minimum of four years' experience driving a bulldozer before he is permitted to level a block. Do members opposite think that is sensible?

Mr. Langley: You know that an electrician does not need seven years' training. You have the wrong information.

Mr. HALL: I am sorry if I am wrong, but my information states: "Electrician—electrical workers' licence from the Electricity Trust, and trade experience of seven years."

Mr. Langley: The apprenticeship is for five years.

Mr. HALL: The member for Unley apparently does not know.

The SPEAKER: The honourable member for Unley is out of order.

Mr. HALL: Yes, because he does not know what is in the legislation. For years I have looked to the honourable member for help and now he is giving it to me.

Mr. Langley: You know that—

The SPEAKER: Order! Interjections are out of order. If any honourable member has anything to contribute he can make a speech, but he must not interject. I will not continually call members to order.

Mr. HALL: By an interjection that was out of order, I have been told that the apprenticeship for an electrician is for five years. I am indebted to the interjector for that information. However, I understand that that period was reduced to four years by legislation passed this session. In referring to five years, the honourable member is having regard to the old Act. However, taking his term of five years' apprenticeship to become an electrician, the regulations require another two years' experience before an electrician can go into business in his own right. Apparently the honourable member does not know this. I hope the honourable member will speak in this debate. I am sure he is listening to what I am saying, although he has his back turned to me.

Mr. Langley: I know it is four years now; it was five years before.

Mr. HALL: After the four years' apprenticeship, an electrician needs three years' experience before he can go into business. As I have said, the recommendation by the board is that a block leveller must have four years' experience driving a bulldozer. Need I go through the other categories? The regulations are shot through with nonsense. Is it any wonder that the building industry is up in arms?

Mrs. Byrne: Only certain sections of it.

Mr. HALL: I suppose that those who get in with little or no qualification do not object. If a person is a form work erector he can be licensed with only one year's experience. Perhaps foundation contractors, who need only three years' training, are not too worried. It takes only five years for a welder to qualify, whereas a sanitary drain layer can qualify after only one year. However, there are other cases. I am sure the member for Tea Tree Gully would not want to ignore these categories, for they all vitally affect the costs of the building industry.

Mrs. Byrne: I don't want to ignore those who are affected by poorly constructed buildings, either.

Mr. HALL: This is where emotion has got ahead of common sense. The honourable member will admit that South Australia has the best building situation in Australia.

Mrs. Byrne: I believe—

Mr. HALL: It does not matter how much the honourable member interjects: South Australia has the best housing experience and offers the best value for money of all the six States, and this cannot be contested. Any one who denies this is being foolish. A responsible comparison shows that a house which costs $10,000 here would cost $13,000 in Victoria and $14,000 in New South Wales.

We should be proud of an industry that has produced such a situation. However, there will always be problems, some of which have been referred to by the member for Tea Tree Gully. Such problems are the basis for all this restriction. Responsible members of the industry are saying that to compile a register of builders and to have some oversight of their capacity to build will increase the cost of building by 25 per cent. Does the honourable member know what weekly payment is involved for young people who are paying for a house to be built?

Mrs. Byrne: It will not cause such an increase.

Mr. HALL: It will, because it is taking the incentive out of the building industry. If one compares industries that have an incentive factor and industries that have not, one can easily see evidence of what builders are talking about. If the honourable member does not believe in providing an incentive, that is up to her. However, as a legislator, I have a duty to all people involved in the building or purchasing of a house, and I do not intend to vote for something that will increase the cost of a house by $2,500, just so that the honourable member can regiment and lock up builders in this respect.

Mrs. Byrne: Prove it.

Mr. HALL: This is the crux of the matter.

The Hon. D. H. McKee: You can't prove it.

Mr. HALL: The honourable member knows that builders who she has said have been faulty in the past have been automatically licensed already by her Government.

Mr. Ryan: Their licences can be cancelled.

Mr. HALL: No builder has been refused a licence, so that the builders about whom the honourable member has complained are still in the building industry, and she knows it. These regulations will not prevent such builders from continuing in the industry. Members can talk to the biggest or smallest builders in South Australia and they will be told that the subcontractor system, which is objected to so strongly by the Labor Party, is the basis of the success of the house-building industry in this State.

Mr. Langley: Rubbish!

Mr. HALL: If the honourable member thinks that, he is completely innocent on this subject. That is the only construction I can place on his attitude. The regulations will set out classified trades, and thousands of subcontractors in South Australia will have to choose their classification. Thereafter, they will be able to operate within their trades but will not dare move out of them. Therefore, one will not be able to do one's own building but will have to get a qualified, licensed person, who will not be able to cross his demarcation line. Under the regulations, a person will have to train for four years before he can drive a bulldozer to level a block. Surely the member for Unley realizes the absurdity of that.

Mr. Langley: I don't know anything about that.

Mr. HALL: That is right; at least the honourable member is being honest today. The fact that one needs four years' training to drive a tractor to level a surburban house block shows how clearly these regulations will inhibit subcontractors, as they will immediately prevent people from getting into the bulldozing business. A whole range of people, who may have saved enough money to buy a bulldozer next year, will not be able to do so. The people who might want to perform any of the work referred to in the regulations will need to have the various years of experience stated therein before they will be allowed into the trade. As a result, costs will rise.

I remind the Government that, in moving this motion, I am speaking for thousands of builders in South Australia, who support the move I am making. Although these people in many ways like registration, they do not want licensing. I firmly believe that, when it is organized, the industry will be able to have its own insurance scheme to cover any defects in building. Indeed, it could do so at a fraction of the cost that the public will be forced to pay as a result of the destruction of the subcontracting system. A licence will cost a general builder $20 a year, and a subcontractor's licence will cost $8 a year, as well as all the other costs which these people must pay and to which the Premier has said he will, by the regulation, make minimal adjustments without affecting the basis of these regulations.

All these things are costly, and we will be drawing out of the industry money to pay bureaucracy each year. The Government has to sustain a new department so that it can bottle everything up within well-defined lines of demarcation, whereas for a fraction of the cost the industry could arrange its own insurance scheme. From preliminary inquiries I have made, I believe that a minimal insurance premium paid by each builder in respect of each home built in this State would cover for at least six years thereafter any defect in a house that could be attributed to faulty work. Why has this possibility not been investigated? Why does not the Government help the industry to help itself and the public as well rather than jam on to it an entirely ineffective scheme of builders' licensing? Western Australia has builders' licensing but, with the minimal legislation, the housing situation there is worse than that in South Australia. The prime defect of the Act, the parent of these regulations, is that there is no house builder on the board. The member for Tea Tree Gully can talk her head off here, but let her explain why there is no house builder on the board.

Mrs. Byrne: Why didn't you do it at the time?

Mr. HALL: The member for Tea Tree Gully knows the turmoil that arose when the Bill was introduced by this Government, which later retreated under pressure from the Housing Industry Association. However, it still did not appoint a house builder to the board, which is indeed a serious defect. We must raise the standards of house building, and it is wrong for Government members to say that the regulations will help anyone except the bureaucrats who run the board. Further, the regulations will repress the builders.

The Hon. D. N. BROOKMAN (Alexandra): I second the motion *pro forma*.

The Hon. J. D. CORCORAN (Minister of Works) moved:

That this debate be now adjourned.

Mr. RYAN seconded the motion.

The Hon. D. N. BROOKMAN: I rise on a point of order, Sir.

The Hon. J. D. Corcoran: There is no point of order. I have moved the adjournment of the debate. Sit down!

The SPEAKER: What is the point of order?

The Hon. D. N. BROOKMAN: That the Deputy Leader has moved the adjournment of the debate, and he is trying to—

The Hon. J. D. Corcoran: I am entitled to do so.

The Hon. D. N. Brookman: Why doesn't the Minister say what he wants?

The SPEAKER: Order! The motion before the House is "That this debate be now adjourned."

The House divided on the motion:

Ayes (24)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran (teller), Crimes, Curren, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee, McRae, Payne, Ryan, Simmons, Slater, Virgo, and Wells.

Noes (18)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall (teller), Mathwin, McAnaney, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Pairs—Ayes—Messrs. Dunstan and Lawn. Noes—Messrs. Millhouse and Nankivell.

Majority of 6 for the Ayes.

Motion thus carried.

Mr. HALL moved:

That this debate be adjourned on motion.

The House divided on the motion:

Ayes (18)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall (teller), Mathwin, McAnaney, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (24)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran (teller), Crimes, Curren, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee, McRae, Payne, Ryan, Simmons, Slater, Virgo, and Wells.

Pairs—Ayes—Messrs. Millhouse and Nankivell. Noes—Messrs. Dunstan and Lawn.

Majority of 6 for the Noes.

Motion thus negatived.

The SPEAKER: The question now is "That the adjourned debate be made an Order of the Day for—" The Leader of the Opposition.

Mr. HALL: It is not much use my suggesting a date, Mr. Speaker. The Minister had better do so.

The Hon. J. D. CORCORAN moved:

That the adjourned debate be made an Order of the Day for Wednesday, March 31.

Motion carried.

INDEPENDENT SCHOOLS

Adjourned debate on the motion of the Hon. D. N. Brookman:

That in the opinion of this House the Government should consider increasing forthwith the payment to all independent schools, on behalf of each primary school child, from $10 to at least $20 per annum,

which Mr. Hopgood had moved to amend by striking out all the words after "That" and inserting "this House supports the decision of the Government to allocate an additional $250,000 to independent primary schools in 1971 on a needs basis".

(Continued from August 26. Page 1082.)

Mr. BURDON (Mount Gambier): I have had to refer back to *Hansard* of August 26 last for the earlier part of my speech on this motion, when I said that I opposed it. In the meantime, the Government has proceeded with its proposal to grant $250,000 to private schools in South Australia. After much investigation, a special committee that the Government appointed to deal with the distribution of this grant made certain recommendations, which the Government accepted, and independent schools throughout the State have been told how much money they will receive from this source for the ensuing 12 months. The committee, which comprised eminent education authorities, carried out a thorough investigation in the time it had available to conduct its inquiries. It was not able to visit all schools, but through correspondence it was able to obtain the evidence it required to make its recommendations. On August 7, 1970, the Government set up this committee, which comprised the Rev. R. A. Cook (Headmaster of Kings College) as Chairman, and Father E. J. Mulvihill (Director of Catholic Education in South Australia), Sister Mary Cain (Principal, St. Bernadettes School), Brother Columbanus Pratt (Headmaster, Sacred Heart College), Mrs. Diana Medlin (Headmistress, Girton Girls School) and Professor N. T. Flentje (Professor, Plant Pathology, at the University of Adelaide), as members. The terms of reference were set out by the Minister of Education in a letter as follows:

The committee is requested to make recommendations on the distribution of the additional $250,000 per annum to those independent schools which have children attending primary classes. The committee is asked to categorize schools on a needs basis and apply differential rates of assistance per capita for the schools according to the category in which each school is placed. The committee is free to recommend that certain schools should

receive no additional assistance. In determining needs, the committee is asked to consider the following criteria:

(1) The ability of the schools to gain revenue by charging fees and the amount of fee revenue actually collected.
(2) Staff-student ratios existing in the schools.
(3) Average salary costs per staff member.
(4) Revenue sources available for schools other than fee revenue.
(5) Expenditure commitments for capital expansion.
(6) Likely demand for places in the schools due to expanding population in particular areas.
(7) Any other criteria which the committee deems to be relevant.

The committee was asked to make its recommendations available by mid-February, 1971, and it has done this.

It is well known that the committee recommended that the funds be allocated according to the following four categories: (*a*) schools to receive $20 a year a student; (*b*) schools to receive $15 a year a student; (*c*) schools to receive $10 a year a student; and (*d*) schools which, although in need, will not receive an additional grant in 1971 because the total amount is insufficient to spread over all schools and still enable meaningful grants to be made to schools in the higher categories of need. Schools in the fourth category will not receive an additional grant in 1971 because of the non-availability of funds from which the Government is able to meet the needs of the private schools to the extent that the Government and I would deem necessary for the schools to be conducted in the way we would like to see them conducted.

We believe that every child in this State, irrespective of financial consideration, should have an equal opportunity to receive an education. There should be no privileges or strings attached in relation to any child who desires an education in South Australia, regardless of what school he attends. The limiting factor is the money available to the State from the Commonwealth Government. I hope that the day will come when the Commonwealth Government will recognize its responsibilities to the States and make sufficient money available for education. The Education Department is seriously handicapped, because of shortage of funds, in giving students the benefits to which they are entitled.

The Karmel report states that there is a difference of $300,000,000 between the funds available and the amount needed to implement the recommendations of the report. I believe the Government has taken the right steps regarding private schools, and I hope that the additional recommendations of the committee (that the additional grant be continued in 1972 but that the total amount be increased) will be adopted. We all know that it is necessary for these amounts to be increased even if only to keep up with rising costs. Whether there is an increase will depend on what is available to the State, and, more particularly, on what is made available by the Commonwealth Government. This will determine not only what assistance can be given to private schools but also what assistance will be available to State schools. I do not believe that there is any difference between a child who attends a private school and a child who attends a public school. In other words, the education they receive should be comparable. One of the major problems that has arisen in the administration of private schools is the recent salary and wage increases. Significant wage and salary increases have been awarded, one of the most significant being the recent 6 per cent national wage increase. Also there have been other increases in teachers' salaries in South Australia. These place an additional burden on private schools, which find it more difficult to provide suitably qualified teachers and adequate teaching facilities generally. Private schools should not employ teachers of a standard below that applying in State schools and to obtain suitably qualified teachers it is necessary to pay top salaries; otherwise, these schools will not obtain the teachers that the students deserve.

I believe that the Commonwealth Government has a significant responsibility to provide adequate finance for education needs in private and State schools alike. We have seen a campaign building up over the years, particularly last year, to provide more money for education. I think it is the responsibility of not only the Government but also the Opposition to support the State in its requests to the Commonwealth Government for more money for education and for any other developmental projects within the State.

Mr. McAnaney: Didn't the Commonwealth Government give you the biggest increase it has ever given?

Mr. BURDON: There was an increase last year, but to date the Commonwealth Government has refused to return to the State any of the additional $275,000,000 that the

Commonwealth Treasury will receive through increased taxation as a result of the national wage increase.

Mr. McAnaney: The Commonwealth's wages have increased, too.

Mr. BURDON: The member for Heysen must admit that much of the additional taxation that goes into the Commonwealth Treasury is raised within South Australia and that it is the Commonwealth Government's responsibility to return some of that taxation to South Australia under the financial arrangements between the Commonwealth and the State. However, the Commonwealth Government has refused to return one cent of additional taxation raised in this State.

Mr. McAnaney: What about the civil servants' 20 per cent increase?

Mr. BURDON: At present we are dealing with education needs in South Australian private schools. One of the significant aspects of the report of the committee set up by the Government last August is that grants should continue in 1972, and that the total sum should be increased. As one who has long supported the system of private education, I look forward to the Commonwealth and State Governments being able to grant more money to private schools in 1973 and in subsequent years. In fact, I look forward to the day when there will be no significant difference between the grants to private schools and to State schools. About 23,000 primary schoolchildren in private schools are benefiting from the $250,000 provided by the State Government. The report of the committee to which I have referred states, in part:

The committee, in the short time at its disposal and in the absence of any previous experience, has been unable to visit many of the schools being considered. It believes this has been a handicap and suggests that visits to schools should be undertaken in the future. The committee therefore recommends that a full-time officer be made available to carry out detailed investigation in regard to financial need in both capital and maintenance costs, population changes in different areas and other factors relevant to the deliberations of the committee. As the initial letter of appointment from the Minister indicated the likely continuation of this grant in future years, the committee considered this matter. The committee feels that the recommendations for 1971 should not be regarded at this stage as a pattern necessarily to be adopted. The committee believes that, with more adequate time for obtaining information, there should be a thorough reassessment for the future. The committee feels the grant should be continued in future and that it should be increased; but that the committee should be asked to examine this additional grant in relation to the set grants already being paid by the State so that a proper balance is maintained. With the recent national wage adjustment, the financial burdens of independent schools are very great and it is not easy to see how the complicated fee structure will cope with the situation.

I believe that the private schools have accepted the recommendations made by that committee and, although I know the schools that received grants are grateful, I hope that there will soon be a significant increase in these grants. The schools in question have a great need and their task is a formidable one. In various parts of the State, including my district, private schools are considering implementing a co-educational system, to start at the commencement of the 1973 school year. This system is being established in private schools not only in South Australia but also in Victoria, in which State I believe it is being extended to State schools. I believe that this will materially benefit schools and students alike, because I consider that the separate school method has not been the best method.

Although the development of co-educational systems by private schools may mean a significant economy in the long term, in the short term it will cost private schools a large sum in capital expenditure, and the people who support private schools will be called on to provide large sums. In my district a project is afoot to establish a co-educational school involving the Mater Christi College and the Marist Brothers College. It is expected that $250,000 will be the cost of providing classrooms and other facilities.

Although the present Government subsidy is much appreciated, the sum must be greatly increased in the years to come or the private school system as we know it could suddenly come to an end. If that happened now, about 23,000 children would be thrust on to the State education system. I do not need to detail what effect this would have on the State system. Private schools have played a significant part in this State's education system. No-one will deny that there have been some shortcomings in the private school system, but these are being recognized. Steps are being taken to provide adequate teaching staff and facilities, including classrooms. I believe that the standards in private schools now parallel those in the State schools. The private school system can justify itself only if its standards equal those of the State system. People who support education by paying taxes to the Commonwealth and by also supporting private schools are entitled to

a significant return of the tax they pay to the Commonwealth Government. I look forward to greater contributions to private schools by the State and especially by the Commonwealth Government. I hope that both the private and State systems will continue to improve on a comparable basis. I support the amendment.

Mr. MATHWIN (Glenelg): I support the motion for many reasons, but mainly because I think that what it proposes is the only way in which parents can be given equal benefits. Not in our wildest dreams can we imagine the people who have been termed wealthy parents throwing a party on what they would receive in terms of this motion. I know that it has been said that some parents send their children to private schools because of the snob value of doing so. I do not subscribe to this line of thinking, although a few parents may do this. Overall, I believe that people choose independent schools for their children because they prefer them to have Christian teachings and the promotion of good feeling and *esprit de corps* which are especially fostered in private schools.

Under the heading "An Outlook for South Australian Church Schools", appeared in the *Advertiser* of June 9, 1966, an article by Stewart Cockburn which stated that at that time to educate a child at a State primary school cost $190. The cost for each student in an area school was about $300, and for each student in a secondary school it was $322. Those are the costs after allowing a tax rebate for school expenses. Any child who was taken away from a private school and sent to a State school would cost that State school up to $300. As that money would have to be obtained from somewhere, extra taxation would have to be obtained by some means.

The article also stated that throughout Australia the private, church and independent schools together educated more children than the combined total in the Government schools of the States of Queensland, Tasmania and South Australia. Having sent one of my children to a private school, I am more than satisfied with his results and progress through life, which I believe has been greatly influenced by his attendance at this school, which the member for Mawson would know well. I was surprised at some of the honourable member's remarks. He placed people who favoured independent schools into two categories. The first category he described as being like a poor man trying to obtain status by owning a Cadillac. I think this comment is pretty poor. I suggest that the honourable member un-Americanize himself. If he must think in the old-fashioned terms of the old-fashioned Socialist thinking, let him do so, but I remind him that in those days a capitalist was a man who drove a Rolls Royce, wore a top hat and had a big chain attached to a watch in his waistcoat pocket.

From my experience of meeting parents at private schools, at committee meetings, sports days and so on, I have always found them to be fine people and fine parents. Many of them have made personal sacrifices to keep their children at these schools. Some mothers work to keep their children at these schools for the reasons I have already stated. These mothers have made personal sacrifices so that their children can attend these schools. The amendment introduces the old method of a means test, a rather horrible term. I know the Minister of Education said that it was a needs test and the member for Mawson referred to it as being on a needs basis. I suggest that this is the same as a means test, so why not call it a means test? If the Government intends to subject independent schools to a means test, it will be setting the clock back 20 or 30 years. Next, it will want to subject the parents of children attending these schools to a means test. Was that the idea the member for Mawson had when he moved the amendment? All parents have the right to send their children to the school of their choice, and they deserve any assistance they can get. Although the motion seeks only a small increase, at least the increase would be given to all schools. Although it would cover only a fraction of the cost of putting a child through school, it would be the fairest way to deal with the matter.

Mr. LANGLEY (Unley): I support the amendment. I differ from the member for Glenelg in that in my district there are several independent schools such as the Methodist Ladies College and other schools that I term wealthy schools. People who send their children to these schools realize what is involved. I assure the honourable member that many of the poorer people in my district who would like to be able to send their children to schools such as I have mentioned will never be able to do so because of the costs involved. I do not disagree that some parents make sacrifices to ensure that their children obtain their education at independent schools. However, some people are unable to pay the cost

involved, even though they want (and, indeed, are entitled) to send their children to such schools. This point has been raised for many years, and the Government is trying to ensure that help will be given to the schools that need it most. As members know, the schools have been put into four categories. The committee investigated this aspect thoroughly and decided that this was the best way to distribute the money at its disposal.

All schools, independent and State, need more money, and that money has to come from somewhere. I hope that in future Government and independent schools alike will be put on a much higher plane. If the parents of children at private schools wanted to send their children to Government schools, the Government would find it difficult to take the influx. The amounts to be given to various schools range from $20 to $15 and $10 for each pupil, and schools in one category will receive no assistance. This does not mean that in future some of the schools in the latter category will not be assisted. Over 90 per cent of the people receiving assistance attend Catholic schools. I have two such schools in my district, both of which need help. One of the main problems these schools face is the maintenance of buildings. Although they may be able to use some of the money they receive for educational needs (libraries and so on), most of it will be spent in maintenance and improvement costs. I feel sorry for some schools in the Unley District that do not have an oval simply because years ago they were not built in the best positions. Many independent primary schools find it difficult to provide the facilities provided in public schools, because the parents cannot afford to provide them. I congratulate the committee on its report, and I hope that in the future more money will be available for education.

Mr. EVANS (Fisher): It is wrong to subject an independent school to a needs test or means test, unless one goes further and subjects the parents of children attending other schools to the same test. In my district is a family which has supported the Government strongly in the past and which has helped its campaign. In this family there are several children, all of whom until recently attended private schools. However, the father could not afford to leave them there because of the costs involved. The committee set up to examine the needs of schools could not have examined the needs of parents such as I have mentioned. This man, who wanted his children to attend a school that perhaps gave more religious training than did the State schools could not continue to do so because of his economic position. He pays his rates and taxes and contributes to the State and Commonwealth Treasuries, the same as does any other person.

I respect the committee's decision in this respect, as it had to operate within the lines set down by the Government. However, for the man to whom I have referred to get any assistance, he must send his children only to the schools that the Government has decided to help. He will not be given any help if he sends his children to the schools they have attended in the past. In this respect the Government's action is wrong. If one chooses to send one's child to, say, Scotch College or to one of what the Government calls better-class private schools (and I do not agree that they necessarily are), that is his right. I consider that it is merely a tradition that has been passed down. However, a person who sends his child to such a school receives no help, and that is an injustice, as I think any fair-minded person would agree.

Although the Government can be congratulated on making some money available to help the private schools, it stands condemned for requiring that, if a person, for economic reasons, cannot send his child to the private school that he chooses, the parent must send the child to a State school or another private school that the State Government assists. I do not think any Government member can justify that action against the many families that are in that position. I support the motion and oppose the amendment.

The Hon. D. N. BROOKMAN (Alexandra): I thank members for the interest they have shown in this debate. Much agreement has been reached, although there has been marked disagreement about accepting my motion. Basically, I have tried to show that private schools are desirable, that the part they are playing in the community is declining and that in the interest of the community these schools should be encouraged.

I think I have established those points reasonably: there has not been much rebuttal of them. I have explained why persons send their children to private schools, and those reasons do not include the shallow view that some speakers have taken, such as that questions of prestige and so on are involved.

I shall repeat the seven reasons I have given why parents send their children to private schools. One of the main reasons is that they want their children to have a religious background to their education. Secondly, they like the independence in the control of the private schools. Rightly or wrongly, they do not consider that there is this independence in relation to State schools.

Thirdly, parents send their children to private schools because of the associations the children have there. I have pointed out that that cannot be dismissed as mere snobbery. Undoubtedly, a case can be made out that some persons have a certain snob interest but, if parents sacrifice so much money to send their children to a private school because of the associations that the child will have, that is an unselfish reason, not a shallow reason. The parents are trying to ensure that the child is happy and will learn to grow up with other children that he or she meets. The fourth reason I gave was that some country children cannot prepare for a university course unless their subjects are available at the local State secondary school. Children who do not meet this requirement are sent to private schools, mostly in the city.

The next reason I have given is that some parents do not like their children being swamped in the huge high schools and other secondary schools. This is a matter of opinion for the parents, and they send their children to private schools that will ultimately give their children a secondary education. The reason is that many parents consider that the staffs of private schools are much more permanent than the staffs at other schools and that that is an advantage. If that statement is incorrect, no member has rebutted it. Obviously, changes of staff do take place in State schools and I think there is more tendency for this to happen now.

Finally, I have said that some parents consider that their children enjoy better sporting facilities in private schools. I have mentioned instances of parents making great sacrifices to send their children to private schools, and I am not referring only to those private schools that qualify for assistance in terms of the committee's recommendations. Some parents send their children to private schools that do not qualify for this assistance.

I consider that the move to give assistance on a means test basis is good. However, I do not agree that it should replace the grants made on a school population basis, which in South Australia are lower than the grants in other States. The Minister insists that the committee works on a needs basis, whereas I call it a means test. The Minister, in saying that it is not a means test basis, is only playing with words, because there is no practical difference between the two terms. The term "means test" is normally used to describe this sort of thing. We would not describe the basis on which pensions are granted as a needs basis: we speak of a means test. That is all that the committee refers to.

I am not complaining about the appointment of the committee or about its work. In fact, its work has been extremely useful. However, other States are well ahead of us in assisting private schools on a population basis. Between 1961 and 1968 the enrolments at independent schools decreased from 21 per cent to 16 per cent of the total school population. The independent school population increased by only 3 per cent in that period, whereas in State schools the increase has been 28 per cent. In those circumstances, it can be seen that the private schools are struggling and, if all but a few in the community agree that private schools are desirable (and no member has tried to argue that they are not), we should try to help these schools. Although the means test basis gives certain assistance, it does not satisfy the needs of the independent schools. Therefore, I urge members to support my motion.

The House divided on the amendment:

Ayes (24)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Groth, Harrison, Hopgood (teller), Hudson, Jennings, Keneally, King, Langley, McKee, McRae, Payne, Ryan, Simmons, Slater, Virgo, and Wells.

Noes (18)—Messrs. Allen, Becker, Brookman (teller), Carnie, Coumbe, Eastick, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Nankivell, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Pairs—Ayes—Messrs. Dunstan and Lawn. Noes—Messrs. Evans and Millhouse.

Majority of 6 for the Ayes.

Amendment thus carried; motion as amended carried.

LAND TAX

Adjourned debate on the motion of Mr. Gunn:

(For wording of motion see page 2134.)

(Continued from October 18. Page 2135.)

Mr. LANGLEY (Unley): I oppose the motion. The subject matter of the motion was discussed by members as recently as yesterday and a decision made by the House.

Mr. GUNN (Eyre) moved:

That this Order of the Day be read and discharged.

Order of the Day read and discharged.

BOOK ALLOWANCE

Adjourned debate on the motion of Mr. Coumbe:

That in the opinion of this House the decision of the Government to provide for an increase of only $2 a student a year in the secondary school book allowance is inadequate, and will not provide the relief expected by parents, and that this amount should be replaced at least by the scale promised by the Liberal and Country League Government at the last State elections, namely, $6 a secondary student a year, this increase to take effect as from January 1, 1971,

which Mr. Simmons had moved to amend by leaving out all words after "That" and inserting in lieu thereof the words "this House support the fulfilment of the Government's election pledge on secondary book allowances through three successive increases of $2 per student per annum".

(Continued from November 4. Page 2360.)

The House divided on the amendment:

Ayes (24)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee, McRae, Payne, Ryan, Simmons (teller), Slater, Virgo, and Wells.

Noes (18)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe (teller), Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, McAnaney, Nankivell, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Pairs—Ayes—Messrs. Dunstan and Lawn. Noes—Messrs. Mathwin and Millhouse.

Majority of 6 for the Ayes.

Amendment thus carried.

The House divided on the motion as amended:

Ayes (24)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee, McRae, Payne, Ryan, Simmons (teller), Slater, Virgo, and Wells.

Noes (18)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe (teller), Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, McAnaney, Nankivell, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Pairs—Ayes—Messrs. Dunstan and Lawn. Noes—Messrs. Mathwin and Millhouse.

Majority of 6 for the Ayes.

Motion as amended thus carried.

ELECTORAL ACT AMENDMENT BILL (VOTING)

Adjourned debate on second reading.

(Continued from October 21. Page 1933.)

The Hon. L. J. KING (Attorney-General): I do not intend to speak at length on the Bill, which is transparently a political exercise. The Bill has been introduced to achieve a Party-political objective. Its first provision, that there should be separate rolls for the Assembly and Legislative Council, can serve no practical purpose at all except to provide what the Liberal Party apparently imagines to be some political advantage to itself. On what other grounds one could say there should be separate rolls for the Assembly and the Legislative Council I do not know; indeed, no-one has attempted to suggest any reason.

The same thing applies to the second provision of the Bill which seeks to abolish compulsory voting. There has been nothing said in favour of this. It is obviously put forward simply because the Liberal Party believes that, by voluntary voting, it can derive a political advantage. Apparently that Party believes that some part of the underprivileged section of the community, whose interests it neglects, contains people who might stay away from the polls if voluntary voting applied and thereby a political advantage would be conferred on the Liberal Party.

As I have said, this matter has been debated over and over again. Compulsory voting is part of the pattern that has developed in Australia. It is the means that Australian Parliaments, consisting of all political complexions, have regarded as the way to encourage electors to exercise their franchise, thereby getting a real consensus of opinion from the people. No-one suggested that the principle of compulsory voting should be departed from until the Liberal Party suffered a defeat in May, 1970, and began to look around for some way of reversing the verdict then passed by the people. That is the sole reason for the introduction of the Bill on this occasion. Nothing has been said in favour of these provisions. As the Bill is transparently a

measure designed to procure a political advantage for the Opposition Party, I ask the House to reject it.

Mr. EVANS (Fisher): The Attorney-General said that the sole reason for this Bill's being before the House was that it was a political exercise and that if it got through it would be an advantage to the Liberal and Country Party. I remind the Attorney-General that ever since I have been a member of this Chamber, and indeed throughout my life, I have believed in voluntary voting as being the only democratic form of voting. I have argued this whenever it has been possible for me to do so. Perhaps the Attorney-General, who has only recently taken an interest in politics, may not have known about my line of thinking on this matter. However, in the short time that he has been a member of this House, I have argued in favour of voluntary voting.

This Bill was passed in another place and someone in this Chamber had to be responsible for it if it was to be debated here. It may have been obvious to the person who introduced the Bill in the other House that I would be interested in the matter. If the Attorney-General had been in the position of the person who introduced this Bill in the other House, he would have asked a member of this House who was strongly in favour of voluntary voting to introduce the Bill in this House.

This is not an action of the Liberal and Country League. This is supposed to be the afternoon for private members' business, although one would doubt this in view of the Deputy Premier's action this afternoon in taking the business out of our hands after a promise had been given. However, it is the afternoon for private members' business, and I have acted as a private member in introducing the Bill. I believe that the Attorney-General was wrong to bring politics into the argument, as he has done; in fact, he referred to politics. I cannot recall any L.C.L. policy speech that referred to voluntary voting, nor on any occasion has any meeting of delegates of the L.C.L. voted in favour of voluntary voting.

The Hon. L. J. King: You've talked a lot about it since last May.

Mr. EVANS: The Attorney-General will find amongst the members of the Liberal and Country Party in this Chamber now young people who made up their minds before becoming members that voluntary voting was the most democratic system and the system most used in western democracies, and we seem to follow those democracies in this Chamber and in our way of life. The Labor Party advocates voting for 18-year-olds, and this has been supported in both Houses. However, in most countries where 18-year-olds have the vote voluntary voting applies. I believe that the only two countries where voluntary voting does not apply are Russia and Turkey.

Mr. Hall: The Attorney-General doesn't believe in compulsory voting on the industrial front of his Party.

Mr. EVANS: I do not wish to talk about that, but the Leader is right: compulsory voting is not the policy of the Labor Party in the trade union movement. Regarding the other part of the Bill, we believe that there should be a separate roll for the Legislative Council and the House of Assembly and that, consequently, section 118a of the Act should be repealed. Then there would be voluntary voting for both Houses. It is wrong to say that by having voluntary voting an injustice would be done to one section of the community that would be denied the right to vote, thus giving a political advantage to one Party. If voluntary voting applied, the Party or Parliamentarian that worked the hardest, had the best image and policies, and presented the most effective case to the people would be most likely to win. The Attorney-General knows that this would apply. Of course, if a policy were followed similar to that followed by the immediate ex-Prime Minister of England, a Party could be defeated under the voluntary voting system.

Voluntary voting would mean that a Party could never be complacent but would have to be aware of the needs of the community. Also, the community would be made to be aware of the political thinking of a Party and its members. I realize that the chances of this Bill's being passed are remote. However, it is wrong for a man of the Attorney-General's knowledge and standing to fall back on the sort of argument he used today, when his only reason for opposing the Bill was that it was a move of the L.C.L. (he knew that was wrong), and that one political Party would gain an advantage from voluntary voting because a certain group of people would not vote. They are the only reasons he gave for opposing the Bill. It is a disgrace for a man of his standing and learning to give only those reasons for voting against a Bill such as this. I ask members to support the Bill.

Second reading negatived.

TRADING HOURS REFERENDUM

Adjourned debate on the motion of Mr. Hall:

(For wording of motion see page 1579.)

(Continued from September 23. Page 1586.)

The Hon. D. H. McKEE (Minister of Labour and Industry): Although the Leader has not said so, I should be surprised if he wanted to proceed with this motion, as it is now redundant, the Leader having moved it on September 23, 1970. Since then, a full-scale debate on the matter has taken place, and a vote has also been taken. A similar motion has been defeated in both Houses.

I shall oppose the motion if the Leader sees fit to proceed with it. My main reason for doing so is that the decision of the majority of people taken by a poll must be recognized. Unlike the Leader and members opposite, I believe that democracy should prevail. This issue was decided by a ballot and the Bill passed both Houses. I should therefore be surprised if the Leader persisted with the motion, which I believe is now redundant.

Mr. HALL (Leader of the Opposition): The Minister, in his totally inadequate response to the motion, has indicated his obvious desire to be rid of a subject that is obviously so embarrassing for the Government. The Government has tried to focus the public's attention on unimportant issues in the community. It has clouded the real issue with matters such as *Oh! Calcutta!* and *Portnoy's Complaint* and has kidded the public that it has more freedoms than it really has. The Government is obviously filching from the community the basic freedoms that it has enjoyed in the past.

The Hon. D. H. McKee: You're flogging a dead horse, aren't you!

Mr. HALL: The Minister can talk about flogging a dead horse. I remind him that the freedom of the public is never a dead horse.

The Hon. D. H. McKee: That's just what I'm saying.

Mr. HALL: The Minister's constituents will eventually realize what he is doing and, although perhaps not at the next election, he will be defeated. Some people recently came to me at Christies Beach and asked how long it would be before my Government would be returned to office.

The Hon. D. H. McKee: What did you say to that?

Mr. HALL: If the Minister would stop interjecting—

The SPEAKER: Interjections are out of order.

Mr. HALL: For the Minister's benefit, I said (to give some indication of the gravity of the situation) that a Liberal Government would be returned to office in 12 years' time. The Minister might be interested in their reaction. They said, "Never".

The Hon. D. H. McKee: Hear, hear! They realized the situation.

Mr. HALL: They said that they would not have any personal freedoms left if it took the Liberal Government 12 years to return to office, as by then the Labor Party would have taken all their freedoms from them. I said, "Well, you voted for the Government. You won it, and now you can wear it."

The Hon. D. H. McKee: What did they say to that?

Mr. HALL: They said that they could not afford to wait that long to get rid of this Government. Although none of them would openly admit that he had voted for Government members, they indicated by their tacit silence that this was so; the whole 15 of them bitterly regretted their action in this respect. None of them was a member of the Liberal Party, and they all voted for the Labor Party at the last election. No wonder the Minister does not want a vote taken on this matter, as members of the public will again see him voting against freedoms which they have enjoyed but which are to disappear in a few days. Jobs are to be taken away from people in this area. The freedom enjoyed by these people is obviously amusing to the Minister for Conservation: it is amusing to him that all the people working in the shops in districts such as Ingle Farm and O'Halloran Hill will lose their jobs, because he comes from a political group that does not believe in true democracy. He believes in regimentation, suppression and vote-for-vote, as has been demonstrated so often in this House. It will take a little time for members of the public to understand that they have been led up the garden path by diversions while their basic freedoms are being taken away as quietly as the Government can take them. The Government has been most dishonourable in the matter of shopping hours. Indeed, it said as late as last August that no attempt would be made

to alter the situation then obtaining. However, union pressure forced the Government to alter that situation.

The Hon. D. H. McKee: You altered it. You had to get your nose into it.

Mr. HALL: All the people working in these areas are to lose their jobs, simply because the word has gone out to the Parliamentary front. The convenience of the people will disappear, merely on the basis of a spurious referendum. The people to whom I spoke will have to pay for that referendum, in which the question put to the public was framed in such a way that it could not be answered satisfactorily. Members have so often heard the Government say that it has a mandate. However, that means absolutely nothing: it is a statement of convenience.

The Government had a mandate to alter the situation regarding the sale of bread in South Australia. Indeed, this matter was referred to in its policy speech. I heard it said once, "The Pope says we can eat meat on Friday, but Don Dunstan says we cannot have fresh bread on Sunday." I do not know what happened, but the Government decided suddenly not to proceed with any action in that respect. If it had a mandate, how dare it repudiate that mandate! Why is the Government giving away its mandate? This Government is a sham of an Administration: it is mismanaging the State's finances and is restricting our personal freedoms, and leaving this State as a monument for Socialism.

The Minister has failed even to begin to answer the questions posed by the motion, and he has failed to say why the people should be humbugged in this fashion. I wonder whether there is any truth in the statement that we have heard in some quarters that the Government might reinstate Friday evening shopping in these areas just before the next election as an election gimmick, just as it will no doubt act in relation to entertainment tax. One can positively bet that that tax will not apply at the time of the next State election. It is so obvious that this will be an automatic procedure. I therefore wonder whether the same will apply to shopping hours, because some members opposite may be embarrassed. The members for Elizabeth and Playford have both stood up and said to their constituents, "I am powerless to help you because I have signed a pledge to obey Caucus." Their constituents know what it means to lose the advantage of being able to shop with their families in an industrial area that is vitally concerned with the additional hours that they can put into weekend pursuits because they can shop on Friday evening.

Only last weekend, when travelling along South Road, I noticed a number of specialty shops open. Why should not the public be allowed to shop in such establishments at the weekend? What is wrong with that? This is the stupid part of the Government's restrictions, as no-one has said what is wrong with this practice. The public seems to like it, as the shops are used so much. Indeed, the shopkeepers and the public seem happy with the present situation.

Mr. Keneally: Yet the people voted against it.

Mr. HALL: What would the honourable member know about it in his district, anyway?

Mr. Keneally: I only know the results of the referendum.

Mr. HALL: I respect some members opposite for their obvious capacity to learn, but I am utterly dismayed that that means nothing because they have signed a pledge. As much as the member for Stuart may interject, he knows that his vote will be the same as that of the member for Price, the member for Henley Beach, or the member for Mount Gambier. There is no difference. Members opposite may as well all be clothed in the same shirt and tie and have the same type of haircut. All of them need not speak: they can just get one to speak. Even if you, Sir, had a vote, you would be cast in that mould. Members opposite are not faceless today: they have only one face. There is no difference between a caucus decision and a trade union decision. The Government has been told, "You will stop it", and, of course, the Government will stop it.

Perhaps it is good that the Government is taking so many unpopular actions so quickly. At least, people are able to recognize members of the Government for what they are and understand that there is a tremendous difference between what the people are told this Government is doing and what it really does beneath the diversion of publicity. This is a prime example of a Government's being elected on a promise to certain people (and here we have a severe restriction of the people)—

Mr. Payne: We had a majority vote.

Mr. HALL: Is the member for Mitchell still parroting something about a majority vote for this measure?

The SPEAKER: Order! Interjections are out of order.

Mr. HALL: That is a stupid statement, because the honourable member knows that the question that was asked could not satisfy anyone.

Mr. Payne: Was there a majority, or was there not?

Mr. HALL: The honourable member ought to have more sense than to raise that stupid matter.

Mr. Payne: You're not game to say there wasn't a majority.

The SPEAKER: Order!

Mr. HALL: We are witnessing the imposition of a dictatorship in this country. I wonder how long it is since a "minority" of about 200,000 people has been so unimportant and since such a tremendous section of the community has been ignored.

Mr. Burdon: The Liberal and Country League ignored the majority for about 30 years.

Mr. HALL: There is a feeling abroad that the standard of debate in this House is not sufficiently high.

Mr. Burdon: Then sit down!

The SPEAKER: Order!

Mr. HALL: The interjections since I made that statement have proved its correctness.

Mr. Burdon: Ha, ha!

Mr. HALL: Listen to the honourable member laughing! It is a pity that *Hansard* cannot record such futile attitudes and responses to statements made on an important subject, and it is a pity that every minute of the proceedings in this House is not shown on television to show the cynical attitude of members opposite, who care not a fig for the people and who laugh at the people's desires and loss of freedom. It is such a funny thing, something to be ridiculed! The diversion by the member for Mount Gambier conveys that.

Mr. Payne: A stupid diversion, like a majority.

Mr. HALL: This is a serious matter. I regret that the motion will not be carried. This Labor Government will stamp its heel on the face of the people concerned and remove opportunities such as a schoolboy to whom I spoke last year had. That boy said that he hoped he would not lose his Thursday night and Friday night job at the supermarket. I said to him, "I suppose it is worth a few dollars a week to you?" He said, "It is worth $520 a year to me, and this pays for my education."

Mr. Keneally: Isn't it a shameful thing that he has to do that?

Mr. HALL: Let me remind the honourable member that, when the feeling that that boy had goes from within the community, the community will not be worth living in. There will be no incentive and no person will do anything charitable or good. If the honourable member wants that state of affairs, let him pursue that line. If he does, he will destroy the community with a wretched attitude. I admire the schoolboy who earns $520 a year, and I would encourage my family to do something similar. I think that boy displayed a marvellous attitude of self-help. If we deride self-help in that way, and deride South Australia and this community—

Mr. Payne: Why not start them off working at eight years?

Mr. HALL: Most of the young children in this community earn money, and it is great that they have the initiative to do so. Anyone who says that that is harmful is foolish. He knows nothing about character building or about what made this nation great. If we want to get down to the situation that applies in Great Britain today, even that country does not close its shops, so we will get the worst of Britain and ignore the best. The Government will deride incentive, cut down initiative where it can, redistribute all economic assets wherever it can, and have a faceless, nameless, slothful society. This is the policy that members opposite follow, and they will achieve this if they are in charge of the State for much longer. I ask the House to carry the motion.

The House divided on the motion:

Ayes (18)—Messrs. Allen, Becker, Brookman, Carnie, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall (teller), Mathwin, McAnaney, Nankivell, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (24)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee (teller), McRae, Payne, Ryan, Simmons, Slater, Virgo, and Wells.

Pairs—Ayes—Messrs. Coumbe and Millhouse. Noes—Messrs. Dunstan and Lawn.

Majority of 6 for the Noes.

Motion thus negatived.

RURAL INDUSTRIES

Adjourned debate on the motion of Mr. Nankivell:

(For wording of motion, see page 1408.)

(Continued from November 4. Page 2361.)

Mr. CARNIE (Flinders): Almost five months have passed since I obtained the adjournment of this debate on November 4. This is the first opportunity, since we have had the right to discuss private members' business taken away from us, to continue this debate. In those five months, the rural situation has altered, but it has not altered for the better. The situation in most rural areas is now far more critical than it was at that time, and the need for the committee sought by this motion is even more necessary. In explaining the motion, the member for Mallee gave a full and knowledgeable résumé of the situation facing rural industries at the time, and the need today for this committee is far greater than it was then.

Government members showed once again yesterday that they either cannot or will not accept the fact that rural industry in this State is in a desperate financial situation. In moving a censure motion against the Government's blind attitude towards problems existing in rural industry, particularly in regard to land tax, the Leader of the Opposition instanced many cases in which land tax was affecting rural industry. Naturally, we saw the usual sidestepping by the Government, the Premier referring to an imposing list of figures (I believe he called them "random statistical samples") to show that there had been little, if any, increase in land tax throughout the rural areas of South Australia. I was particularly interested in the figures he gave regarding my district, which takes in the Western Division: at least four of the eight examples that the Premier cited in regard to Eyre Peninsula definitely did not relate to viable areas; in fact, I doubt that they even related to farms, because of the value of the property concerned. The value of two properties in the Port Lincoln area is equivalent to the average value of house blocks in the town, not to the value of rural properties. I contend that the Premier misled the House by quoting those figures.

The SPEAKER: Order! The honourable member is not in order in referring to a debate that took place yesterday, and I ask him to confine his remarks to the motion.

Mr. CARNIE: Thank you, Mr. Speaker. I think I have made my point on that matter. However, once again we have seen the Government's sidestepping this vital issue, and this sidestepping goes back even further than yesterday: I refer to the Labor Party's rural policy speech delivered in Gawler last May by the Deputy Premier. Although I forget the exact date on which that speech was delivered and do not have a copy of it with me, I distinctly recall some of the promises contained in it, one being that there would be a significant reduction in succession duty and reductions in land tax. Having considered the relevant Bills, we have seen just what that promise meant; in fact, there have been no real reductions in either of these fields.

Also in that speech the Deputy Premier promised that a committee would be set up to investigate problems besetting rural industry and, as I recall, the wording used was not much different from that contained in this motion. However, although the Deputy Premier made that promise, in this debate about five months later he said, "The Government opposes the motion", even though the motion is almost identical to the promise he made. In this debate, the Minister quoted the member for Mallee as saying that things should be done in the Commonwealth sphere, where the resources lie, to enable action to be taken. By interjection, the Minister was accused of quoting the member for Mallee out of context, but the Minister denied that he had done so. However, I shall read what the member for Mallee said, namely:

> While it is mooted that these things should be done in the Commonwealth sphere (where we know the resources lie to enable action to be taken), it is important to highlight the situation here in South Australia.

It can be seen, therefore, that the Minister did quote the member for Mallee out of context. The Minister asked what was the point in setting up such a committee, and he added that, even if such a committee were set up and made certain recommendations, the State could do nothing about those recommendations, for it was a Commonwealth matter. I cannot accept that the State can do nothing in this matter. One thing it can do is abolish land tax, as suggested in the House yesterday. The committee sought would be a specialist committee in the field (not a Parliamentary Select Committee) which could make a detailed study of the entire rural situation and make recommendations accordingly. I refute the suggestion that among its recommendations there would not be matters that the State could remedy. I am willing to bet right now that

one recommendation of such a committee would be that land tax should be abolished, as it has been abolished in other States.

I am sure there would be many other recommendations concerning which the State could take action, although there would certainly be some matters in which the State could not take action, for those matters would come within the Commonwealth sphere. Surely a detailed study such as this would greatly help the Commonwealth Government. The report of the committee of inquiry into wheat quotas was recently published, and this was a good report, making many useful recommendations. However, this represented only part of what should be done; there should have been a much broader inquiry. It is now almost seven months since this motion was moved and, if the Government had not been obstructive in this matter, almost seven months' work could have been done by now, instead of the Government's allowing the situation to deteriorate rapidly and doing nothing constructive about it.

Although many people may consider that such a committee would investigate only the direct needs of rural industry and would consider matters in terms of granting direct aid, I point out that the State Government can help the man on the land in other ways. Because of the current situation, it is inevitable that many young people in rural areas will have to seek employment elsewhere. To have equal job opportunities, country children must have educational opportunities equal to those available to children in the city areas. We had the situation in my district recently in which, once again, the Port Lincoln High School project was shelved, or postponed, and possibly downgraded because of higher building costs in Port Lincoln. Therefore, children in Port Lincoln must accept lesser facilities than those available to children in the metropolitan area, because of these higher building costs.

Why should the children of Port Lincoln, through no fault of their own, accept something less than they are entitled to? This situation will certainly not improve: at present people in the area are paying heavy freight costs, and the recent measures introduced by the Government to increase motor vehicle registration and freight charges generally will probably result in even further increased costs in this field. What are needed, not only in my own district but in rural areas generally, are hostels to enable children to attend high schools and to study for their Matriculation examination. At present, many schools throughout rural areas conduct classes only as far as the Leaving level. If they want their children further educated, parents must then either send them to boarding school in Adelaide or somehow get them to the nearest high school to enable them to study at the higher level. Most people in farming areas today simply cannot afford to send their children to a boarding school in Adelaide. I should like the Government to consider establishing a boarding hostel for boys and girls in larger country towns where there are high schools.

Apparently the Karmel report contains this recommendation, which is a good recommendation as this matter is so vitally important. In many districts there are three or four area schools within a radius of a few miles. I imagine that it would be much better to have one major school in a central area with boarding facilities so that children who will not be able to enter rural industry can have the opportunity of receiving an education that will enable them to follow whatever walk of life they choose to follow. Many aspects of rural industry need improving. The only way these problems can be brought into proper focus is to establish an expert committee to study the whole situation regarding farm management, the size of farms, their viability and so on.

Mr. Keneally: Couldn't that be done by the Commonwealth?

Mr. CARNIE: We hear this constant reference to the Commonwealth. Can we do nothing at a State level?

The ACTING DEPUTY SPEAKER (Mr. Ryan): Order! Interjections are out of order.

Mr. CARNIE: It is difficult to ignore them. I remind the member for Stuart that the Karmel report was a State report. The present Government has set up many committees in the 10 months in which it has been in office. The other day the Premier gave a list of 12 or 14 committees that had been set up in the State, yet the Government baulks when it comes to this industry, which is so vital to the economy of the State. There are many aspects where help can be given to the rural industry. Succession duties and land tax, to which I have already referred, are State and not Commonwealth matters. The biggest imposition faced by the man on the land is the tax he is forced to pay, which is unrelated to profitability. In this connection I refer to land tax, council rates and succession duties, which are capital

taxes. Valuable time has been lost. Almost seven months has passed since the member for Mallee moved this motion, but it is still not too late to set up this committee. As I contend that it is vital to do that, I ask the House to support the motion.

Mr. GOLDSWORTHY (Kavel): I, too, support the motion, firmly convinced that it can do nothing but good. As has been pointed out, the Government is prone to appoint committees in many fields, but it continually shies away from the major problem of providing help to the rural industry. The idea of decentralization looms large in the thinking of most political Parties, but this is a completely hollow concept unless we think in terms of keeping primary producers in business. The economic health of country towns depends fundamentally on the health of the rural economy. Let me remind honourable members of the contribution that this sector of the community makes to our overall prosperity. Much is said about secondary production. There has been a big drive (and properly so) to diversify our secondary industries, but for many years we have depended, and we still essentially depend, on the primary economy.

Primary production accounts for about $500,000,000 gross income to the State annually, and this represents about 40 per cent of our total net production. We cannot afford to neglect this contribution. The size of primary production income to the State illustrates the vital dependence of the whole community on the rural sector. How do we expect primary producers to continue to make this massive contribution to our prosperity? Without doubt, many of these people are underprivileged at present. By comparison, let us consider the sort of things exercising our minds with regard to other members of our society. Much time in the House has rightly been occupied on matters of annual and sick leave, increased superannuation benefits and, currently, increased workmen's compensation benefits.

The ACTING DEPUTY SPEAKER: Order! The honourable member may not refer to legislation now before the House.

Mr. GOLDSWORTHY: These issues greatly exercise the minds of members of the community, including the minds of members of Parliament. However, in these terms, what sort of security or amenity do we propose for our rural producers? These matters must be equated. If the Government truly represents all the people of the State, leaving aside the economic argument with regard to the average contribution made by people in the rural community, I ask what compensatory concessions has it made to primary producers. How does the concept of four weeks' annual leave relate to a rural producer? What does the idea of a 35-hour week (there is a claim by the Vehicle Builders Union for a 30-hour week) mean to the man on the land? It is nonsense to talk to people engaged in rural production in terms of such benefits.

Primary producers could not survive if things such as a 35-hour week were considered. However, if the rural economy is to be maintained, and if there is not to be a wholesale movement by people from rural areas and an accentuation of the position we deplore, with increasing numbers of people coming to the city (this makes a complete farce of the notion of decentralization), there must be some compensatory movement towards rural producers. Many primary producers must work seven days a week; they must carry out routine jobs to stay in business. If they fall sick, they are in a calamitous position, as they depend entirely on their own labour. Any cover that they take out to improve their position must be at their own expense, an expense they can ill afford. What attention has the Government given to these problems? Let me remind honourable members of the pronouncement of the Deputy Premier, as rural spokesman for the Government. As this statement has often been quoted before, I will not quote it at length, but it is most important. This is the emphatic statement he made at the Gawler Town Hall:

All the powers the State possesses will be utilized in an effort to create strong, vital country communities supported by buoyant rural conditions and markets.

But what has the Government done? I suggest that it has done nothing of significance to help the rural section of our economy.

Mr. Keneally: What have you done?

Mr. GOLDSWORTHY: We had a concrete proposal yesterday, which is completely different from what this Government has done. What has it done? It has increased succession duties and, had it not been for the other place, there would have been a significant increase in impositions on primary producers. The question of land tax has been widely canvassed, but what does the Government intend to do in this respect? It intends to disfranchise many rural producers in relation to council matters. The

many revenue raising measures introduced by this Government will only accentuate the difficulties of primary producers. The member for Stuart gave a dissertation on diversification. Anyone would think, from the confident way he delivered this tripe about the growing of maize and diversifying, that he knew something about the subject. If he had kept his ears open and listened to the Leader of the Opposition, he would have known that the sort of capital required for this sort of operation is prohibitive. Nevertheless, the member for Stuart—this specialist on diversification—sees fit to interject as he does. I am glad the Minister of Education is in the Chamber, so that he can hear my remarks. When speaking to the sons of many primary producers at Urrbrae recently, he said:

> The difficulties of wheat quotas, transport costs and falling prices seem insurmountable. Yet history has provided clear examples which suggest that a continued inventiveness, a continued application of knowledge and education coupled with determination will overcome the present rural difficulties.

If ever I have heard a lot of fatuous nonsense, that must take the first prize. He asked the rural producers to be inventive. Many of them are at their wits end. We have heard much from the Minister in the past about the crisis in education. Indeed, last year he did his best to stir up that matter purely for political reasons. There had been an 18 per cent increase in education expenditure, yet all he can offer the rural producers is this so-called solution. This is hypocrisy at its worst.

The Hon. Hugh Hudson: Stop talking through your hat and telling untruths!

Mr. GOLDSWORTHY: The Minister gets very irritated when he is confronted with his own statements.

The Hon. Hugh Hudson: You are quoting out of context.

The ACTING DEPUTY SPEAKER: Order!

Mr. GOLDSWORTHY: I do not wish to delay the House by reading the whole of the Minister's speech. If I did, he would only say that he had been misquoted by the *Advertiser*. However, I believe this to be an accurate report and, if he likes to do so, let the Minister deny that it is. I have quoted only what is contained in the report.

The Hon. Hugh Hudson: Do you think that is the only thing that should be done? If you do, you aren't worth listening to.

The ACTING DEPUTY SPEAKER: Order!

Mr. GOLDSWORTHY: I think I have made my point fairly clearly, Sir. The Minister's only answer is "Let us have a continued application of knowledge coupled with determination." That is just fatuous nonsense. Yesterday members received an excellent and voluminous report on education. There is a real crisis in our rural community. Every time a proposal is put to this House, the Government refers to Canberra. It is high time that the Government exercised its mind regarding what it can do for the whole community, particularly for those who have made such an outstanding contribution over the years to the welfare and economy of the State. We cannot expect these people to pursue a way of life as peasants. The committee of inquiry can do nothing but good, and I commend the motion to honourable members.

Mr. GUNN (Eyre): I support the motion. It would be a step in the right direction if the Government were prepared to put its own shortsightedness behind it and take notice of what the member for Mallee said when moving the motion. An inquiry of this type would do nothing but good. I sincerely hope that members opposite realize the problems facing the man on the land. I sometimes wonder whether they are concerned about him or, indeed, whether they have any idea of what is happening in country areas. After listening to the member for Stuart some months ago, I realize that he has no knowledge of rural affairs. It would pay him to go into the country areas and try to broaden his outlook a little; it might do him some good.

This Government's record in failing to assist rural industries is shocking: it has done nothing to assist the man on the land. In nearly every measure it has introduced, the Government has put the boot into the man on the land. It has not done as much as other State Governments have done. One has only to examine the legislation passed by this House to see what I am talking about. The latest land tax assessment that has been posted to the landholders in this State (some of whom have not yet received it) is one of the most irresponsible assessments ever made. In many cases the valuation far exceeds what the people would get if the property were put under the hammer, yet the valuation is supposed to be based on an unimproved value. Recently, a property at Streaky Bay was put under the hammer. However, no bid was made for it: its owner could not even get

$2 an acre. Another property, which had been valued at $40 an acre for succession duty purposes, was sold for only $15 an acre.

Mr. Langley: What about some of the good ones?

Mr. GUNN: For the benefit of the dense member for Unley—

Mr. Langley: You're dense.

Mr. GUNN: The honourable member is like the groper—all mouth and no brain!

Mr. Langley: I am pleased to see that you are so personal.

Members interjecting:

The ACTING DEPUTY SPEAKER: Order!

Mr. GUNN: The property to which I referred was a good one. The honourable member would not know whether a property was good or bad, as I doubt whether he has ever been outside the metropolitan area.

Mr. Langley: You wouldn't know.

Mr. GUNN: I will not take any notice of the honourable member's interjections.

The ACTING DEPUTY SPEAKER: Interjections are out of order.

Mr. GUNN: As other members want to speak on this matter, I will not keep the House much longer. I commend my colleague for the action he has tried to take in this matter. I hope honourable members will support the motion, which will greatly assist the future planning of the rural industry.

The Hon. HUGH HUDSON (Minister of Education): I should like to reply to the unpleasant, personal garbage that was intruded into the debate by the member for Kavel. Unfortunately, the honourable member has a habit of indulging in personalities.

Mr. Goldsworthy: That's not true.

The Hon. HUGH HUDSON: He is not even prepared to listen to what I have to say on the matter before starting to interject.

Mr. Goldsworthy: You have been rather personal yourself, you know.

The Hon. HUGH HUDSON: Since he has been a member of this House, the honourable member's record in this kind of attack is probably close to the lowest of all time. What I said, when opening educational buildings at Urrbrae Agricultural High School and in the context of the importance of education in relation to agriculture, was that, in the history of South Australian agriculture, inventiveness had played an important role in overcoming agricultural problems in the past.

Mr. Venning: With the effect of two world wars in between, but we do not advocate that.

The Hon. HUGH HUDSON: The honourable member has no conception of the history of this matter. I pointed out to people at that gathering, as many members would be aware, that agriculture in this State made headway in the last century because of innovations, such as the Ridley stripper and the stump-jump plough. The Mallee area, much of which is now used for agriculture, would have been developed many years after it was developed but for the stump-jump plough. In this State's history, some people have legitimate claims to have invented the first combine harvester. Many of these incidents occurred after one of the most serious setbacks in agricultural history, namely, in the late 1870's and early 1880's after the extension of agricultural development into the marginal lands of the State, and after some poor seasons had demonstrated clearly to farmers that rain did not necessarily follow the plough or that rain did not follow the planting of trees, or whatever was their theory.

I pointed out at Urrbrae that in the past agriculture in this State had encountered great difficulties and had overcome them, not because of taxation policies particularly, but because of the inventiveness of individual farmers, their determination, and their resilience. These are historical facts, but the member for Kavel thinks that I am a hypocrite for referring to them. The problems that have arisen in this case are similar to the problems of the 1880's and 1890's, and have certain similarities to the problems of the 1930's. One of the hard facts of life that is completely independent of whatever this Parliament may choose to do is that those farmers who are most adaptable and most prepared to take advantage of the technical knowledge available are those most likely to survive. That is a factual statement, and the charge of hypocrisy I throw back into the honourable member's face for the garbage it is. If we are going to get into this argument now, I may as well get into it whilst I am on my feet. Let us consider the kind of approach that needs to be made in respect of the rural industry.

Mr. Gunn: This'll be good!

The Hon. HUGH HUDSON: First, we need to take action to improve the marketing situation for wheat and wool, in particular. The reserve price scheme that has now been adopted is at least a move in the right direction, in my opinion. It may not be the complete

answer, but it is some help at present. The member for Rocky River can shake his head, but he knows as well as I do that if the Wool Commission was not buying wool the price would be lower than it is at present. The honourable member knows that the price of wool governs the income of the woolgrower, and that a 20 per cent to 50 per cent fall in wool prices would mean a reduction in the net income to woolgrowers that is greater proportionately.

Mr. Venning: That is if the commission can keep going.

The Hon. HUGH HUDSON: Yes. What can the State Government do in relation to the overall marketing of wool? What can the State Government (or any State Government) do in relation to the marketing of wheat?

Mr. Venning: What does your policy speech say?

Mr. Goldsworthy: Here we go again!

The Hon. HUGH HUDSON: These are Commonwealth matters. The member for Kavel, because of the political odour of his colleagues in Canberra, does not want to believe that we are members of a Federation any longer. The fact is that even a man with his education can work out that the price of wheat is completely outside the control of the combined efforts of wheatgrowers in this State, or of the State Government, and the same conditions apply to the price of wool. These are world prices, determined by world market forces. If action is to be taken to sustain these markets during this critical period, it has to be taken on a national basis: without national action of this kind no real good can be done. I ask members to think about any rural producer who has a gross income of, say, $4,000.

Opposition members talk on and on about land tax. Which would they consider more important: a 5 per cent rise in the prices of wool and wheat or the removal of all land tax? Apparently, they cannot reply to that question. Opposition members know quite well that, on an average, as little as a 5 per cent rise in the prices of these rural products would do four, five, or ten times as much good for the rural producer as would the removal of land tax. Yet, Opposition members stand up one by one and say that the rate of return on an investment in the rural industry at present is—

Mr. Venning: Minus!

The Hon. HUGH HUDSON: —zero. What have members opposite said to their Commonwealth colleagues, who insist on a rural reconstruction scheme that provides for 6 per cent on average, or 4 per cent on carry-on finance and 6¼ per cent for capital accretion in the building up of a larger unit of production? No Opposition member would advise a rural producer in this State to take advantage of the magnanimity of the Commonwealth Government in offering money at 4 per cent or 6¼ per cent. Would the member for Rocky River do that when the rate of return is minus? Let us get our priorities right. Opposition members know that the rural reconstruction scheme proposed by the Commonwealth Government and involving a total of $100,000,000 or $12,000,000 to this State (and that is real money), is a sham if it continues to apply interest rates currently being sought by their Commonwealth colleagues.

If they really have the interest of rural producers at heart (as I believe they have), it is about time that they stood up in public and told their Commonwealth colleagues where to get off, and said that this sham of a scheme refused to pay attention to the present effective rates of return in rural industry. The member for Kavel would do much better if he made it clear to some of his Commonwealth colleagues (and laid it on the line in public) about this rural reconstruction scheme, instead of making false accusations of hypocrisy.

Dr. EASTICK (Light): I do not wish to range as far as the honourable Minister who has just taken his seat: I come back to the kinds of thing we can do locally. I find it difficult to relate, to the present situation, the statement of the member for Stuart, when he says, "Rural industries have to face facts." What about the current Government facing facts! What a defeatist attitude we have seen in this House. The Deputy Premier has told us that he is not willing to consider appointing a committee of inquiry such as that referred to in the motion. The Minister of Education has told us that a committee on education that was commissioned by this Parliament has been of tremendous advantage. That committee's work was initiated at the conference of Education Ministers held in South Australia in 1969, when it was decided to appoint committees at local level to provide information that would eventually be part of a total Australian report.

Why is the Government being defeatist and not acting in the agricultural field? What

matters could a committee investigating the present agricultural situation consider? The Premier has said that he knew there was a need to consider the sociological problems facing persons on properties in the Virginia and Two Wells area. In that area, because people could not obtain an increased quota of water, they had difficulty in selling land or making ends meet regarding capital invested in the properties. Those properties are, first and foremost, mixed farming properties, but they are being rated and valued as they would be if they were market gardens and, consequently, persons on the properties will be required to pay large amounts of land tax for these over-rated and over-valued properties. Unfortunately, the properties are near properties that could make the grade if they had water.

Where is this information in the sociological report? Questions have been asked about the matter and, as recently as last week, the Premier said he would provide information. Surely a committee interested in agricultural problems could have provided information which, when acted on, would solve the problems of many people.

Recently I pointed out that a serious problem was arising because of the displacement from rural communities of many people who had given outstanding service over a long period in the field of management or stock and station services. Many company offices have been closed and many young people seeking a future in this field have been told that, even though the companies concerned said they would be acceptable, unfortunately now, because of the present situation, they cannot be offered employment. I shall read part of a letter sent by a company to one such person. It states:

In late November last year we wrote that we would contact you when we could offer you a position in the company. Due to current problems in the pastoral agricultural industry, which have affected our staffing requirements, we are unable to give any indication when we will again recruit junior male staff.

This is yet another area in which an appointed committee could be considered. I do not suggest that it would find all the answers, but it would supply much information to Governments on a State or national level. I shall deal now with the effects of this lack of confidence in the future of agriculture. We have been told in this House that Roseworthy Agricultural College cannot obtain sufficient students to fill its quota. Students who normally would be expected to go to that institution after obtaining educational qualification at about Matriculation level have not been available. What about schools in the districts? The Freeling school, for example, had an estimated enrolment for 1971 of between 97 and 102 students, but the actual enrolment is only 91. That is because parents have had to leave the district.

What of the inability of the Government (and I do not damn it for this) to provide alternative housing for persons coming from rural areas because there is no opportunity for them to obtain employment there? The Minister of Roads and Transport has told us that many houses owned by the Railways Department are vacant. Surely a committee should be considering whether these houses could be made available, as a type of bridging arrangement, to help people coming from the country.

What of the failure of the Minister of Agriculture to consider giving effect to the part of the Sweeney report in regard to salaries paid to lecturers and senior lecturers at Roseworthy Agricultural College? The Minister of Education has told us that the Government has approved of salaries paid at institutions under the Minister's control being considered for increase, yet no action has been taken concerning the salaries of staff at Roseworthy Agricultural College. Surely this is not helping the future of agriculture, more particularly the aspect of training in the agricultural field.

Members will recall questions being asked about the difficulty of disposing of this State's rural products overseas, because of either lack of shipping or the refusal of companies to bring their ships to Port Adelaide to load materials. As recently as last week in this House I was able to highlight the fact that 4,000 tons of lucerne and lucerne cubes could not be sent to Japan, because a ship would not come here. I do not deny that the Commonwealth Minister for Shipping and Transport is involved in this matter, but surely a committee investigating agriculture in this State could be highlighting facts for consideration. For the same reason we are losing the ability to export oats and their by-products, as well as peas and their by-products.

A committee could also consider and advise on another matter administered by the Minister of Agriculture. After a recent fire in the country, members of the council in the area where the fire occurred (the persons vitally

involved) asked the Minister to consider supplying, without delay, treated pine posts produced in the district, and the Minister replied that persons in an area such as that should consider using concrete posts. Surely, in this part of the agricultural scene the Minister should be promoting his products, which are treated to resist fire, and making them available to the community would help provide alternative semi-rural employment.

Time does not permit me to highlight the difficulties outlined in the South Australian Dairymen's Association report of 1970 which is available to all members and in which there is reference to problems within the dairying industry that can be considered locally. We know that there is a Commonwealth problem but local matters must also be considered. Much information is contained in the files of Agriculture Department officers dealing with both agricultural and livestock matters, but this information has not been reproduced and disseminated to people in the community who would benefit from its dissemination. The department has insufficient staff and, because of low salaries, there is insufficient recruitment. These are matters concerning which the committee that has been suggested by my colleague could be useful to the State. I commend the member for Mallee for moving the motion, and I support it.

Mr. NANKIVELL (Mallee): I thank members on both sides for the attention they have given this motion. At the outset, I point out that I am sorry that Government members have tended to view this matter as a problem relating entirely to the Commonwealth Government, in no way associating the problem with this Government. As has been pointed out, we have just had the benefit of a comprehensive report on education, and this report will be important not only to this State but also to Australia. We are proud of what that report will do for education.

This motion refers to somewhat similar problems, and we all know that there are problems. Not one member who has spoken in this debate has denied that serious problems exist. We have been told about the present debt structure: the rural debt has increased from $800,000,000 to over $2,000,000,000 in only five years. We are told that income is falling, and the report of the Bureau of Agricultural Economics predicts that by 1975 it will have fallen a further 25 per cent.

We know, too, that costs are increasing. We are all familiar with this pattern, but what will be the combined effect of these factors on farmers in this State, whether they be involved in agriculture, horticulture or some other rural industry? We do not know. The Bureau of Agricultural Economics recently conducted a survey, on behalf of the Minister for Primary Industry, in connection with the rural reconstruction scheme, but what information did it have? It had little information, if any at all, of any substance. Who was consulted in South Australia? It was a leading stock firm, which advised the Bureau of Agricultural Economics on the financial situation of people in the South Australian rural community. In view of the seriousness of the situation, which we all admit, is this not an indictment on those responsible in this matter? It does not matter what commodity is considered: the situation is the same and is produced by world-wide forces.

We have supported a quota system in respect of wheat production and, fortunately for the wheatgrowers of this country, we have restricted wheat production in this way to enable us to control production under whatever arrangements we can make on a national basis. But if those arrangements relate merely to a wheat or grains agreement or merely to a gentleman's agreement, how will we market wheat in future? The Minister of Education has referred to what has resulted from the activities of the Australian Wool Commission: those activities have had a most beneficial effect on price to the extent of 5c, and 5c in 30c is a substantial benefit!

Mr. Keneally: The Liberal Party in New South Wales doesn't agree with you.

Mr. NANKIVELL: If my colleague would like me to take him by the hand, I could show him useful information from which he could learn something. There are factors here that are completely outside our control. The wool commission in South Africa is buying about 77 per cent of the clip at present to hold the price, and the Japanese manufacturers are saying that we are producing too much wool. The situation is common to all woolgrowing countries, so the Wool Commission can do little at present except try to remove wool from the market and try to support the price, but whether or not the community can afford to support the price through general taxation remains to be seen. A quota system on wool production may well be the answer here, but we do not know.

The member for Chaffey has expressed opposition to the increased wine excise tax.

I also disapprove of what was done in this regard, and I said so when the tax was imposed. However, I am concerned about what led to the situation and what was the reason for it, but how will we be able to tell without investigating the matter? The member for Chaffey knows better than I that the demand for wines has declined. The demand even for table wines, such as red wines that have been in strong supply in the past, has decreased. The honourable member also knows that production has been expanded and that the proprietary companies have large stocks on hand. The situation concerning production and possible loss of the British market is uncertain at present, and all these things constitute a problem about which we should know something. Did the Premier, at the time licences were issued to proprietary companies to expand production, know what he was doing, and will the small grower in the wine industry be affected adversely because the proprietary companies can grow just about the total requirements they need? If the companies handle their own production, they will not buy from outside, and the obvious situation will develop. However, we are still telling people to go into the industry if they can obtain a water licence, despite the serious situation.

I agree with the Minister of Education that some problems would be solved if prices were increased, but we cannot determine prices. However, we can do some things, and I have suggested one of the things we can do which will not cost us a fortune: that is, have a critical look at the situation as it applies to the whole rural complex in this State, so that we at least know what is the problem in relation to rural reconstruction, and so that we know what will be the social consequences in the country community of any action that may be taken. It is all right to say that we should take one in every three farmers out of an area. However, although there will still be the same amount of money coming in, the same services will not be required and the demand for domestic and family necessities such as food will be less. Do we know what this will do in the short term and in the long term to the rural communities, as we know them today, and to the economy of the State? The capital tax issue has been debated in the House. What will be the long-term effect of capital taxes on land tenure in the State? How much longer will individual farmers be able to own their own land? How soon will land be owned by corporations and operated on a lease basis? Will land be leased from the Government? The member for Stuart should look at this position. What we suggest with regard to reconstruction is that we make properties larger and therefore increase the capital. The stress on such estates becomes greater if capital taxes are increased.

Mr. Keneally: Won't the corporations take over?

Mr. NANKIVELL: I do not want corporations to take over; they will take over only if individuals cannot continue in their own right. We should look at what effect capital taxes are having to see whether they are precipitating the trouble. I do not think enough information has been presented in any report so far to enable the planning of a rural reconstruction scheme that will adequately meet the needs of the people. I am not sure whether cheap money is the answer; in fact, I believe that it would be better to have adjustments on a major scale whereby we would say to people, "We will reduce your capital to its present value."

Mr. Clark: Who suffers most then?

Mr. NANKIVELL: We are talking about reconstruction, which is a Commonwealth scheme, and we are speaking about it on a Government level. I am asking for a moratorium, and it will be found that the reconstruction scheme is a moratorium. I think that in some measure a proper moratorium would solve this problem, provided that whatever is done to assist individuals by readjusting debt structures stays frozen on the property, and that the individuals never have the opportunity to make capital appreciation profits in the future should the situation change. I know very well the many problems that now exist in country areas. Recently we looked at the situation of people who borrowed money to buy land in the years 1965 to 1970 when prices were on a different basis from the present basis. As recently as last year sheep were selling for $8 or $9, whereas today sheep of the same quality are bringing only $3.50. If a person has bought land and sheep at the previously existing prices and is paying interest at the current rate he is in difficulty, and it is not his fault. If that person sells out, and the purchaser pays what the property is worth on today's market, the purchaser does nicely, and so would the seller if the debt was adjusted. When looking at this problem, we should consider whether to attack it in a major way rather than have bits and pieces of reconstruction thrust on us with some

prospect of helping someone but no prospect in the long term of putting the position to rights.

When I moved my motion, I said that, although this was an area in which the Commonwealth had the responsibility, it was also an area in which the State had the responsibility to know the problems of this industry within its own territory. That is why I moved the motion: there was no political motive in it to embarrass the Government. We do not know the solutions to these problems, and I believe it is most important that we should.

I think it is tragic that we are soon to debate rural reconstruction matters without this State and this Parliament being armed with this information so that the matter can be dealt with not only in a competent manner but in an effective manner on behalf of the people concerned. Therefore, I ask members to reconsider the motion. They should look at it in terms of what it means and not try to read anything implied in it. I only ask that members support the motion to enable a committee of specialists, similar to the Karmel committee, to be appointed to look at the problems, analyse them, and report to the House so that, when we have to deal with the problems, we will all know what we are talking about.

The House divided on the motion:

Ayes (18)—Messrs. Becker, Brookman, Carnie, Coumbe, Eastick, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse, Nankivell (teller), and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (24)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran (teller), Crimes, Curren, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee, McRae, Payne, Ryan, Simmons, Slater, Virgo, and Wells.

Pairs—Ayes—Messrs. Allen and Evans. Noes—Messrs. Dunstan and Lawn.

Majority of 6 for the Noes.

Motion thus negatived.

ROAD SAFETY

Adjourned debate on the motion of Mr. Millhouse:

That in the opinion of this House, and in view of the appalling road toll, a Minister of Road Safety should be appointed, such Minister having the primary responsibility of co-ordinating all efforts to increase road safety, which the Minister of Roads and Transport had moved to amend by leaving out all words after the word "House" and inserting in lieu thereof "the S.A. Road Safety Council is deserving of the highest commendation for the work it is doing in educating the people, particularly the young people, of the need to observe and practise road safety at all times; the council through its membership, and the Minister of Roads and Transport and Local Government by the exercising of his Ministerial authority, adequately co-ordinates the functions of the various sections concerned with road safety, the only restriction on the Road Safety Council's activities being dictated by its financial limitations; and, believing that the appalling road toll can best be reduced by increasing road user education, this House express its support to the proposal of the Government to expand the activities of the South Australian Road Safety Council."

(Continued from September 2. Page 1226.)

Amendment carried; motion as amended carried.

OMBUDSMAN

Adjourned debate on the motion of Mr. Evans:

(For wording of motion, see page 513.)

(Continued from September 2. Page 1229.)

Mr. EVANS (Fisher): In closing the debate, I hope members will support my motion. I realize that in moving the motion I am asking the Government to spend money at a time when its financial position is acute. However, when I originally moved the motion the State's financial crisis was not as bad as it is today. Because of this, I have sympathy for Government members who, I hope, will support the motion. I first entered Parliament with the hope that South Australia would have an ombudsman before I left.

The Hon. Hugh Hudson: You'll lose votes!

Mr. EVANS: I am not trying to lose votes. I hope that Government members will join my colleagues and support the motion.

The House divided on the motion:

Ayes (30)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Evans (teller), Ferguson, Groth, Harrison, Hopgood, Hudson, Jennings, King, Langley, McAnaney, McKee, McRae, Millhouse, Nankivell, Payne, Rodda, Ryan, Simmons, Slater, Tonkin, Virgo and Wells.

Noes (12)—Messrs. Becker, Brookman, Carnie, Coumbe, Eastick, Goldsworthy, Gunn, Hall (teller), and Mathwin, Mrs. Steele, Messrs. Venning, and Wardle.

Majority of 18 for the Ayes.

Motion thus carried.

[*Sitting suspended from* 6.11 *to* 7.30 *p.m.*]

ROAD AND RAILWAY TRANSPORT ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

LOTTERY AND GAMING ACT AMENDMENT BILL (TAX)

Returned from the Legislative Council without amendment.

JUDGES' PENSIONS BILL

Returned from the Legislative Council with suggested amendments.

WORKMEN'S COMPENSATION BILL

Adjourned debate on second reading.

(Continued from March 17. Page 4135.)

Mr. COUMBE (Torrens): I regard this as an important Bill, which deserves the serious and thoughtful consideration of all members. In fact, I believe it is one of the most important measures to come before Parliament this session, because it touches on the welfare of a large part of our community. Workmen's compensation legislation has come a long way since the days of Kingston in the early 1890's, and it has been the subject of much debate in this House since, numerous amendments having been made to it. It has been a valuable source of income to many solicitors concerned with its litigation in the courts. Perhaps I shall have the concurrence of the member for Playford to my statement.

The history of workmen's compensation has shown the need for this type of legislation to move with the times, and it must do so, because it must keep pace with daily technological advances, particularly in industry and commerce, although we must realize that workmen's compensation is not confined to industry and commerce: it touches other fields as well. I say advisedly that this is an important measure, which covers a wide section of our community and merits serious consideration by all members. In considering legislation of this type we must ask ourselves as legislators several basic and fundamental questions. Is it fair to all concerned; is it humane; does it provide a fair deal to employees and employers; is it loaded too heavily to one side or the other; does it provide adequate safeguards to both parties; what is the effect on the community, industry in general, and the economy; does it provide adequate cover for injuries or death arising out of and in the course of employment; are there sufficiently effective means of determining disputes; and are there provisions to minimize delays in settling disputed claims?

The Opposition strongly supports the principle of workmen's compensation, and it is considering the Bill in the light of the important criteria that I have just stated. In 1969, when Minister of Labour and Industry, I prepared a Bill that my colleague, the member for Mitcham, introduced on my behalf during my temporary absence from the House. That Bill provided the first increase in weekly payments to injured workmen since 1963. I prepared it, not only because of my close association with this subject (and I have lived with it most of my life) but also because I considered an increase in the scales was long overdue.

The figures in that Bill were higher than those in most other States in many, if not all, respects, and some States have only just adjusted their scales upwards. Some States have not yet reached the figures that were included in that Bill. I refer members to the 1970 edition of the *Conspectus of Workmen's Compensation in Australia and New Guinea.* The 1971 edition will not be available for two months. I have details of the amending legislation passed in both New South Wales and Victoria: this has become available since the conspectus was compiled. Some States, in some aspects of payments, have not yet reached the scale of the 1969 L.C.L. Bill. I hope that no member will think that I am advocating that we remain at the 1969 level.

In his second reading explanation the Minister made several points, and I think we all agree on the measures that are so necessary to overcome the industrial accidents to which he referred. Most, if not all, of us have at some time participated in safety campaigns, and I had the pleasure of taking an active part in such matters. The more accidents we prevent, and the more we educate workers in this regard, the better it will be for industry generally, and it will minimize hardship and suffering to a workman and his dependants.

I commend the Labour and Industry Department for its work in this regard with films

and lectures, and the National Safety Council and other organizations that are associated in this type of work for what they have done. Unfortunately, however, despite the fine courses that are organized, the lectures given, the most imaginative posters displayed in many workshops, and the safety devices provided (such as goggles and other equipment), there is still human error that results in a workman's not taking advantage of the facilities provided or notice of the warnings for him to take care of himself and eliminate hazardous conditions. Because of this, we must provide, in a measure such as the one we are considering, for the accidents that still happen despite all the measures taken and the propaganda issued.

The Minister has said that this Bill will provide for the easier, faster, and more equitable payment of compensation claims, for increased payments to injured workmen, and more rapid payment of weekly amounts. Industrial deafness is being introduced as a compensable injury, as is (and this was an interesting one, especially from the new Minister) loss of sexual capacity. I can see that the Minister is taking this seriously. He has said that other injuries will be covered for the first time. He desires to transfer the jurisdiction regarding the hearing of claims to the Industrial Court, and he has said that an extra judge will be appointed in that jurisdiction to expedite the hearing of claims.

Then the Minister refers to rehabilitation measures that he wishes to introduce. I think that sums up the philosophy behind what the Minister is trying to do. After studying the Minister's explanation and the Bill carefully, I am not sure that the Bill will achieve what the Minister is trying to achieve. The Bill seems to me to contain defects (and I am speaking constructively now) which will not only cause hardship to the employers in this State but, more important, will not provide all the benefits that the Minister claims injured workmen will receive.

I intend to deal with the broad aspects of the Bill and its principles, and the member for Mitcham will deal with the many legal problems inherent in the measure. Doubtless the member for Playford, too, will deal with some of these aspects. The Bill sets out principles and is largely a Committee measure. In the Committee stage we will be doing the important work on it. I agree that the Act and its many amendments need consolidation. The Minister has seen fit to introduce an entirely new Bill. I repeat that I am sure that some features of it will lead to a harvest for the lawyers. Our expert, the member for Playford, will get an even more lucrative living than he is getting now, because many new points are brought forward in this Bill, whereas the many contentious matters in the old Act had been decided in the courts over the years. I am sure many cases will have to go to courts for determination as a result of this Bill.

In my opinion, we must eliminate any ambiguity, because that is one of the things that has plagued this type of legislation in the past. Learned judges, counsel, and other specialists in this type of legislation have expressed differing opinions on certain matters. I consider that several amendments are necessary to improve the Bill, and these are being prepared now. As soon as they are ready, I will give them to the Minister. The purpose of the amendments is to put the Bill in a more practicable form and to remove the ambiguity to which I have referred. The Bill, of course, will be a test for the new Minister. It is his first major measure and I am sure that the carpet between the Minister's seat and that of the member for Playford will be worn thin during the debate, because I understand that the member for Playford is advising the Minister on this measure. I will not say for one moment that this Bill is a brainchild of the present Minister, because possibly his immediate predecessor, the present Minister for Conservation, and the member for Playford have had much to do with preparing it, with a fair amount of help from outside, and a certain amount of direction. I resent deeply the implication in threats that we have read in the newspapers recently by several unions that, if Parliament dares to alter the Bill, they will go on strike and hold protest meetings or marches. If we try to improve the Bill and the Minister agrees with what we are trying to do, will the unions still march in protest against our altering the Bill? Parliament is the place where decisions of this kind must be made and where Bills must be considered: this must not be done outside. That is a fundamental aspect of democracy and I will fight to retain that principle. Despite the publicity that has been given, I will say what I think about the Bill.

In his explanation, the Minister has dealt with several aspects. One is the transfer from the Local Court to the Industrial

Court of the jurisdiction to hear claims. I have no great objection to this, although in 1969 the then Government (in fact, the former Attorney-General) introduced a Workmen's Compensation Act Amendment Bill to establish special jurisdiction in the Local Court to handle these cases, and I understand that delays in the court are not excessive. Delays can be caused in many ways, such as in lawyers' offices or because medical certificates are not available readily. In many cases these certificates cannot be given until a certain stage in an injured workman's condition is reached.

I have no great objection to the transfer of jurisdiction, and the increase in the maximum payable for death or total incapacity from $12,000 to $15,000 meets with my approval. I consider that the amounts provided for the dependent wife or children or various other categories of dependant are reasonable, and I raise no objection to them. The 1969 Bill was not to be construed as the be-all and end-all of workmen's compensation, because undoubtedly we have to try to keep up with the times in this regard. The Minister referred to provisions introducing new types of industrial disease, one of which was disease affecting hearing. If these provisions are handled correctly and if there are suitable safeguards, they are reasonable provisions. As one who suffers from the complaint of "boilermaker's ear", I welcome this provision. Those who know what "boilermaker's ear" really is know that the finer tones are not heard, but I have yet to hear dulcet tones coming from the other side of the House. I set out at the beginning to examine various criteria and, leaving aside entirely for a moment the humane aspect of the measure, I tried to estimate what these provisions would cost. My estimate (and I have checked this) is that premium costs in South Australia under the proposed scales are likely to increase by about 50 per cent or 60 per cent.

The Hon. D. H. McKee: It's a tax deduction.

Mr. COUMBE: I am quite aware of the Minister's point, but I am talking about actual costs. In whatever category employers may be (small, large, private or public, including the Government), their premiums will increase. One case was referred to me the other day of a man employing only 11 or 12 men whose workmen's compensation premium for the year just completed was about $1,300. However, on the scale on which he will have to pay under this measure, that employer estimates that the premium will be increased to about $2,000, This example gives some indication of what this provision will mean. Members must realize, too, that each year, as the arbitration tribunal grants increases in award rates, the premiums will increase. As members know, premiums are worked out on the total wages paid in the preceding year and on what the wages are likely to be in the coming year. This is in addition to considering the various categories of workman and the rates charged.

For instance, from memory I believe that for a fitter the rate is about 17½ per cent, whereas the rate for a clerk is only a few per cent. This is because a fitter is usually subject to a more hazardous type of employment and is more injury prone than is, say, a clerk, who may drop a pen on his foot, or something like that. This provision will lead to an increased cost to the employing community of this State and it must lead, in turn, to an increase in the cost of production and, eventually, to an increase in the cost of goods. Of course, the amount paid is a tax deduction, but it is another item on the list of increasing overheads that industry has to face.

I think the definition of "disease" needs to be examined, especially when we are discussing a deterioration, and the definition of "injury" needs to be examined also. As the definition refers to mental injury, I think the Minister will agree that it must be connected with the employment in question, which should be a contributing factor. Although we will deal with this matter in the Committee stage, I am touching briefly on one or two matters that I find ambiguous. Clause 8 (6) refers to the journey undertaken by an employee, a matter to which the Minister referred in his explanation: the provision in the old Act has been altered. I believe that we should add in this definition the words in the old Act that have been deleted, namely, "substantial interruption".

The corresponding Acts in both New South Wales and Victoria, which are the most highly industrialized States in Australia, were amended in November and December last year, and both contain a reference to "substantial interruption". The definition of "journey" states, in part, that "journey" means "the passage by any reasonable, direct or convenient route between two places," etc., and the Minister has deleted the words "substantial interruption". I recall a debate on this matter in the House a few years ago, when, for the first time, the principle was agreed to by this Parliament that a workman should be covered from the time he left home for work

to the time he returned home from work, and the provision inserted at the time included a reference to "substantial interruption". I believe that it would be better to retain the wording of the new definition but to add "substantial interruption", because it would bring the provision into conformity with what now applies in New south Wales and Victoria.

Clause 27 contains an interesting provision. It deals with the situation where a workman gives notice and the employer is expected to make a reasonable payment to the workman to cover costs and out-of-pocket expenses. That provision is fair enough. It applies now in respect of a workman who goes to see a doctor or goes to a hospital for treatment; but, if a claim fails, how does the employer recoup his outlay? I think it is fair that, if the claim is genuine, the employer should be compelled to pay these out-of-pocket expenses. However, there should be an addendum to the provision that, if the claim fails, the employer should have the right to recoup those expenses. If a claim fails, it means that it is not a genuine claim, and we have seen cases where claims have failed. That amendment, which is reasonable, would be easy to make.

Clause 52 which deals with the ceasing of weekly payments, is one of the ambiguous clauses to which I have referred. As it is rather complicated, it needs close examination. I am not sure how it will work in practice. Clause 53 (2), which deals with holidays, needs clarification. I am sure that all members understand the principle that, if a public holiday occurs while a man is receiving workmen's compensation, he receives the holiday pay. The provision needs clarifying so that such a workman does not get double pay. As ambiguity leads to litigation, this provision needs tightening. Clause 67 could be difficult to implement. This deals with the case of a workman who has been injured and is partly incapacitated and who is given a certificate by a doctor that he is able to do light duties (as we used to say in the Army) although he is not able to take up his normal avocation. In the case of a person who is highly skilled and, because of his injury, is not able to take up the work he has been doing, the employer is expected to reinstate him or give him some other type of work. The problem, which is not easy to solve, is that while the workman is away for some weeks or months there may be a slump during which retrenchment takes place. This may cause a problem in relation to re-employing this workman or, in a small shop, finding suitable employment for him.

This provision can be improved by providing that, if the employer is unable to continue to provide this employment, it would be a defence if he could prove to the court that he had made all reasonable efforts to re-employ that man. I admit that that is a difficult provision. However, without trying to take away any rights of the workman, we must look at this provision carefully, because in practice it is difficult to implement.

Clause 70 refers to injuries which are not referred to in the table ("table" injuries). I believe that workmen should have the right, under this provision, to elect to take compensation if they want it, but the clause does not provide for this. A person should not receive compensation under this clause if he has received it under clause 72, the redemption clause. That is fundamental. In other words, if a workman receives a redemption, he should not get another sum under clause 70. I have prepared amendments in relation to the matters to which I have referred, and I will move other amendments in an effort to make the Bill workable and to cut down the litigation that may occur.

I now come to the rates of weekly compensation. The Bill provides that the sum of weekly payments shall be 85 per cent of the average weekly earnings or, in the case of a married man, $65, and, in the case of a single man, $43, whichever is the lesser sum. At present the figure is 75 per cent, and that is the position in all mainland States except New South Wales which, in December last, increased it to 80 per cent. I deliberately exclude Tasmania because of the peculiar sliding scale that operates there. It is interesting to note that, according to the conspectus to which I have referred, the figures in the other States are still much lower than those proposed by the Minister in the Bill. To receive the maximum sum provided in the Bill, a married man would have to have eight or nine dependent children. I have prepared a table in an effort to achieve what I believe is a reasonable compromise. In December, 1969, the average weekly earnings (the award rate, plus over-award payments, plus overtime worked) in South Australia were $77.50. In January, 1971, that sum had increased by only 2.2 per cent to $79.20.

The minimum wage, which we know has replaced the old basic wage, has increased from $41.90 in 1969 to $45.90 at present, an increase of 9.5 per cent. I will use the fitter's rate, which is taken as the yardstick in most applications before the court. In 1969 that rate was $56 and, with the 6 per cent increase, it is now $59.40. At present, workmen's compensation for a married man is $40 a week. The Bill provides that the maximum weekly compensation payment shall be increased from $40 a week to $65 a week, which is an increase of no less than 62½ per cent (although in other respects we have been considering increases of only 2.2 per cent, 9.5 per cent and 6 per cent). The maximum payment payable to a single man has been increased by 59.3 per cent.

These increases are far too great and are out of proportion not only in respect of what is reasonable but also in respect of rates payable in other States. Although the maximum rate payable has been increased by about 62½ per cent, wages have increased only by about 6 per cent and the minimum wage by about 9.5 per cent in the period to which I have referred. The minimum wage has therefore risen more than the award rate for skilled employees. These rates are certainly not in proportion with those paid in other States. Also, weekly payments have been increased from three-quarters of the average weekly earnings to 85 per cent of those earnings. The maximum compensation payment of $65 a week provided by the Bill, or 85 per cent of the average weekly earnings of an employee, whichever is the lesser, should be compared to the fitter's weekly rate of $59.40.

I ask members to refer to a speech made by the present Minister of Roads and Transport in 1969, when he was then the back-bench member for Edwardstown. The Minister is known for his forthright statements in this House; his speeches are always delivered with judicial calm and serenity, and he is never vituperative. When the Liberal Government increased the weekly rates for the first time since 1963, the then member for Edwardstown and you, Sir, in your capacity as member for Semaphore, had something to say on the subject. However, I will not refer to your speech, as it would not be appropriate to do so, you being in your present elevated position. The then member for Edwardstown moved an amendment to tie the compensation rate to the fitter's rate. He then said:

We—

that is, the Labor Party—

had a formula for arriving at the figure of $47.50—

that was his amendment that he put before the House—

We took the case of the base tradesman in Australia, the fitter. In 1963, when the amounts were last fixed, he received $38.90 a week. The new award gives him $56 a week.

He wanted then to tie the workmen's compensation payment to the fitter's rate. What is the fitter's rate today? It is $59.40, yet the Government now wants the maximum weekly compensation payment to be fixed at $65. The present Minister of Roads and Transport seems to speak with two voices. I suggest that a compromise rate should be fixed. After examining the position in the other States and considering what I would regard as a reasonable increase in the weekly payment, I have arrived at a reasonable compromise figure. I have said I agree that the maximum liability of an employer should be fixed at $12,000, except in the case of total permanent incapacity for work, in which case the maximum liability shall be $15,000. I have also said I agree with the amount of funeral expenses and other benefits payable to a workman, and that I agree that the maximum amount of compensation for what are commonly called "table injuries" should be increased from $9,000 to $12,000.

Taking into account the increases in workmen's compensation payments that have occurred between 1963 and 1969 and the increase in the average weekly earnings of 2.2 per cent, the increase in the minimum weekly wage of 9.5 per cent, and the increase in the fitter's wage of 6 per cent, I consider that a reasonable increase in the maximum amount payable would be not 62½ per cent as provided in the Bill but 25 per cent. If that percentage were added to the existing rate of $40, the maximum weekly compensation payment would be $50 and, in the case of a single man (to whom $27 is now payable), the rate would be increased to about $34.

Members should also examine the percentage of average weekly earnings. In all States weekly compensation payments are 75 per cent of one's earnings, except in New South Wales, where the weekly compensation payment is just under 80 per cent of one's earnings. However, that State has a special way of working out its rates that is different from that used in South Australia. The New South Wales Act, which was amended in November last year, provides that weekly payment for

total incapacity is 80 per cent of average weekly earnings. Prior to that it was, like the other States, only 75 per cent. The maximum amount payable to a single man is $32.50. A married man with dependants would receive $32.50 plus a sum for his wife and child dependants, if he had any.

Victoria amended its Act in December last year, providing that the payment for incapacity be increased from $20 to $26. That State has also increased the amount payable for one's wife and child dependants. However, the aggregate payment must not exceed $41. These two major industrial States are working on the basis of a compensation payment of $32.50 and $41. The figures to which I have referred can be checked by members in the Parliamentary Library, and the figures to which I have referred regarding other States can be checked by looking at the prospectus prepared by the Commonwealth Department of Labour and Industry. The figure that I suggest for comparison is $50, and the rate should be 80 per cent, instead of 85 per cent. I have referred to costs in the community. If the figures that I am suggesting now are accepted, there will still be considerable costs to the community. They would have to be accepted, but I am trying to suggest a reasonable increase. Each year the arbiration tribunal awards an increase, so the premiums and costs increase.

The Hon. D. H. McKee: That's been going on all the time.

Mr. COUMBE: Yes. I remind the House that this applies to anyone in South Australia who employs people, whatever their avocation. I have tried to work out a reasonable compromise that will, on the one hand, give the workman, who deserves adequate cover, a reasonable increase on the present rate, combined with the other features that the Minister has introduced, (because many matters will be caught) and, on the other hand, makes a reasonable charge on the employers of this State.

One question that members will recall my postulating at the beginning of my speech is whether the Bill is fair to all, or whether it is loaded too heavily on one side or the other. Any workmen's compensation provisions must be fair to all. The workman and the employer must get a fair deal. In my opinion, what I have said strikes a compromise. It is for the Government to argue that what I am saying is unrealistic and that my compromise will cause hardship to workmen, for whom I have complete sympathy. I do not consider that that will be the case. I consider that a 25 per cent increase in benefits, as well as the table scales (with which I agree) is reasonable.

Those who are well versed in the practice followed regarding workmen's compensation claims know that many cases are handled upon the weekly payments basis, as distinct from claims for fatality or total incapacity. A man may go off work for a few days, a week, several weeks, or a couple of months. With most companies the procedure is that, as soon as a man goes off on workmen's compensation, the company notifies its insurer and, if the case obviously merits payment of the workman's compensation claim, begins payment immediately. The company pays the man weekly. I do not say that this happens in every case, but it happens in most cases that I know of.

It is rather interesting that the insurer's claim form is so worded that the employer, who may be a small man, cannot be reimbursed for what he has paid out to the workman for a long time after the workman returns to work, because the employer is required to fill in a part of the form that states "Date on which the workman returned to work". Delays often occur in respect of the medical certificates that must accompany the claim on the insurer, although this does not happen in some cases. I consider that the Bill covers this matter, because the Minister has referred to a period of no longer than a fortnight. That is one of the provisions that I consider must be tidied up, and I think that the Minister is on the right track there.

Most employers have a genuine concern for the proper operation of the workmen's compensation legislation. In all walks of life and in all sections of the community, we will always find someone who is not playing according to the rules, and that happens in regard to workmen's compensation. However, most employers in this State follow the rules fairly well. It is in their interests to do so, because when a workman is absent from work for a long time, the production on which he has been engaged is delayed. It is in the interests of the employer to get that man back as soon as possible, having regard to the man's fitness to resume work, after medication. That is why so many employers observe the requirements of the Act.

I have made some rambling remarks about the principles in the Bill and I must come back now to the question I raised at the beginning,

namely, whether this Bill provides adequate safeguards for both parties. That is an extermely serious matter. I consider that, with the amendments that are being prepared, the Bill will provide safeguards for the workman as well as for the employer and, in these days of equal pay (which is either in operation or coming into operation), this is essential. Does the measure provide adequate cover for the injuries received? I consider that the table of injuries, set out in one of the schedules to the Bill, does provide that. Here I give the Minister a tip that the schedule needs rewording because something has gone haywire.

Is the Bill humane? Does it provide a fair deal for both employees and employers, and are there sufficient means of determining disputes and of minimizing delays in settling disputed claims? I consider that the Bill does provide for these matters. Therefore, it boils down to the fact that, in my opinion, certain clauses could be improved, for the better working of the legislation, by suitable amendments. I put that suggestion forward constructively.

The other aspect I mention concerns weekly payments, which I consider to be out of kilter with reality, not only with the other States of Australia. I do not accept that South Australia must always follow the other States. In many cases, we can lead them. They are so significantly greater than what exists in other States that I believe this matter needs to be rectified. I said that the suggested increase in the payments from $40 to $65 was no less than 62½ per cent, and that is far too great, in my opinion. In the case of a single man, it is 59.3 per cent. I am suggesting that we amend the provision in order to provide for a 25 per cent increase, which I believe will still put South Australian legislation way ahead of that in the other States.

The Hon. D. H. McKee: They can alter their legislation.

Mr. COUMBE: I have just said that the legislation in New South Wales and Victoria was amended in November and December last year. I suppose the Minister is referring to the Conybeare report which, while he did not name it (he merely referred to it), is a fairly solid document to absorb. The Minister has tried to take parts of that report and put them in this Bill. As New South Wales and Victoria have just altered their legislation, I do not think they will increase their scales overnight.

However, I believe they will bring certain provisions in their legislation into line with these provisions, and I refer here to industrial diseases, including noise-induced deafness, etc. These are some of the matters concerning which I think the other States will take action. Although the principle of the Bill has the Opposition's support, we will move to improve certain clauses at a later stage, and I believe that we must be realistic about the scales provided. In due course, I will move a series of amendments to give effect to what I have been saying. I support the second reading.

Mr. McRAE (Playford): Having listened with much interest and concentration to what the member for Torrens had to say, I accept his three criteria for determining his attitude to the Bill: is it fair to everyone concerned; is it humane; and does it give a reasonable deal? I accept also his comment that for too long safety has not played a large enough part in our thinking. I accept that accident prevention is required and that we should not be placing too much emphasis on caring for people after they have been injured; rather, the emphasis should be on stopping the injuries at all. Our workmen's compensation legislation dates from the English Employers Liability Act of about 100 years ago, and it is like any century-old building: it is pretty ramshackle and pretty tottery. It has had much makeshift renovation, but I think the time has come to demolish it and rebuild.

In that process of demolishing and rebuilding it is obvious that mistakes may be made and difficulties encountered. As I listened to what the honourable member had to say, I found that five or six of the matters he raised related to genuine problems, and I think it is likely that the Government would be willing to look at these matters and to reach some sort of compromise, because this is social legislation and we ought to make it work. The honourable member said that, unlike the other States, we do not have the phrase "substantial interruption" in the definition of "journey" in the Bill. I think it is not unreasonable that that phrase should be reinserted. The honourable member referred to the payment of expenses by the employer in the situation where liability has not yet been determined, and he said that it was perhaps a little unfair that an employer may have paid expenses only to find that he wins his case and may still not recover his money. Once again, I think that something can be done here.

The honourable member referred to the provision regarding a public holiday, and he said that we ought to ensure that there was no double payment. I think the Government ought to look at this matter favourably, although I must say that for many years this has been a great bone of contention among trade unions which, together with their members, have been legitimately annoyed at the way people on workmen's compensation have been messed about. The honourable member referred also to "table" injuries and to the right of workmen to elect, and I agree with what he said. He referred to a no-double payment, in the sense that one can redeem and, at the same time, still take payment under the table. Once again, I agree that the Government can look at these provisions and reach some compromise which, in the light of the criteria that I accept as being valid, will be reasonable to all concerned.

I noted with interest that the honourable member had no objection (or no great objection; I am not sure of his words) to the transfer of the jurisdiction from the Local Court (or the District and Criminal Courts as they are now) to the Industrial Court, and I was pleased to hear that, because this procedural matter is one of the things that causes the greatest trouble to trade unions and employees who are vitally involved, as well as to employers for that matter. I should like to return to that matter and also to the honourable member's comment on the rate of weekly payment. This Bill seeks to clarify and simplify much of the existing law and to bring it up to date. For example, provisions in the existing Act dating from about a century ago are now completely out of date and, in fact, are never used.

For example, provision exists regarding a private arbitrator as distinct from an arbitrator who happens to be a member of the Judiciary. I have never heard (nor have my colleagues) of one instance where that procedure has been put in motion. Therefore, it has been removed from the legislation, and I do not think anyone laments its omission. Similarly, clause 10 ensures that the legislation will apply outside this State and this, too, was a glaring loophole in the old Act. It was something that often caused great difficulty to shearers and other itinerant workers in this State who had to move outside our borders in the course of their employment.

Mr. Coumbe: Or a person working for someone who had a contract in another State.

Mr. McRAE: Yes, someone employed by a person who had a business operating in South Australia but who took contracts over the border. That clause, too, attempts to clarify what was the intention before. Similarly, the industrial disease provisions of the Bill attempt to do away with the complexity of the old provision. Anyone who has had anything to do with workmen's compensation knows that the difficulties associated with the old provision were great. In a simple case of, for example, dermatitis, one had to start by getting a certificate from a medical practitioner. From that certificate there could be an appeal. If the appeal by the employer was successful, using the certificate we went to the Local Court and started a hearing there. Again we could be faced with an appeal from that jurisdiction. At least the Bill attempts to remove some of the initial procedural difficulties encountered under the industrial disease provisions.

Secondly, the Bill provides a new and improved system of dealing with claims for workmen's compensation. It provides a simpler form of hearing before a tribunal better qualified to deal with claims. This is no reflection on those who do now adjudicate or have in the past adjudicated in this area. I believe that three major benefits are to be gained from the new system. First, it will be a specialized jurisdiction so that we will have uniformity of decision and we will not have the inconsistency that we have had in the past; it will not be the sort of lottery that it has been in the past. Secondly, the hearings will be before a person who is engaged in industrial matters and is attached to a commission or court dealing with industrial matters. I strongly make the point that, as workmen's compensation is an industrial matter, who is better qualified to deal with disputes arising from it than a judicial officer who normally deals with industrial matters?

The third point is, I think, the most important of all. There will be a different atmosphere in the new court from that which applied in the old court. This is all-important. The atmosphere in our Local Court is very little different from the atmosphere in the Supreme Court. It is very much an adversary system of litigation on strict rules of evidence and procedure. If that atmosphere is contrasted with the atmosphere in the Industrial Commission or on workmen's compensation boards and commissions in Victoria and New South Wales there is a great difference indeed.

People are not inclined to settle in the atmosphere of the adversary litigious system. They are far more inclined to settle and to get on with the job in an atmosphere that encourages amelioration and settlement. I can refer to the comments of a person far better versed than I in this respect: Judge Conybeare, Q.C. (Senior Judge on the New South Wales Workmen's Compensation Commission), prepared what the member for Torrens referred to, namely, the Report on the Inquiry into the Feasibility of Establishing a System for the Rehabilitation of Injured Workers in New South Wales. This is a massive report in which he takes into account workmen's compensation trends throughout the world.

The proposed new system, which is a crucial and fundamental part of the Bill, is sought unanimously by blue-collar and white-collar employees and the trade unions that represent them. The Bill provides justice also in the area of compensation payments. In terms of weekly payments, we take the level of $65 a week or 85 per cent of the average weekly earnings, whichever is the lesser. The Bill contains reasonable provision for the maintenance of a workman and his family.

I will take two cases to show that the statistics produced by the member for Torrens do not really show the true situation. First, I will take the case of the lower-paid worker, bearing in mind that the average weekly earnings in South Australia are about $79 a week. The semi-skilled or skilled worker in the lower-paid category receives $55 a week. That man is budgeting accordingly, and I suggest budgeting for every cent. Under our system, since he is not receiving more than $65, he must take 85 per cent of $55, and that represents a reduction of $8.25 a week giving him a weekly payment of $46.75. That is still not what he really needs. I believe that justice demands that a workman receive average weekly earnings while he is incapacitated. I think that, taking the example of the lower-paid worker budgeting to the last cent, I can demonstrate that a reduction of 15 per cent imposes a certain amount of hardship and difficulty on him.

My other example is of a person who earns $100 a week, and that is not a rare case, as is demonstrated by the fact that the average weekly earning is about $79. That person drops back to $65 and, as we know, it is a fundamental law of economics that a person budgets to what he earns. At least 95 per cent of people do that. In that period of incapacity, such a person must support his family on $35 a week less than he was accustomed to earn. I suggest that that is not reasonable or fair.

It must not be thought, as the member for Torrens seemed to indicate in his fair and reasonable speech that, in this area of average weekly earnings, and perhaps in one or two other areas, this is a radical Bill that disturbs the balance that the member for Torrens has said should exist between what is fair for the employee and what is fair for the employer. I will demonstrate why that should not be thought. First, I think that perhaps one fundamental amendment to the Bill that might be in order is to stop calling it the Workmen's Compensation Bill and to start calling it the Employee's Compensation Bill, because the Bill, as has been said, does not affect only the blue-collar workers: it affects white-collar workers, too. Everyone in industry and commerce is affected by this measure and will become aware of the trends that exist in the other States and overseas in dealing with problems of workmen's compensation. In putting forward a suggestion that the procedure be changed and taken from the Local Court to the Industrial Court, the Government was not seeking the moon. This proposal is a compromise, because in most of the other States there is a separate workmen's compensation board or commission. In making this suggestion, the Government is compromising between the view of the trade union movement (which wants and which has always demanded a proper workmen's compensation commission) and the views of the employers, who like and want the adversary system that exists in Victoria, where two workmen's compensation boards are currently operating; within a month there will be three, each presided over by a judicial officer and comprising one representative of the insurance groups and one representative of the trade union groups. Therefore, there will be three boards operating in a fairly expensive manner in Victoria. These boards have much control over the procedure used—a procedure that is readily accepted by employers and employees alike in that State.

In New South Wales there is an elaborate Workmen's Compensation Commission, which not only deals with the cases and disputes that comes before it but also has a direct control on the premiums that can be charged by insurance companies. It has direct control

of the whole premium system, and the commission, not the insurance companies, sets the premium. Therefore, the Labor Government, had it chosen today to do so, could have said, "Take the view of the trade unions. Do not listen to what the employers have to say, but go the whole hog and demand immediately that we set up an expensive workmen's compensation board or commission." This is something that must come. It has already come in the heart of the free enterprise system in New York and Ontario. The Government could have done this, yet it chose not to do so. It was willing to compromise and to give something in between, something that is not expensive (indeed, far less expensive than would be a board or a commission) and something that is a far less radical change than setting up a board or a commission. If anyone doubts what I say, I refer him to the report of Judge Conybeare, at page 4 of which, dealing with the system that operates in New York State, the heart of free enterprise, he states:

In 1962, I had the opportunity of visiting Canada and several States of the United States including New York, where I saw and heard a great deal about their respective workmen's compensation systems. In the State of New York I inspected an adversary system, which was structurally very similar to that of New South Wales. There, as here, compensation is paid by insurers of employers' liability under the workmen's compensation law and the rates of compensation are comparable with our own. But in addition the system there provides means whereby the physical and vocational rehabilitation of injured workers is assured to them as it is required.

However, a noticeable and important difference between the systems there and here is that the New York board is not charged with any duty in relation to insurers. Insurers in the State of New York—indeed in all American States and in the District of Columbia—are under the very tight control of an autonomous independent Insurance Commissioner, who exercises stringent supervision over all insurance operations of insurance companies. He conducts frequent periodical examinations of all the affairs and operations of insurers and furnishes quarterly reports to the respective workmen's compensation authorities upon each insurer's workmen's compensation business. I was informed that this prevents the possibility of any financial failure or even any crisis developing in the affairs of any insurance institution.

So, in the heart of free enterprise there is not only an adversary system similar to ours but also one that has a stringent control of insurance companies. Regarding Canada, once again in the heart of the free enterprise territory, Judge Conybeare, dealing with the province of Ontario, states:

In the Province of Ontario in Canada, I visited the Workmen's Compensation Board at Toronto and observed its establishment and system. It is an administrative, as distinct from an adversary, system. There is no litigation between injured workers and employers. If any question arises as to a worker's receipt of an employment injury or other question of fact in relation to his entitlement to compensation, it is expeditiously determined by inquiry and, if necessary, consultation between the board's officers and the worker and/or his spokesman. Such determination is also subject to several stages of review up to the board itself, if necessary.

The board levies contributions from all employers covered by the Act; it pays compensation and indemnifies injured workers against all medical and hospital expenses incurred in respect of employment injuries. In addition, it maintains a large, elaborate and important hospital and rehabilitation centre for the treatment and physical and vocational rehabilitation of all injured workers who are in need of it. The rates of compensation paid to injured workers are comparable with those in New South Wales, but the Ontario system throughout the period of the worker's disability is aimed and directed at his rehabilitation and restoration to as full a life as possible. In Ontario compensation is rehabilitation. I was greatly impressed by this system and I noticed that it had the general acceptance and approval of employers' and workmen's organizations having dealings with it.

Those comments refer to the judge's visit to Canada and the United States in 1962 and, lest members think I have not kept myself up to date, I will quote a small paragraph to show that the judge's views have not changed in the meantime, for on page 7 of the report he states:

I again visited Canada and the United States in 1964 and 1966, when I attended conventions of the International Association of Industrial Accident Boards and Commissions at which were present representatives and executives of almost all of the workmen's compensation authorities of the States of the Union and of the Provinces of the Dominion. My impressions, which I received in 1962, were confirmed by my later visits, and I take this opportunity of affirming the views and opinions which I then expressed.

If anyone thinks the system this Government has brought forward is radical or unfair, or that it is too great a change, I suggest he examine the two systems operating in the heart of the free enterprise territory, and, if he wants to examine a system operated by a Conservative Government, he should examine the situation operating in Britain, where the adversary system has been swept away completely, and where the 1965 National Industrial Accidents Act deals in a completely non-litigious way with all compensation in

respect of losses from industrial accidents. Before completing my comments on the manpower report, I must refer briefly to Judge Conybeare's remarks on page 7, where he states:

Comparisons between the system which obtains here in New South Wales and what I saw in North America provoked my misgivings about the adequacy and efficiency of the former. The clear and unmistakeable conclusion which I reached after my observations in North America was that the basic objective of any workers' compensation system is to assure to the injured worker his remedy, whether money or rehabilitation, or both, with the utmost speed and efficiency. This is spectacularly achieved in Ontario, but here in New South Wales much valuable time is lost in various ways; for instance, between the worker's initial report of injury to his employer and its relay to the insurer, and between the medical examination of the worker and the relay of the medical report to the insurer. Then further time is lost before liability is accepted or admitted. In contested claims the adversary system necessarily involves delay—the contest between competitive interests; the unavailability of witnesses (lay and medical) and counsel occasions the adjournment of many trials. These matters all impede the prompt disposal of claims. The system is encrusted with peripheral, professional, and insurance-vested interests, which, in my opinion, relegate those of the injured worker to a low priority and indirectly result in delaying and impeding his compensation.

I emphasize the last paragraph. The judge made that scathing remark about the system in New South Wales, a system which is far in advance of ours and far more radical than ours and which has a direct control over insurance premiums. If the judge could make that remark about the New South Wales system, God only knows he could make the same remark about our system. The situation that every legal practitioner and trade union secretary has seen arise in this State has led to the anger of the trade unions and, as the member for Torrens said, many trade unions consider they have compromised enough. They have compromised so far in asking the Government for so little that they are legitimately angry at the thought that the little they have asked for is to be packed down yet again.

The system they have had to endure is that an injured workman is led into a situation of neurosis because of endless technicalities and delays, and the vested interests to which the judge refers (they are his remarks, not mine, but I agree with them) have led to anger and resentment by all employees and trade unions. The power centre lies so heavily with the insurance companies that the present system is not fair or just. I recall the case of a widow who, because of a dispute as to the interpretation of some obscure provision in the Act, had to settle a claim for $1,000 less than it was thought she should receive. One may ask why she did not test it, but the answer is obvious: she could not afford to risk another $2,000 by going to the High Court to test whether she should get the $1,000. The loading of the advantage towards insurance companies is something that has made trade unions and their members legitimately upset with the existing system.

Mr. Millhouse: Do you think the present Bill will alter that?

Mr. McRAE: As I have been at great pains to say, the present Bill is a genuine attempt to compromise.

Mr. Millhouse: That is not what I asked.

The ACTING DEPUTY SPEAKER (Mr. Ryan): Order! Questions are out of order.

Mr. McRAE: The present Bill is a genuine attempt to compromise between two conflicting points of view. I believe that we should wipe out the courts from this matter and set up a board that would either directly control premiums or control the setting of premiums by insurance companies. We should wipe out the adversary system and accept the Ontario system, in which there is no negotiation but a direct system of advice and consultation between the board and the injured workman. I believe this will come and that the Ontario system will be accepted eventually throughout Australia. Hand in hand with that will come a new concept of industrial safety and welfare.

The means are open, as the member for Torrens well knows, for employers, if they wish, to cut their losses under this Bill or even under the existing Act. The fewer accidents that occur the less has to be paid out in premiums. I believe that this Bill is a genuine attempt to introduce a very moderate proposal. It is the least the trade union movement and employees want, and they cannot tolerate the thought of this place or another place taking away the modicum they have asked for or the thought of this place or another place, which has argued so strenuously for the benefit of commercial interests and the interests of finance companies, advertisers, and others, taking away the small improvements that the trade unions have asked for.

It is the thought of what has happened before happening again that causes the trade unions on this occasion to say, "We demand

the very small amount that we have asked for." I believe there is much anger throughout the community (and not isolated to those unions that have received some publicity) among blue-collar and white-collar workers at the thought that this reasonable Bill could be torn apart at the whim of this place or another place and at the request of and strong briefing by insurance company vested interests. I believe those interests should be completely thrown away and that the entire system should be overhauled and replaced by an entirely new system. Until that day arrives, I believe that this Bill does at least make a start in the right direction in its procedure. I stress my belief that the small procedural change we have sought as a basic compromise is the least we could have asked for, and any attempt to interfere with it would validly provoke the anger of the unionists and the trade unions representing them.

I now turn to the formula advanced by the member for Torrens in relation to calculations of weekly payments. This type of formula is not unknown to me. I know that in wage fixation one can juggle statistics in many ways in order to produce different results. The original base figures on which we are working are so low that, no matter what criteria or percentage one may choose, it will be difficult suddenly to get a complete improvement overnight. It is like trying to work on an out-of-date fitter's rate when one should be working on a properly assessed fitter's rate. If the average weekly earning is about $79, it is not unreasonable to suggest that $65, which is about 85 per cent of the average, is reasonable.

Because of the smallness of weekly payments in the past, far too many people have suffered far too much, and I know, and trade union people know, that, under the existing system, far too many people not only suffer the indignity of trying to budget on far too little but also they are forced into the situation, which comes if they drop back from $70 to $40 a week, in which they have to take the next step of borrowing money. Because they are receiving workmen's compensation, their only source of borrowing is a finance company. That is usually owned by the insurance company that is making the weekly payments and the finance company's interest rates are not usually low. Indeed, they are extremely generous to the finance company, and often the injured worker, who is waiting for his claim to be resolved and weekly payments made, goes further into debt. Not only can he not budget but he creates a further problem for the future by entering into finance arrangements. We even have the ridiculous situation in which the local butcher or grocer, if he is kind enough, becomes a kind of finance company in the intervening period by allowing the workman's bills to increase and accepting payment in the end.

The complaints by employees about delays may be thought to be exaggerated, but in the past they certainly have not been. I understand that, as a result of the Attorney-General's direction on his going into office, the Local and District Criminal Court was given instructions to give workmen's compensation cases top priority over everything else. I understand that the court has done that and that the judges, not only by rolling up their sleeves but by taking off their shirts and working in their singlets, have got the workmen's compensation case delays reduced to about four months.

Mr. Millhouse: You're being ridiculous.

Mr. McRAE: The judges have done that only by pushing off all other cases. The member for Mitcham knows the situation well, and I have checked on the position.

Mr. Millhouse: If you had checked you would not have said what you have just said.

Mr. McRAE: I shall be interested in what the honourable member has to say about it. However, a delay of four months is not good enough when a workman has a dispute about the commencement of his weekly payments. Why the hell should he have to wait any longer than about seven days to have his weekly payments started? What right has any insurance company to hold him up during this time and create problems for his wife and family? For far too long this has been a low-wage State and a low-quality social welfare State. These days have gone and the community and the trade unions will not tolerate anything other than the minimum that this Bill provides.

It is with reluctance that I support this Bill, because I do not think it is anywhere near good enough. I would have liked a much more comprehensive Bill that dealt with the problems more strongly. However, in the interests of compromise I will support the Bill as it stands and, also in a spirit of compromise, I hope the Minister accepts some of the suggestions made by the member for Torrens. With those reservations and objections, I support the Bill. I hope to see, during the future life of this Government, a much better workmen's

compensation system than we have now and a much better industrial safety and welfare system.

Mr. MILLHOUSE (Mitcham): Until about two-thirds of the way through the very good speech by the member for Playford, I wondered where the area of disagreement between us all was, as there had been such an atmosphere of sweet reasonableness during the debate this evening. However, it was in the last one-third or so of the honourable member's speech that the matters on which he and I differed became obvious. I mention to you, Mr. Speaker, and to the honourable member just one incidental matter of fact. The honourable member suggested that the present English system was introduced by a Conservative Government. If he remembers correctly, he will realize that the Wilson Government came to office in 1964 and that the present English system came into operation under a Socialist Government in 1965. That is just a matter by the way on which the honourable member was inaccurate.

He and I differ upon two points in particular. The first is the question of the cost of workmen's compensation to the employers of this State and, therefore, to the State as a whole. No-one would quarrel with the principle of trying to give the people of this State the best in services, compensation, and everything else. The same applies with ourselves and our own families, but we always want to give our families more than we can afford, and we cannot do that. We must cut the coat to suit the cloth.

The same is true of workmen's compensation or anything else. South Australia is not the wealthiest community in this country and, therefore, we cannot afford to do all we would like to do for the people of the State. I am afraid that, because of our economic situation, we must be frugal in some respects. The member for Torrens has said that, on his calculations, this Bill, because of the additional benefits it gives, will add 60 per cent to the cost of workmen's compensation insurance. We in this Parliament must be satisfied that industry and commerce (employers generally) can bear that additional burden if we are to maintain any sort of competitive situation with other States, irrespective of what we would like to do for ourselves and particularly for those of us who suffer injury or sickness in the course of employment. Frankly, I do not consider that we can afford to do all that this Bill sets out to do.

The member for Torrens has examined the Bill, and I do not intend to canvass the points he has made. However, I consider that we must strike a better balance between the rates now payable, which were fixed in 1969 (when, as he has said, because of his own sickness I was in charge of the Bill in this House), and those rates proposed in this Bill. I have a shrewd suspicion (I cannot back it up and it is only a suspicion) that these rates have been put fairly high deliberately so that, in fact, there will be room for compromise between this House and another place.

The Hon. D. H. McKee: You're wrong.

Mr. MILLHOUSE: I may be wrong in that suspicion.

The Hon. D. H. McKee: You are, quite wrong.

Mr. MILLHOUSE: I have a shrewd suspicion that, when this Bill passes (as I hope it will), the rates will have been reduced somewhat, I hope to the rates suggested by the member for Torrens, not because I would not like to see them as they are set out here but because I consider that we must be realistic. I do not consider that this State can afford to pay the benefits set out in the Bill. That is my first objection to the Bill as it stands.

The other objection (and I come to it straightaway, because the member for Playford has made much of this) is to the transfer of the jurisdiction from the Local Court to the Industrial Court. I do not consider that this is necessary, and I am afraid that here I must go further than the member for Torrens has gone. I think it is quite undesirable that this should happen, particularly now. I realize that all we say about this in this place will be brushed aside, because the Labor Party has decided that the jurisdiction will be changed. However, that will not deter me from moving certain amendments in the Committee stage, but I do not expect to get anywhere with them. I think I know what the attitude is and, if I am wrong, I shall be pleasantly surprised. I think we all know the situation.

The Attorney-General came into politics at the last election. He had said he was strongly in favour of the new intermediate court legislation which I introduced on behalf of the former Government and which both Houses passed, in the teeth of opposition by the Labor Party as it was then constituted.

The Hon. L. J. King: You have made this point once or twice before

Mr. MILLHOUSE: Yes, but, because of the success of the system, I think it is worth while perhaps pushing the point home occasionally. The compromise that the honourable gentleman had to make for the change of face of his Party to his own point of view (and, incidentally, to my point of view and to the Opposition's point of view) was to agree to the transfer of the workmen's compensation jurisdiction to the Industrial Court. I believe I can see his hand in the relevant clauses of this Bill, and I agree that he has done his best to cut down the significance of the transfer, but it is still there and it is, I believe, unnecessary and undesirable.

When we introduced the new intermediate court, we provided that in future workmen's compensation would be handled by the judges of the court. That, I believe, was a desirable (I was going to say necessary, but perhaps that is too strong a word) change, and I hope, in spite of their votes, that honourable members opposite agree with me on that. It has worked out in practice, and I believe the present situation is most satisfactory. The member for Playford was quite ridiculous when he exaggerated in referring to this matter and saying that the judges were working hard. I will not go through the nonsense that we heard from him, but the fact is that the time between the taking out of an application and the date of hearing is only two months, and I understand that the practice in the Local Court now is to list eight cases a week on the assumption, borne out in practice, that only a quarter of them (only two of those cases) will actually come to hearing, all the rest being settled before the hearing.

The period has been reduced from what was, admittedly, an undesirably long period under the old system that we altered to two months, and the court could make it less but it does not, because even now it is met with requests for adjournments, as the parties cannot be ready within that short period. If he believes that the transfer to the industrial court will mean an even speedier dispatch of these matters, I think he is mistaken. I do not believe it is practicable to get a quicker dispatch of business than we now have under the system which was introduced by the last Government and which came into operation during the life of the present Government. We have today a system that is working well and expeditiously. We have several local court judges who have much experience in this jurisdiction, and there is no need to change it.

The honourable member uses the argument that we should get rid of the adversary system in workmen's compensation: I counter that by saying that if we have a system that is working satisfactorily we should leave it alone. That system, I remind the honourable member, has been operating for less than 12 months, and I believe it should be given a proper trial before it is altered. There are several practical difficulties that I point out to members opposite. The Premier has said in this place within the last few weeks that there will be no new appointments except those that were in train at the time when the economy drive in this State, such as it is, came into effect at the beginning of February.

This Bill, of course, goes completely contrary to that assertion, because we have a provision for the appointment of another Deputy President of the Industrial Court, an appointment which of itself will cost about $16,000 a year, quite apart from the staff that will be required to assist the new Deputy President, and apart from the additional staff that will be required in the Industrial Court to cope with this jurisdiction at a time when all this is being done satisfactorily in the Local Court. The Government may talk in two voices; we on this side often accuse it of doing so, but it has never done it more clearly than in this case. At a time when it is trying to cut down on expense, it introduces a Bill that must cost this State (I would guess conservatively) an extra $30,000 a year to change to a system, for no purpose whatever. Let me go a little further regarding the practical side: I presume these hearings will take place in the courtrooms or on the premises of the Industrial Commission.

The Hon. D. H. McKee: That's right.

Mr. MILLHOUSE: The commission is now situated in Investment and Merchant Finance Corporation House, and two floors have been taken. During our time in office, we were negotiating for that accommodation; originally, we were going to take two floors, and then we cut it down to one floor or a floor and a half. Then, when the present Government came into office, the accommodation increased to two floors. That is about the most expensive Government accommodation in South Australia. Accommodation that is perfectly proper and adequate for the hearing of workmen's compensation cases is located just south of Victoria Square. If this change were not to take place, at least part of the expensive area that the

Government is renting in I.M.F.C. House, apart from the cost of salaries to which I have already referred, could be saved. Those are some practical considerations that I put before the Government in the light of its expressed intention to save money. How on earth it can justify the two together I do not know, but that is apparently what the Minister will have to do.

The Bill provides that if there is an overflow of work the Industrial Commission can borrow Local Court judges to deal with it. I cannot see anything but trouble and friction being caused by this. What will happen? Will Judge Bleby, the President of the Industrial Commission, telephone Judge Ligertwood and say, "I want to borrow a couple of judges next week; we have too much business to do in workmen's compensation"? What sort of effect will that have on organizing the business of the Local Court? Will Local Court judges traipse down to I.M.F.C. House with their reporters and other staff to hear the cases, or is the staff to be provided in some way by the Industrial Commission? This can only lead to disruption and inconvenience, I believe, in both jurisdictions. The tragedy of it is that, when we have a new system which is working well and which promises to continue to work well, we should be going to these lengths to change it simply because it is part of the doctrine of the Labor Party, not because it will mean anything in practice but because the Labor Party is wedded to it. It is part of a compromise the Attorney-General had to make to get the intermediate courts operating and, therefore, the Labor Party is going to have it at all costs. This is a most unfortunate situation.

We may come back to that later on in Committee, but I hope that even at this late stage the Government will be willing to think again about this transfer, although, as I have said, I doubt that it will. One good thing that I notice in the Bill is that a party will not be able to appear by agent. I was glad to see that provision, and I am sure that the legal profession will be glad, not only for its own sake, because we all know that, if this work is done by legal practitioners who are experts in presenting both fact and law, it is better done than if it is done by agents. I only hope that we will not be met later in the life of this Government with a Bill to take this provision out of the Act.

One or two points in the Bill are so glaring and so wrong that I will draw attention to them right away. Although I can make several points, there is nothing to which I particularly wish to draw special attention in the first few clauses. I have already dealt with the transfer to the Industrial Court, so I will not go over that again. The member for Playford referred to the clarification and simplification of the legislation. He said the Bill brought it up to date, and so on. We have not started with a simple piece of legislation when we have a placitum numbered 26 (1) (*c*) (iii). I suppose we will learn to find our way around it as we have learnt to find our way around all other Acts, and I speak with great respect to the draftsmen. Referring to the failure to give notice, clause 26 (1) (*c*) (iii) states:

> If in such proceedings it is made to appear to the court that the want, defect or inaccuracy was occasioned by ignorance, mistake or absence from the State of the workman or a reasonable cause.

What on earth is meant in this context by the word "ignorance"? Is it ignorance of the provisions of the Bill? Is it simply that the workman happens to be dull and is ignorant of other things? What are the criteria that will be applied by the court in deciding whether or not there has been a default by the workman, in giving notice of injury, that should rob him of his remedy? This word should not be there, for it has no precise meaning. In any case, the court can look at any reasonable cause apart from mistake or absence from the State. I believe that word will cause trouble as it has no precise meaning, is not spelt out and does not in fact add anything in the context in which it appears.

Another point I make is in relation to clause 31, which provides that certain things will happen only if within six days after an examination a copy of the report has been furnished either to the workman or to the employer. I do not know whether the Minister has had much experience in workmen's compensation matters. I am glad that the Minister for Conservation and the Attorney-General, who may have had more experience, are here. From the experience I have had (and it is not particularly extensive, although it has been over several years)—

Mr. Payne: Have you ever been injured and on compensation?

Mr. MILLHOUSE: If the honourable member knows anything about any subject, I should think he would know something about this. As it is seldom that one gets a report from a medical practitioner within six days of an examination, it would be most difficult to pass it on to anyone else within that time. I do not reflect on the member for Bragg, but that is a

fact, as I know the Attorney-General will agree. The unfortunate part about this clause is that the receipt of the report of the examination within six days of the examination's being undertaken is a condition precedent to other things happening. If we leave it as it is, it could work great injustice on the workman because it would allow the employer to take the purely technical point that he was not given the report within six days of the examinations being carried out and that, therefore, he had no obligation under the clause. This provision should certainly be altered.

I now refer to clauses 35 and 36, which deal with the registration of agreements. They provide that agreements made between employers and workmen shall be registered by the registrar, who may refuse to register, or refuse to register until there has been an amendment, and there is an appeal from his decision to the court. Again, no criteria are set out to guide the court. How on earth is the registrar or the court to decide whether or not to register the agreement or to refuse to register it? It is all very well to say that the courts will make their own law on this. Incidentally, that is something the member for Playford wants to get away from: he wants it all to be informal and very chatty, I suppose. Parliament has an obligation to set down some guidelines for the court in this matter; otherwise, it will be a fruitful field for lawyers. If we want to improve the position, we should set down something for the court to go by. Yet the Bill has been introduced with nothing in it to guide the court or the registrar. I hope we can put that right.

Division IV refers to the resolution of disputes. We have all this talk about the summary list and about hearings being expeditious, informal, and so on. This is rather reminiscent of some of the arbitration legislation, especially in the Commonwealth sphere. My experience has been that arrangements or provisions of this kind do not achieve a more expeditious or satisfactory resolution of disputes; in fact, they simply become a field for bush lawyers who take all sorts of silly points, and confusion is worse confounded. I know that the Attorney-General will agree that the rules of evidence have not been evolved over the years for the benefit of the legal profession; they have been evolved to get to the core of problems and to work them out, resolving them expeditiously to achieve justice for the parties that have come before the court. That is why we have rules of evidence. If they are thrown out of the window, as is the case in many arbitration jurisdictions and as is apparently to be the case here, we simply get back to the situation that obtained before the rules of evidence were properly developed.

The Hon. L. J. King: They are not thrown out in a contested case.

Mr. MILLHOUSE: All right, then. As for the summary list, I predict that it might last three weeks, but after that it will be an absolute farce. After all, either side can apply to have anything taken out of the summary list and, if there is a real dispute, I cannot believe that the workman or the employer will be happy to leave it in the summary list. That is another provision that I believe will not work well.

The last point that I will make now (and these are only examples of things that I believe should be put right in Committee) concerns clauses 53 and 54. I think the member for Torrens referred to this point, the member for Playford acknowledging its strength. We have the fantastic situation under clause 53 (1) that the first weekly payment must be made within a fortnight of the incapacity. However, if later it is adjudged that the employer is not liable, he cannot get back the payments that he has had to make. It is fantastic that anyone should include a provision such as that in a Bill brought before this House. I have never heard of such an injustice. Indeed, words fail me. Clause 53 (1) provides:

> The first of the weekly payments provided for by this Part shall be made as soon as possible and in any case not more than two weeks after the workman has provided evidence of his incapacity . . .

What on earth does that mean? If a workman goes to his employer and says, "I had an accident a week ago and I have an incapacity: I have hurt my back", although that is not the best evidence, and although it is not evidence that would stand up in court, it is still technically evidence. As this provision stands at present, a workman has only to go to his employer and say that he has hurt his back and he is entitled to invoke this provision and to get weekly payments within a fortnight, which he can keep whether or not he is entitled to have them.

There are two vices in this provision: the first is the sheer injustice of it, and the second is the use of the word "evidence" without any qualification. It is not evidence that is accepted by a court: it is just evidence straight out, and word of mouth can be

evidence. This is a bad provision that will have to be corrected. I hope I have not in the few minutes I have spoken appeared unreasonable in my approach. However, some of the clauses make me feel rather cross, and it is hard for me not to appear unreasonable when I refer to them.

The Hon. G. R. Broomhill: We know you have perfect control.

Mr. MILLHOUSE: Yes, I am the most controlled member in the House. I believe that we cannot afford to go as far with regard to payments as this Bill would have us go. This State just has not got the economic resources to enable it to do so.

Mr. Payne: How far should we go?

Mr. MILLHOUSE: I support the suggestion made by the member for Torrens.

Mr. Payne: $50?

Mr. MILLHOUSE: I do not think we can go as far as the Bill does, and I have the shrewd suspicion that, by the time the Bill has been through all the processes of the Parliamentary mincing machine, it will come out at about that figure. As much as I would like to see the figure higher, I think that is as far as we can go. Secondly, it is both unnecessary and undesirable (especially at this time, when the Government is trying to save money), to transfer the jurisdiction from the Local Court to the Industrial Court. Thirdly, there are many matters in the Bill, to some of which I have referred, that need tidying up during the Committee stage.

Mr. CRIMES (Spence): I support the second reading. We have heard three very erudite and informed speakers on the Bill tonight, two of whom have been men with considerable legal background. Although I do not speak with such a background, I certainly have some knowledge of workmen's compensation, having held official positions in two unions. In saying that I support the Bill, I agree that it is necessary to regard it as a Committee Bill. It is obvious that, in a Bill of this magnitude and intent, many matters will require a second look, and it will be necessary to clean up certain clauses in relation to which there is any doubt or ambiguity. The purpose of the Bill is to bring South Australia's workmen's compensation provisions into the twentieth century, at least as far as is possible in present circumstances. The Bill is the result of much research and thought, not the least of which has been from trade union quarters. The unions are particularly interested in the welfare and future of this Bill, and I fully understand their feelings. Indeed, certain newspaper reports indicate their strong feelings about the need for improvement in workmen's compensation matters in this State.

I was pleased to hear the member for Torrens say that certain improvements were needed. He went so far as to say that it is unnecessary for South Australia to lag behind the other States in relation to workmen's compensation provisions and other matters. I am impressed by the great need for a substantial increase in weekly payments. I believe that any doctor would say that when a worker was suffering from sickness or incapacity and receiving a lower rate of income, he could not relax his mind to the extent necessary to enable him to recover from his ailment or injury as quickly as possible. I believe that the member for Bragg would agree with me in this respect.

We must also look through the position of the injured workman to that of the people who are dependent upon him. In many cases, the injured worker has a wife and family, and surely we must have regard to the worry imposed upon these people when their breadwinner has been laid low by an accident or injury in industry. Government members believe (and we join with Opposition members who have spoken on the subject) that the proper approach to compensation is that there should be no requirement for compensation; in other words, safety in industry should be given first priority. More generous workmen's compensation provisions will provide a much greater incentive for employers to apply safety measures in industry and will encourage the insurance companies, which naturally are concerned about their own financial position, to exert pressure on employers to deal more stringently in their plants and factories with industrial safety. Two approaches may be made to workmen's compensation, and one that has received much emphasis from Opposition speakers concerns costs.

We cannot blink at the question of costs but, on the other hand, there is the humanitarian approach, and this inevitably flows from the Australian Labor Party and its political representatives. It is because of this approach that this Government has been so strong in its emphasis on the need for safety education, and

much good work has been done by the Department of Labour and Industry and the National Safety Council of Australia (S.A. Division) in encouraging the application of more safety measures in industry. When introducing the Bill the Minister described the present Act as a patchwork quilt, and it is doubtful whether anyone could cavil at that description. However, the Government does not intend to add to the patchwork and, consequently, it has chosen to introduce a new Bill that is more adequately reflective of today's needs for workmen's compensation.

Prevention of accident and injury in industry is better than the cure, but when the cure of the injured workman is necessary we must have proper means of dealing with that situation. I believe this Bill provides it, particularly in its extension of interest to the provision for rehabilitation. As I see it (and I have a trade union background), it is a bread and butter Bill. It is tremendously important to the standards of living of workers and their families when the workman is unfortunate enough to sustain injury. The unions bear the brunt of the workmen's complaints about the sorry inadequacies of the present Act, and are probably the best situated of all people to reflect to Parliament or to to any other gathering what injured workmen think of the compensation they receive when they are unable to continue their work because of injury. The member for Torrens suggested a compromise concerning the increases in weekly compensation payment rates.

The Hon. G. R. Broomhill: He disappointed me.

Mr. CRIMES: He disappointed me, too, because I believe he is a person on the Opposition benches who is much concerned for workmen, particularly when they are assailed with the troubles that arise from industrial accident or injury. I say this because I know something of the honourable member and his industrial history. However, I was disappointed with what he said which, in fact, was a compromise of a compromise. I echo what was said by the member for Playford, namely, that what we genuinely stand for is weekly compensation payments at a rate equivalent to the worker's average weekly income. This is our aim and objective, and in the future (and I hope we will not have to wait too long) I believe that we will attain this eminently reasonable and just objective.

According to the provisions of this Bill, the first payment of compensation must be made not less than two weeks after the worker sustains the injury in industry. Here again, I consider that we have to look through the injured worker at his family, because undoubtedly the wife and family would feel shock at the fact that there would be a period when the breadwinner was in dire straits in relation to his health and capacity and that during this time no income would be coming into the home. When the financial resources of the family are slender, it could mean that there would have to be an attempt by that worker (or his wife representing him if he was unable to handle normal family affairs because of incapacity) to borrow money. This would result in worsening the financial position of the family suffering because the breadwinner had been injured whilst in the service of an employer.

Much concern has been voiced, particularly by the member for Torrens, for the small employer. I dare to say that the small employer is a dying race. This may be unfortunate, but it is an economic fact. We see the process continuing week by week and day by day by amalgamations and take-overs of small enterprises that are unable to compete with their larger competitors. I think it is wrong to try to judge this situation by referring to the possible financial difficulties of small employers should this Bill be passed, because the small employers are becoming fewer.

Dr. Tonkin: Shame!

Mr. CRIMES: I am not arguing about that: I am stating a fact. Most workers in industry are employed by financially viable employers, who have sufficient income to bear the brunt of the increased premiums that will probably inevitably result from the passing (as I hope it will be passed) of this Bill. I reiterate that it is wrong for us to judge the situation by considering small employers. They certainly can and will encounter difficulties, but they are not people who employ most workers in industry today, and they will be employing fewer people as time goes by. The member for Mitcham said that we should cut our coats to suit our cloth, but there has been so much less of the cloth with workmen's compensation that I consider we should extend its length.

The Hon. D. H. McKee: It is getting shorter and shorter.

Mr. CRIMES: The attitude expressed by the member for Mitcham is the usual attitude we hear from Opposition members. So many times, when a measure is introduced by this Government, they say, "Yes, it is magnificent

in principle and wonderful, but", and they are always the operative words—"Yes, but". It seems to me that this merely reflects the time-honoured attitude of employing interests concerning the reforms suggested or introduced to Parliaments to benefit the working people of the nation. Opposition members say, "Yes, it is a grand idea but we cannot find the money", or "It will break the employers or the insurance companies." When we look back and see the advances that have been made in industrial legislation over the years, we realize that on almost every occasion when these advances have been made we have been able to look at the situation to see how many bankruptcies have occurred as a result of this move forward; we have been able to see whether the dismal predictions of Opposition members have been borne out in fact. On every occasion when these major reforms have been made, we have not seen that companies or firms have crashed because of the institution of these reforms. Of course, we know that where the employers' outlets to the community are through retail stores the people in the community at large pay higher prices and they are, in effect, the people who are paying for these progressive reforms.

The member for Mitcham has uttered a very loud "No" to the proposition that the jurisdiction to deal with disputes regarding workmen's compensation should be moved from the Local and District Criminal Court to the Industrial Court. I consider that the Industrial Court is the court with the necessary background and industrial knowledge to deal with all matters concerning what happens in industry, whatever they may be. Regarding the reference by the member for Mitcham to the cost of accommodation, and precisely the cost of accommodation for a Deputy President, I am assured by reliable sources that the accommodation is already provided and, therefore, no further cost will be involved.

Mr. Millhouse: Would you care to say a word about the weekly rental?

Mr. CRIMES: No, I will not say a word about that at this stage.

Mr. Millhouse: It's pretty high.

Mr. CRIMES: I do not doubt that. I understand that the accommodation is in business premises set up by private industry and, consequently, the company concerned would be doing rather well out of it. This matter worries me, because I consider that State instrumentalities should be accommodated in buildings that the State owns.

Mr. Millhouse: That's old-fashioned Socialism. I thought you had got away from that.

Mr. CRIMES: The member for Mitcham has also suggested that, on occasions, we would have to call on Local Court judges to help out because of the pressure of cases before the Industrial Court. This is quite probable, I suppose, and the honourable member, with his legal background, would know more about this than I would, but it seems to be somewhat of a slur on the Local Court judges to imply that they would be unable to co-operate in these cases and get the necessary information and background to handle competently the matters put in their hands from time to time.

We must also contrast the cost of about $16,000 a year for one judge with the cost of setting up a board which has been indicated as the ideal situation for dealing with workmen's compensation and which I consider will also one day come about. To set up a board would cost about $100,000, so when we contrast that amount with $16,000 it does not seem that the financial impact on the State will be as high as the member for Mitcham has implied.

Finally, I think it can be said truly that there will be ambiguities and provisions that are not properly understandable in a Bill of this magnitude. In other words, there will be teething troubles, as there are when any major step forward is made in any section of human activity. Let us not be deterred in our support of this Bill by being told that there will be teething troubles. Wherever there is progress and movement, we have problems, but the problems have been overcome in the past when we have taken major steps forward and they can be overcome similarly in future.

Mr. McANANEY (Heysen): I support, in general, what my colleagues have said on this Bill. The member for Torrens has covered it very well from the industrial viewpoint and the member for Mitcham has dealt with the legal aspects. I should like to emphasize one or two points. I agree with the member for Spence that someone must pay for these changes, and we, as Parliamentarians, must consider them from everyone's point of view. I think that, in some instances, what has not been considered is that there is a load against the employer in certain aspects. The member for Spence has emphasized that the costs of goods will be increased. Therefore, we must protect everyone's interest and ensure that this is a fair and just measure and that there is no occasion for any skulduggery or injustice to anyone.

The expense involved in this Bill will be considerable, because the total time lost in accidents over the period from June 1, 1969, to June 30, 1970, was more than 40,000 weeks and, on the basis of the average number of married and single persons in this category alone, the cost would be nearly $1,000,000 a year. This is a very large amount. Apart from that, we have those persons who make the full claim, such as in the case of death. I agree with the member for Torrens that the increase from $12,000 to $15,000 in the amount payable on death or total incapacity seems quite justified. When the breadwinner in a family loses his life in the course of his work, I consider that even $15,000 seems not an over-extravagant amount. We must consider the average wage and the wage that the person concerned has been receiving, and the amount paid to a worker certainly must cover the cost of the necessities of life.

However, I think that a family man on a lower wage, getting the increased concessions for a wife and having two or three children, could possibly receive more under this Bill than he would receive if he was still working. The member for Florey may correct me if I am wrong in my interpretation of the legislation. Human nature being what it is (and I am not picking on the unionist or the employer in this), there must be some incentive to get back to work. A man who at one time had worked with me visited me after he left and I said to him, "What are you doing now?" He said, "I am on compensation for a back injury received at Noske's at Murray Bridge." At that point some cattle went past in a hurry and he did a handspring over a 4ft. wall. This man said he had a back injury, and things like this can happen. I consider that there must be some incentive for the injured workman to get back to work. At the same time, we do not want people to suffer through injury at work. The suggestion of the member for Torrens that the amounts of compensation payable be increased is commendable, but the amounts provided may be excessive, as the whole community has to bear the cost of additional benefits.

I was astounded when the Minister of Labour and Industry said, "Why worry? You get a reduction in taxation if you pay more." However, if a person's income tax is reduced because of this, it means that the Commonwealth Government will get, say, $500,000 less in revenue, and taxes will have to be increased in other directions, particularly if we have a grasping State Premier (as we have at present) who expects the Commonwealth Government to pay for everything. If we are to save $500,000 in tax, we do not really gain anything. If we are to pay anything up to $2,000,000 to a group of people that is, in the main, entitled to it, someone has to supply the money so that those people can get compensation.

The Socialists say they are proud to be Socialists. Some people think they are Socialists if they are like the Liberals, who believe in creating as much wealth as possible and then distributing greater amounts to deserving people. History proves that that is what Liberal policy is. It does not make me a Socialist if I believe in giving to the needy people the money acquired from greater productivity rather than thinking as the foolish Socialists do, who believe that, when they take something from someone and give it to someone else, they have really accomplished something. They have really accomplished very little, overall.

It is extraordinary that provision is made for the workman to be paid within 12 days, or a fine is payable; but, if a person makes an unjustifiable claim and is paid wages for that period, he is not fined, nor has he to refund the wages. That seems to be fair to both sides of an agreement. At times, there have been delays in paying compensation, but many such claims are paid on the dot. This covers only the exceptional cases of doubtful injuries, such as back injuries, which are hard to prove; they require a greater period of time. Very few cases are settled in court; most are settled out of court. There are many instances where claims have been delayed that could have been settled much more quickly, but that does not give Parliament the right to put in a Bill something that is grossly unfair to both parties.

The Bill also provides that the workman must be paid on his usual pay day. Most payments are made by insurance companies, so how do they know what is the workman's usual pay day? This is a Committee Bill. It contains many loose terms that will lead to litigation until we get cases established that the court can refer back to as precedents. In one case, for instance, "may" is used instead of "shall". It may be necessary to make an amendment there.

Mr. GROTH (Salisbury): I agree with previous speakers who have said that this is an important Bill. I am fully aware of

the requirements of the workers and the trade unionists in this State as regards the present Workmen's Compensation Act. The member for Heysen seemed to think it was a simple matter to deal with a workman's compensation claim. In a moment, I intend to prove to the honourable member how difficult it is. The member for Torrens said that his main concern was that the Bill should not be loaded too heavily either one way or the other. He gave instances concerning employees and employers. I maintain that the Act has been heavily loaded one way for the last decade—against the working class of this State.

Let me refer to the earnings of some trade unionists in South Australia. For instance, an earth-moving equipment operator probably earns between $70 and $80 a week. If he is injured and if he is a married man, his earnings drop to $40; and if he is single, to $27. A foreman of the lowest grade working for the Adelaide City Council earns $59.40 a week. If he is married and is injured and goes on to workmen's compensation, his earnings drop by $19.40 a week. But if he is a foreman on the highest grade, receiving a weekly rate of $78, the payment drops by $38 a week. Members opposite who employ shearers will know that a shearer receives $21.94 for every 100 sheep he shears and, if he shears 100 sheep a day, he earns $109.70 a week. However, if he is injured and is on workmen's compensation his payment drops by $69.70. How, then, can we say that workmen's compensation has not been loaded against the worker over the last decade?

The member for Heysen seems to think it is easy to settle a workmen's compensation claim. For his benefit, I point out that, on November 5, I received a letter from one of my constituents, a deserted wife, who had met with an accident while travelling to work. The accident having occurred on June 5, 1970, the insurance company in the early stages accepted liability and paid, but on August 14 it decided that it would not pay any longer and, without any warning to my constituent, it discontinued the payments, simply because the accident had involved other motor vehicles and, as a result, involved a third party risk. My constituent's solicitor could not gain any satisfaction in the matter, so in desperation she wrote to me.

I contacted the insurance company concerned but ran up against a brick wall. I then contacted the insurance company's solicitors but, again, ran up against a brick wall. It was only after I threatened to name the insurance company in this House and expose what it was doing that it decided to pay, and it paid my constituent 12 weeks' instalments, totalling $291.60. However, in paying this sum, the company told me that it refused to pay any more, and it did not pay any more until the then Minister of Labour and Industry released a press statement on introducing this Bill. I then received telephone calls from the insurance company concerned, assuring me that it would pay, and it is still paying. However, but for the press statement to which I have referred, that insurance company would have ceased paying last year. Apparently, therefore, the member for Heysen has had little to do with workmen's compensation claims.

I do not agree with members opposite that, in the case of a married man, the payment of $65 or 85 per cent (whichever is the lesser) is too great for the insurance company to make. If it results in increased premiums or payments to insurance companies, industry today can well afford it.

Mr. Venning: Particularly the wheat farmer, I suppose!

Mr. GROTH: Yes, particularly the wheat farmer! I do not see any problems in that regard.

Mr. Mathwin: What about the small business man?

The SPEAKER: Order!

Mr. GROTH: I would not have expected interjections from members opposite, because every one of them represents a district in which there are many hundreds of workers. Indeed, I have often heard members opposite say in the House that they are here not only to protect big business but also to support the needs of the working class of this country. The member for Torrens said, in effect, that most employers pay workmen's compensation to an injured employee before receiving payment from the insurance company and that most employees have to wait some time before they receive remuneration from the insurance company. This is not completely correct, although it may apply in isolated cases. Most employers will not pay at this stage, simply because the insurance company may refuse to accept liability. Why would the employers pay in those circumstances?

I think it was the member for Heysen who said that there should be some incentive to get employees on workmen's compensation

back to work: there has certainly been an incentive in the past, namely, the low weekly payments that these people have been receiving. Workers who budget according to their weekly take-home pay are in extreme financial difficulties when on workmen's compensation, and I refer particularly to those who have to meet hire-purchase commitments. Indeed, if the injury is such that a worker is on compensation for a long time, he is in trouble. I support the Bill.

Dr. TONKIN (Bragg): I wish to touch on a few of the medical points that arise in connection with this Bill. Many features of this legislation must inevitably depend on the medical profession—particularly definitions of diseases and injuries, and assessments and opinions on the causes and effects of injuries on employees. I shall comment briefly on the items in the Bill that have attracted my attention. Much of the medical terminology and many of the definitions are not well drafted. I do not wish to reflect on the person who drafted the Bill, but it may have been a little more satisfactory if a medical practitioner or a panel of medical practitioners had considered the Bill and agreed on some hard and fast definitions that meant something, because many of the terms in the Bill do not mean a thing. In clause 7 the term "disease" is defined as follows:

"disease" includes any physical or mental ailment, disorder, defect or morbid condition, whether of sudden or gradual development—

so far so good, but the definition continues—

and also includes aggravation, acceleration, exacerbation, deterioration or recurrence of such an ailment, disorder, defect or condition:

A disease is a disease: it may have been exacerbated by an injury, but it just does not make sense to a medical practitioner to call exacerbation a disease. It is also difficult to call an injury a disease, as is done in clause 7 (4), which provides:

For the purposes of this Act, in the case of an injury that is a disease, that injury shall be deemed to have occurred on the day upon which the workman became incapacitated by reason of that injury.

That does not make sense. I am not saying that the matter cannot be remedied, but it does not sound right, and I do not think it would make sense to the average medical practitioner. After all, he is the person on whom so much will depend in working out exactly what each injured employee should receive. The member for Mitcham has already referred to the requirement that the workman and the employer shall be furnished with a copy of the medical report within six days after an examination. I agree that it is impossible and impracticable for the doctor to comply with this requirement. It is not only a matter of seeing a patient during the day: I normally dictate my letters at the end of a consulting session, usually in the evening. The dictation machine then goes to my secretary, who types the letters next day; and the letters are usually signed and posted on the third day. For routine letters this system is satisfactory. Allowing for delivery time by the Postmaster-General's Department, five days may elapse before the employer receives the report. How we can expect a medical practitioner to report to the employer and the employer to communicate with the employee within six days? Many of the cases I assess for workmen's compensation involve much thought and sometimes a certain amount of research. Sir Stewart Duke-Elder has written a 15-volume reference book—an encyclopaedia on ophthalmology in which an entire volume is devoted to injuries.

The amount of information available can be a problem in connection with assessing a disability caused by an injury. Sometimes, having examined a person, I look at the case notes most carefully, and then I will put the matter to one side and come back to reassess it on another day. It is only after that process that I am prepared to commit myself. It is important for both the employer and the employee that a considered, worthwhile opinion be given—an opinion that the medical practitioner may have to back up in court. Clause 32 (1) provides:

Where a workman is required to submit himself to a medical examination under this Act, a report shall be prepared by the medical examiner setting out all material—

(*a*) information obtained or derived from the examination;

and

(*b*) opinions formed by the medical examiner as a result of the examination.

If the medical examiner does not comply with that provision he is subject to a penalty of $100. I do not know whether this provision was in the old Act; if it was, it was never invoked. If it will not be invoked in the future, I cannot see any point in keeping it there. Frankly, the prospect of being subject to a fine of $100 if I did not get my report in on time would make me think hard about seeing workmen's compensation cases at all. Clause 32 (2) provides:

The employer of the workman referred to in subsection (1) of this section shall forthwith supply or cause to be supplied to the workman a copy of the report referred to in that subsection.

If a medical practitioner is asked to give a considered report not only on the facts he has but also on his own considered opinion of what those facts add up to, he may say things in his report that reflect or appear to reflect on the integrity of the employee. I am concerned that the medical examiner may have no protection. I freely admit that this case will not often arise, but in my experience I do find malingerers—not often, but occasionally. Further, it is not easy to pick them. One learns little tricks of the trade. If, once I have found a man who I am convinced is a malingerer because of points A, B and C and once I have sent a report to the insurance company or the employer saying this, the malingerer gets a copy of the report, I have no doubt that, if he is an adequately trained malingerer, he will (and does) take notice of these things and, the next time a medical examiner examines him, he will ensure that he does not commit those errors. The Minister should consider this point. Clause 69 (4) provides:

For the purposes of this section an eye or foot or other member shall be deemed to be lost if it is rendered permanently and wholly useless . . .

As members know, eyesight figures largely in many workmen's compensation cases. Exactly what is meant by "rendered permanently and wholly useless"? Does it mean that the eye must have been removed? If it does, I can understand the provision. What level of vision is regarded as being useful, and what level of vision is regarded as being useless? The top level in the Snellen test chart is 6/60. Does the provision refer to inability to see that? Or, is it halfway down the chart at 6/24? What about a watchmaker? A level of visual acuity of 6/12 for a builder's labourer will not worry him particularly, but a level of 6/12 for a watchmaker could be disastrous. He would have to change his occupation, and this is a form of economic partial blindness. None of these things seems to be set out. I believe that the percentage loss of vision is important. I am Chairman of a committee called the Visual Hygiene and Prevention of Blindess Committee, of the Australian College of Ophthalmologists. This committee has given a useful guide to percentage loss of vision not only in respect of central vision but also in respect of field loss, double vision, loss of muscular control, and loss of binocular vision. In some form this should be included in the second schedule because, without it, life will be more difficult for lawyers as they try to interpret these provisions.

I take issue in respect of the table of injuries. I think that honourable members will agree that even a lay person would have great difficulty in working out exactly what "total and incurable paralysis of . . . mental powers" means. It does not mean anything. The table also refers to the total loss of sight of an eye, with provision being made for 50 per cent compensation. However, only 40 per cent compensation is payable for loss of binocular vision. If a workman unfortunately lost enough sight in one eye to make him lose his binocular vision, he would almost certainly have lost 50 per cent of his vision and not 40 per cent. These may sound minor matters, but they should be looked at closely. I will look at them over the weekend and take appropriate action in the Committee stage, but it would be advantageous if two or three other medical practitioners tried to sort them out. I am trying to look at this matter from the medical point of view. The second schedule contains one or two curious references. Asthmatic attacks are referred to in the schedule as being caused by:

Any process involving work in contact with or the inhalation of the dust of red pine, Western red cedar or blackwood. Any process involving working in contact with, or the inhalation of, flour or flour dust.

There are so many other things which can cause asthma, including natural causes that are unrelated to a person's occupation, that I cannot see it serves any useful purpose to have that reference in the Bill. Dermatitis is referred to in the second schedule as being caused by:

Any process involving exposure to or working in contact with the dust of blackwood.

Once again, that is rather specific, and I do not really think it serves any useful purpose to have it in the Bill. Septic poisoning is referred to as being caused by:

Any work involving the handling of meat or the manufacture of meat products or animal by-products in connection with the trade of butcher or slaughterman.

That could be totally irrelevant. Although it is just possible that a staphylococcal infection could be picked up from meat by a person during his work as a slaughterman, it is highly unlikely under our present conditions. It is more likely that he will contract septicaemia or blood poisoning because he is a carrier of staphylococci in the nose and has rubbed his nose with

a cut finger. In fact, he has caught the infection from his own nose from this action. Anyone who works as a slaughterman or butcher and who suddenly develops blood poisoning is automatically compensable. Perhaps he should be or should not be compensatable; this point should be clarified. Another delightfully vague reference in the second schedule is as follows:

Pathological manifestations due to:
(*a*) Radium and other radio-active substances;
(*b*) X-rays.

Whole chapters of books are written about the effects of radiation and are based on experiences at Hiroshima and on the experiences of workers in nuclear medicine and of early workers with X-rays before the dangers of radiation were realized. It is difficult to pin down exactly what these things are.

I remember several years ago seeing a radiographer who had cataracts. She was sure that before she started work as a radiographer she had had no cataracts. After working five years as a radiographer she had developed the cataracts. Textbooks state that one of the effects of radiation can be the formation of cataracts. However, this woman had worked as a radiographer for five years, starting work at the age of 55 years and finishing at the age of 60 years, and senile cataracts usually may develop from the age of 50 years onwards. In the schedule, these references do not mean much. There is nothing that should be taken as a hard and fast guide by the court. Obviously someone will have to express an opinion about this. I will not say anything about the drafting, except that obviously much of this Bill has been taken from the old Act. I believe it should be tidied up a bit. Just because something was in the old Act I do not think that is necessarily the best way of expressing it. At the end of the schedule reference is made to noise-induced hearing loss. Not for a moment do I suggest that deafness caused by industrial noise is a matter for fun. It is to be deplored that these things have happened in the past and will happen again. However, the second schedule is on page 58 of a long and complicated Bill. Perhaps members might be rather amused, as I was, to read the description of noise-induced hearing loss as being due to "any process involving exposure to noise" without reference to noise level. I submit that under this provision members of this Chamber will be compensable for loss of hearing because of the constant exposure to noise.

Mr. WELLS (Florey): In supporting the Bill, I preface my remarks by saying that it is fairly obvious to me that many Opposition members consider that workmen's compensation is a privilege rather than the right that it is. Members have referred to costs entering into this matter. I maintain that, as this matter affects the whole of the work force of South Australia, costs cannot enter into it. Who in the hell cares what costs are involved or brought about as long as the workers of the State are adequately protected? I maintain that this is an expense that would be endorsed by every member of the public in South Australia—the voting public, anyway. The member for Torrens, in his inimitable style, impressed me by what he said. I share the sentiments of other speakers on this side concerning the honourable gentleman's conduct whilst he was a Minister of the Crown. My experience with him was most satisfactory: I did not get anything, but I was treated courteously and our sessions were pleasant.

Mr. Millhouse: He has a delightful way of saying "No".

Mr. WELLS: That is correct. The Labor Party, when last in office, introduced amendments to this Act, and the trade union movement remembers that it was told that it could have $40 a week and a provision that would allow for compensation for injury incurred while travelling to or from the place of employment. These conditions were not what were desired by the trade union movement, but it was told (and this was engineered by the member for Mitcham) to take it or leave it. We took it, because half a loaf is better than none and we wanted some improvements in conditions for workers in this State. The member for Torrens said that he did not object to clauses of the Bill providing for increased payments on death or for total incapacity, but he objected to providing $65 a week as compensation payments, and suggested that, as this was 85 per cent of the average wage, it was too high and the figure should be $50.

When I analysed his suggestion I realized that this was not a bad deal for the insurance companies, because relatively few people are killed and relatively few are totally incapaciated at their place of employment. This sum, although large to our minds, would not be as large as insurance companies would have to pay if they paid the $65 compared to what they would pay at the figure of $50. This would mean that the $15 difference would represent the increase that has been approved in the

sum available on the death of a worker or his total incapacity. I believe that this represents a "rob Peter to pay Paul" deal, and is a profitable scheme for insurance companies. It was said that the cost of premiums was high and had increased. This is true, but these premiums are allowable tax deductions and loaded on the end product by the employer. He loses nothing on the premiums he pays for workmen's compensation.

As the member for Torrens said (and I agree with him), employers generally follow the book. They do so, because it is in their interests: they do not want a man on compensation because, in that case, the employer loses the value of that man's eight-hour day and, therefore, loses the profits that accrue from his labour. The employer wants the man at work, and plays the game by the book as far as possible. The nigger in the wood pile is not the employer but the insurance company; indeed, there are two sharks concerned with workmen's compensation. With due respect to members of the legal fraternity present, the first is the insurance company and the second is the lawyer.

Insurance companies have a policy of starving men back to work. I know many cases, about which I could produce documentary evidence, in which insurance companies have deliberately withheld payments of weekly compensation to injured workers, because they claim that they do not admit liability. However, ultimately they must admit it and invariably do so. By this time six or seven weeks have passed in some cases, which means that the worker has been forced to return to work before he is completely fit in order to earn money for his family. Almost invariably the insurance company will settle the case once he has returned to work.

Also, some insurance companies in Adelaide have their head offices in London. If an injured worker is covered by one of these companies he receives no compensation until a letter has been sent to London and the people there have determined whether the company will accept liability: that is 12,000 miles away, but they say whether the company will accept liability. A letter is sent to Adelaide and further correspondence follows before the worker is eventually paid. Nine times out of 10 the insurance company will procrastinate until the last moment.

The member for Mitcham said that the time lag before a case comes to court is now two months, but I know of cases that have taken more than three years to settle. Ultimately, the insurance company, at the last stroke of the pen, has told the injured person that it would give him so much and then offers a ridiculous sum in settlement. At my advice those members have refused this sum, but they hesitate. I do not know of more than two cases in five years in which the insurance company has taken the case to court, because they fear the publicity and, almost invariably settle the case out of court. This illustrates the shoddy practice that insurance companies have used against workers of this State.

I shall not cross swords medically with the member for Bragg, but I shall explain why medical reports are required. A company sends an injured man to a specialist: the company receives a report on that person's condition from the specialist, but the worker or his legal representative is unable to obtain that report from the specialist, because the specialist states that it is a matter between him and his client and the company concerned. The injured man is unable to obtain the report, but this Bill makes it compulsory for the injured person or his representative to have the report delivered to him, and that is the correct procedure. In respect of this Bill, the trade union movement has considered a compromise to the greatest degree. The trade unions will not compromise any further, and I support that stand. The trade union movement and its affiliates have a perfect right to make a statement outside this House, in the press or anywhere they like, about their actions or views on legislation to be dealt with in this House.

Mr. Hall: That's intimidation.

Mr. WELLS: It is not intimidation. I now ask the Leader where his Party was when the most powerful, the most callous, and most desperate union in Australia, the Australian Medical Association, stood up to the Commonwealth Government and threatened to wreck the national health scheme because the Commonwealth Government opposed the 15 per cent increase in doctors' fees. Where was the protest from the Party opposite on that? I respect members opposite, their vocation, and their ability as legislators, and I accept their advice on occasions. Now I ask them to accept my advice. I suggest that no-one in this House is closer to the trade union movement than I am, and I do not believe in stupid radical activities, but I know the mood of the trade union movement and I advise this House that, if there is any attempt here or

in another place to emasculate or mutilate this Bill, which the workers of this State want and have demanded and which has been introduced in their interests, there will be widespread industrial unrest in South Australia, without doubt.

The Hon. D. N. BROOKMAN (Alexandra): I am shocked at the amount of the increases in compensation provided in this Bill. As far as I am concerned, there has been no comprehensive survey of the measure. We have been told that we can consider each clause in Committee, but the clauses that strike me most are those that refer to the amounts of compensation payable, which have been increased to far more than the amounts payable in other parts of Australia. We in South Australia cannot play Father Christmas for very long.

Mr. Groth: You've been Father Christmas to the insurance companies for years.

The ACTING DEPUTY SPEAKER (Mr. Ryan): Order!

The Hon. D. N. BROOKMAN: I respect the emotional attitude of members of the Labor Party on the subject of workmen's compensation. They genuinely consider that they want to increase the amounts payable. Their feeling is accelerated by the knowledge that the trade union movement is kicking them from behind, and the statement by the member for Florey a short time ago, advising that no-one should interfere with this legislation, sounded suspiciously like an order. Whilst I believe that no member of the Government Party does not favour this Bill, nevertheless Government members are accelerated in their wish by the driving force behind them. They know that they must support this Bill enthusiastically. No-one on this side has suggested that he opposes the Bill and we on this side like to see a fair deal for all sections of the community. We will adopt that policy in respect of the Bill, but we will not support the provisions regarding the amount of compensation payable to the extent to which we are asked to support it.

In this State we are in a precarious position in both secondary and primary industry. Most of our secondary production must be sold in the Eastern States and we must pay the cost of transport to get the goods there. South Australia's industrial success, as evidenced by the growth in the last 25 years, has been due largely to the fact that we have been able to keep our costs somewhat below the costs in the other States. However, when we exceed the costs in the other States, we run into danger, and this Bill contains provisions that exceed those costs. No other State in Australia has a compensation rate approaching the 85 per cent rate set out in this Bill. All the other mainland States, with one exception, provide a rate of 75 per cent, and New South Wales has recently increased the rate to 80 per cent. That State is an industrial giant compared to South Australia, yet we presume to have the ability to get ahead of New South Wales in this matter.

I understand that the premiums will increase considerably, As far as I can establish (and this requires expert opinion) premiums will increase by 50 per cent or 60 per cent as a result of this Bill. I do not like to hear members talking one day about being competitive with the other States and trying to help our industry and at another time asking us to increase the cost to our industry to such an extent as this. We may be able to support an increase and I consider that an increase is justified and fair, but not to the extent that is offered in this Bill. Further, this will affect our extremely hard-pressed primary industries, and honourable members who heard me speak in another debate yesterday would have heard me say that the primary industries, which have suffered these extremely large increases in cost of production and a diminution of returns, were in difficulties and were not able to bear any further increased costs. The occasion on which I mentioned that was when there were increased costs because of taxation, but here is an increased cost that is not taxation: it is a cost that has increased for primary producers, who have no chance of passing it on. It must come from their pockets. Whatever is in their pockets will be diminished by the additional premiums payable.

I do not know to what extent that 50 per cent or 60 per cent increase in premiums will apply to the primary producer. I do not know that anyone in this House knows, but no-one has rebutted the general opinion that there will be a 50 per cent or 60 per cent increase in premiums as a result of this Bill as it stands. For those reasons, let us support the Bill to some degree but do not let us get too excited about it and allow ourselves to outstrip the other States in production costs. I want to discuss many other matters, but I prefer to leave them until we are in Committee. We are in no position to claim that our industry, either primary or secondary, can afford the

increase brought about by this Bill. I support the second reading but shall say more about these things in Committee.

Mr. SLATER (Gilles): Members who have spoken in support of the Bill have covered its main points, but I desire to make one or two points. It has been generally agreed that this is a measure of great significance to the people of South Australia, particularly to all the working persons and their dependants. When I say "working persons", I mean not only the blue-collar workers but also the white-collar workers. The present compensation provision for weekly monetary payments leaves much to be desired. The payments to be made to a worker who is incapacitated by reason of an injury arising out of or in the course of his employment or sustained while travelling to or from his place of employment are, by this Bill, being raised to a more modern and realistic level. The member for Torrens indicated that the $65 proposed in the Bill as the maximum payment for workmen's compensation meant an increase of 62½ per cent for a married man and 59 per cent for a single person.

We on this side maintain that this proves the complete inadequacy of the present rate. When the average weekly wage for the State is $79, a payment of $65 in workmen's compensation is less than adequate for a person to sustain himself and his family on. It is important (and this Bill provides for this, too) that payments be made to a workman as soon as practicable after injury is sustained and not later than two weeks from the date of injury. This is welcome, particularly for the man with a family and financial commitments to meet; it is a matter of social justice. In addition, the payments payable on his death and for the loss of a faculty are to be increased to a more realistic level. I do not believe that members opposite have argued against that proposal.

I believe that 85 per cent of the average weekly wage, or the $65 maximum payment, is not unrealistic when we consider the present wage level in the community. One difficulty (and this has been stated by other speakers on this side) is that a person's income may include incentive payments—and "incentive" is a word that the Leader used in another sense today. Many incentive payments are made in industry. When a person is injured and placed on workmen's compensation, these incentive payments are not payable. Consequently, his income is reduced, in some instances by a maximum of $30 to $40 a week. At present, when he receives only $40 a week, a great financial burden is placed on him and his family. In all cases, his normal financial commitments have still to be met and much strain is placed on the whole family. It takes him some time to recover financially, even after he returns to work.

Let me cite the specific case, with which I have had a close association, of a person employed in a certain industry who, in the course of his employment, sustained what might be considered a minor disability—a corn or a callus on the hand. He sought medical treatment. Unfortunately, after a week or so, he contracted an infection and was off work for a few more weeks. On the next occasion that I heard from him, he had been confined to an intensive care ward. I cast no reflection on the medical profession here, but he was placed, after treatment by a doctor, in the intensive care ward of the Queen Elizabeth Hospital. It has now developed into a desperate situation: he has finished up with gangrene. He is still off work, and he has been receiving compensation of $40 a week for 18 months. This case involves not only financial but also psychological problems. After he had been discharged from the Queen Elizabeth Hospital, even though he was having outpatient treatment there, he got himself into a state of nervous exhaustion because of his financial worries and responsibilities. He had to obtain psychiatric treatment at the Hillcrest hospital. That is a particularly tragic case, which demonstrates conclusively the inadequacies of the present payment when a person is off work for a considerable time.

An anomaly which exists at present but which this Bill seeks to correct is that absence from work on compensation does not count as service for the purpose of accumulating annual leave or sick leave. I believe that the provision seeking to remove this anomaly is just and proper, because there are circumstances in which a person is absent from work for, say, six or nine months of the year. If there is an annual close-down, a person who has not been absent from work is entitled to leave payments for three/forty-ninths of time worked, but compensation does not count as time worked. Therefore, if a person is absent on compensation for six months, he receives a payment equivalent to a week and a half. He loses not only in respect of ordinary income but also to the extent of a week and a half of annual leave. We hope that that anomaly will now be rectified.

Clause 66 provides, as far as constitutionally possible, for employees covered under Commonwealth awards, and I believe the payment made in respect of annual leave while a worker is on compensation is covered in this clause. I believe that this is a step in the right direction. The present situation has caused concern and hardship to persons who have been absent from work for some time during the year and who have not been able to accumulate any annual leave.

Previous speakers have emphasized the safety aspect. The Minister said that 50,000 workers in South Australia had been injured in employment, such injury having resulted in a claim for compensation. On average, about 10,000 workers a year have been involved in accidents necessitating their absence from work for a week or more. Therefore, I believe that greater emphasis needs to be placed on achieving safety in industry. I think that other speakers have said that prevention is far better than cure, and this applies particularly to safety in industry. I believe that in many respects safety has been only a secondary consideration by some employers, although some employees are less safety conscious than they could be. I believe that all parties concerned should place greater emphasis on safety in industry, as this is the obvious way to lessen the accident rate. Despite the educational activities of the Labour and Industry Department to try to minimize the accident rate, far too many accidents occur and, as I have said, I believe it is the responsibility of all parties, including the department, to take every possible step to minimize the number of accidents in industry. When accidents occur, I believe that social justice demands that adequate compensation be paid to the worker and his dependants.

Apropos the remarks of the member for Torrens regarding the trade union attitude to this Bill, I support the remarks of the member for Florey, and I heartily agree with the remarks that have been expressed on behalf of the trade union movement in the interests of the welfare of its members. The interests of members are of paramount importance to all unions. Although the *Advertiser* has criticized the attitude of the Australian Workers Union, I believe that that union has a right to express its opinion on this matter. Obviously, the *Advertiser* does not support the workers of South Australia receiving adequate compensation when they sustain injuries in the course of or arising out of their employment. I compliment the Minister on introducing the measure, which I hope will be passed without amendment. I support the Bill.

Mr. GUNN (Eyre): This Bill is designed to introduce into South Australia completely new workmen's compensation legislation that will contain some of the existing provisions, certain amended provisions, and completely new provisions. These provisions combined will no doubt have a far-reaching effect on every industry in this State, be it the manufacturing, retailing, farming, grazing, or pastoral industry with which I am most concerned.

The Hon. D. H. McKee: You are speaking on your own behalf.

Mr. GUNN: No, this Bill affects the majority of my constituents. They are the people for whom I desire to speak in this House, unlike the Minister, who does as he is told. It will not be denied that it is reasonable that employers should be responsible for the welfare of an employee who may be injured during the course of his employment, but history has proved that it has always been desirable to contain that responsibility within certain bounds, for undoubtedly an employee when recovering from an injury should make a genuine effort to return to full employment within a reasonable time after the accident. The existing Act provides for a maximum compensation payment of $40 a week for a married man with a dependent wife and children. While this figure may be criticized, it undoubtedly acts as an incentive for a workman to return to duty as soon as he has recovered. I think we must ensure that people do return to work as soon as they can, although I do not suggest that people should be forced to return to work before they are physically fit to do so. Under this Bill, a worker may, and no doubt in many cases will, receive compensation to the extent of his full weekly wage, and it may therefore be difficult to ensure that he will not swing the lead.

Mr. Langley: Oh!

Mr. GUNN: It is all right for members opposite to disagree, but I will submit one example. A farm labourer who, being a permanent employee, is paid $65 a week, will, if injured in the course of his employment, receive two-thirds of $65 ($43), $13 for his wife, and $5 for each child: if he has two children, he will receive about $65 a week. He will, therefore, receive his full weekly wage by compensation. Any thinking person must realize that that is a dangerous situation.

It is well-known that some employees in rural industries are itinerant; in fact, many of them could well be described as "birds of passage". If people of that type can, because of an accident, receive their weekly wage without any physical effort on their part to obtain it, it is logical that the door is opened for exaggerated complaints to be made to doctors regarding injuries. Doctors will find it difficult to reject such claims, and thus we have the classic example of the malingerer.

Mr. Payne: The member for Bragg said you don't get many.

Mr. GUNN: The malingerer makes no contribution to the development and progress of this State, yet the Government provides him with a chance of continuing his malingering at the expense of the community. Under this Bill the incentive to return to work will be abolished. The Bill will add materially to the cost of all industry, particularly that in rural areas, where the margin between returns and expenses is virtually non-existent today. The Government has little regard for the plight of the man on the land, and it does not attempt to understand the problems of rural industries.

Those responsible for the drafting of this Bill have removed the word "interruption" in connection with the clause dealing with what are commonly known as "journey claims". Again, this is playing into the hands of the irresponsible, for there is nothing to prevent a worker, after knocking off, from spending several hours in a hotel. Of course, I do not deny him the right to do that. However, because his physical judgment may have been impaired, he may suffer an injury on his way home, and his employer must accept responsibility for his careless behaviour. This is not fair, and the Minister should clear up the matter. The Bill provides for compensation to be paid by way of a lump sum where a worker, because of an injury in his employment, suffers loss of sense or touch, scarring and loss of enjoyment of sexual activities. Compensation under these headings can only be described as a provision for general damages as we know them in common law claims.

All claims, including awards under this so-called general damages clause, will be decided by the Industrial Court. Whilst I do not intend to reflect on the integrity or the ability of the judges who will hear these cases, I wonder whether they are experienced in handling cases of this type. They would not be the best people to deal with such claims. The Bill provides for overlapping benefits; where a worker has suffered permanent disability, he can continue on compensation until virtually the whole of the $15,000 has been absorbed but, when applying for redemption of his weekly compensation, the original figure of $15,000 will be used to calculate the redemption figure, not the difference between $15,000 and what he has already received by way of compensation. It would also appear to me that this man could possibly gain the full amount of a lump sum of $12,000 provided under the "maims" table.

Those responsible for the Bill have said that it will not increase costs to industry and they have implied that the employer is the one who causes injuries to workmen. This thinking is unfounded, and anyone with any knowledge and experience in this field will tell members that it is logical that, where provisions are escalated, the costs associated with those provisions will escalate, too. This Bill will add greatly to the burden that farmers and graziers must bear in running their businesses, because it is obvious that insurance companies, which simply administer this Act for the State Government, will in the course of time find that rates for all categories of workmen's compensation insurance will have to be substantially increased to offset the increase in the size of claims that will undoubtedly occur. Those increased costs will be passed on to the employer and to industry generally, which cannot afford them. I support the second reading of the Bill.

Mr. EVANS (Fisher): If a member comes into this place with an honest attitude he should demonstrate it. Members like the member for Florey have said that we ought to do what we are told to do by some organizations because, if we do not, we will have trouble in this State. I hope this type of pressure tactic will not be used against Parliamentarians or in support of Parliamentarians. We should be able to come into this place to express an honest viewpoint that we personally hold and at the same time accept or reject proposals after listening to speeches for and against, them. If we break down that process through listening to members who say, "If you take that action there will be trouble", the whole process of Parliament will be defeated.

The main points in the Bill can be argued and amended during the Committee stage. I believe that some clauses need amending. I

agree with the member for Gilles that compensation payments are sometimes unnecessarily delayed to the detriment of the employee, and I do not know whether we will ever completely solve that problem. I also know (and I have experienced this in my own walk of life) of people who have been injured while playing sport and have actually been able to take the insurance company for a ride through the week by saying that the injury happened on Monday morning or Friday afternoon, and the boss has accepted the fact that the injury may have occurred then and has passed on the message in that form. I do not think all workers or most workers are like that. There are two extremes, and we cannot cover both of them.

Unfortunately, many human beings are not honest, whether it be in filling out income tax returns or in making insurance claims for motor car damage. As much as we condemn insurance companies, many human beings are not honest and will take insurance companies for a ride if they can do so. Consequently, we cannot legislate to cover all actions of such people. One may argue that, in view of the large amounts of compensation provided for in this Bill, if a worker is negligent and causes an accident he should be liable to a fine for that negligence. Today, there may be justification to argue that case. However, I know it would not be acceptable to some members of the trade union movement, and I can understand why.

With regard to the amount of compensation, if I had to say how much I would give I would tend to come down on the side of the employee to a degree. The member for Florey referred to adequate compensation, the operative word being "adequate". What is adequate is a matter of personal opinion. The member for Eyre raises the point that if a workman is paid compensation at a rate equivalent to his normal weekly salary he will have no incentive to return to work. I will not accept the ridiculous attitude of the member for Mitchell who said that the worker on compensation could be given a rise to encourage him back to work. If that worker was the weakest member of the group and he was offered a rise, his workmates would want a rise, too. Then he would take another week off and would want another rise, so that argument is baseless. If a worker is given compensation at a rate equivalent to his normal salary, he is better off staying home than going to work, because by staying at home he would not incur travelling expenses or the other additional expenses involved in going to work. If he were home long enough, he could grow a few vegetables!

Mr. Slater: What about the certificate?

Mr. EVANS: The honourable member refers to the certificate, and I agree that a doctor's certificate is necessary. However, I can go to practically any doctor in the State next week, tell him I have a bad back, and I will get a fortnight off (that is, if I did not work here). I will guarantee that a doctor cannot prove conclusively that my back is not strained.

Mr. Langley: You could go to the member for Bragg.

Mr. EVANS: I do not care who the doctor is, including the member for Bragg. I realize that I am taking an extreme view in this case. I do not believe that any more than a small minority of workers would take this line of action.

Mr. Langley: When they read it in *Hansard* they will have a try.

Mr. EVANS: The honourable member knows very well that they do not have to read it in *Hansard*: this has been an accepted practice amongst a minority group for a long time. The member for Gilles referred to the other extreme, as the member for Unley knows. I agree with what other members have said about safety in industry, and education is probably the most important aspect involved. We know that most accidents occur on a Monday morning. I wonder whether this is because we are not geared up to do our normal work as we have had a heavy weekend, are not concentrating and tend to be sluggish. There is a responsibility on the worker, as well as on the employer and the insurance company. We cannot have just one line of argument.

There is no doubt that, if the Bill passes in its present form, premiums will increase. The member for Florey said, "To hell with the cost, that does not matter." However, I do not believe that he really meant to say that, for it is an irresponsible statement. I think that what he meant to say was that, if we were to go to an extreme on one side, we should give the employee the benefit of the doubt. We know the situation confronting the State in regard to secondary and primary industry, and cost is an important factor: we must watch this at all times. It is no good our having good workmen's compensation if we do not have employment, and we must follow

this line of thinking to the end. I do not know how we can cover the two extremes. I do not know how we can cover the irresponsible or dishonest people in our society so that we can protect the majority from the actions of this minority. I tend to lean towards the employees in these matters, but I believe that some clauses of the Bill will have to be amended.

For trade union representatives or big businessmen, as in the case of the shopping hours question, to say "Look out if you don't go our way" is irresponsible. These people know, as Government members know, that we are elected to do a job on behalf of the people who elect us. Those people have accepted us for our line of thinking. I only hope that those who have elected us are responsible enough to accept our decisions as responsible decisions made honestly for the betterment of our society. I reserve my judgment on the Bill until I see what happens to the amendments that have been foreshadowed.

The Hon. D. H. McKEE (Minister of Labour and Industry): I have listened to the various speeches with much interest, and I refer especially to the speech of the member for Florey. If there is a case for noise induced hearing loss, I will be the first to collect compensation. The member for Alexandra said that we cannot afford to play Father Christmas to the workers of South Australia. I cannot imagine a more unsuitable person to play Father Christmas than the member for Alexandra, for he does not have the necessary foliage and he would call on only the wealthy children. Most members have referred to costs, but let us consider the cost to the worker. I agree with much of what the member for Torrens has said. Having been a Minister of Labour and Industry and an employer of labour, he would have reasonable knowledge of this Bill. What he said was fairly solid, and I agree with much of it. He said that this was an important measure and that he supported it in principle. He foreshadowed several amendments. I can say that some of these amendments could well be acceptable; on the other hand, some of them, especially the monetary provisions and, of course, the amendments relating to the Local Court, we could not accept.

Mr. Millhouse: Why "of course"?

The Hon. D. H. McKEE: If the member for Mitcham wants to get into the argument, I think that, as a lawyer, he would agree that the most qualified people to deal with industrial matters are members of an industrial court who have had experience of industrial matters over the years. They would be most qualified to deal with these matters, and it would be the most appropriate place in which to deal with them. I know the honourable member does not agree, but that is the situation. I cannot agree with suggestions that this Bill may cause industrial unrest. I think it will contribute to industrial peace, because workers will be relieved to know that, if the Bill passes, their families will be reasonably cared for whilst they are ill and recuperating, and this situation will contribute to industrial peace.

Much has been said about the monetary figures, and I agree (and I think most reasonable thinking people would agree) that it would be completely unreasonable to expect a person to accept a reduction to $40, particularly when he is ill, because that is the time when his need is greatest. This is one provision of the Bill that we are determined shall not be interfered with, because we consider that people are entitled to receive this compensation and, when they are ill, to know that their family is being cared for.

The member for Mitcham said that a worker would go to his boss and say, "I have hurt my back; it is crook. I did it on the job and I shall ask for compensation." Of course that is not evidence, and surely the member for Mitcham would agree that this kind of statement would not be accepted by anyone. That is not the purpose of the Bill at all. This is a Committee Bill and, as we have to deal with the clauses in detail, the sooner we reach that stage the better.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

AGENT-GENERAL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 18. Page 4210.)

Mr. HALL (Leader of the Opposition): I do not oppose the Bill, because it provides for the necessary increases in salary and expenses of the Agent-General in London. The Government has appointed another Agent-General for a new term, as the former Agent-General has completed his term in London, and it has been necessary to make new arrangements. One cannot oppose (nor should one) necessary increases to meet the

new position that now arises. I have been to London twice, and each time I visited and spoke with the Agent-General. As a result, I am convinced that this position carries no real monetary reward. Obviously, London is a place that requires much spending as there is entertainment and personal travelling, and not all of these costs are met adequately by an expense account.

I believe that the holder of this position wants to do a good job on behalf of South Australia and takes a pride in doing it. The Agent-General who has recently relinquished this position has been a good public relations officer for this State, and I think the new holder of the position (Mr. Taylor) will do a similar job for South Australia. I am sure there is no doubt that the original purpose of the Agent-General's office has largely been superseded. The growth of Australia House and the Commonwealth Trade Commissioner's services, with the pre-eminence of Australia House concerning migration, has led to a diminution of the effective work that South Australia House can do in London.

From what I noticed from my previous experience as Premier, our office is largely used as a means of public relations on behalf of this State. It provides a kindly shelter and a gathering place for South Australians in London, and it is a place where one can read newspapers and check on the State's activities when one is visiting Europe, so that it is of some help to South Australians. We would be deluding ourselves if we thought we would obtain increases in our trade through South Australia House. We cannot take over the role of the Trade Commissioner services of the Commonwealth Government. Recently, I visited a factory in Adelaide in which intricate equipment was being loaded in a container to be dispatched to London, where sale was to be arranged after the goods had been held there for a time on consignment.

Perhaps for specialized industries South Australia House can play a larger role than it has played in the past, if liaison can be established with South Australian businesses. However, I believe that its role will continue to be (as it has been in the immediate past) one of public relations on behalf of South Australia, and much as the Agent-General may approach and urge on oversea industries the advantages that exist in South Australia (or used to exist before the Labor Party came to office), to the operator in the United Kingdom or in Europe the Agent-General does not carry the prestige of a Premier. He cannot do this, and members must realize that for many industries South Australia, with a population of 1,250,000 people, does not rate highly. South Australia is not known abroad as a separate State of Australia except by those who have definite contacts with this State. For those who have only a passing regard for Australia, South Australia has no special significance.

[*Midnight.*]

It is in this role that the Agent-General can play a part by at least publicly making known to those who may want to listen that South Australia exists and making known the opportunities here. As for there being some rejuvenation to the extent that South Australia House will prove to be some great clearing place for a new wave of industrial development, I consider that we are kidding ourselves if we think that we can take over that role. We should have a good look at South Australia House and what it is accomplishing. From my personal knowledge of the new Agent-General, I think he will undertake a survey and, if he does, I hope that the Government accepts the advice that he sends from London.

I wish the new Agent-General well in his work. His enthusiasm is unbounded, as his recent public statements show. I have views on those public statements but I will not comment here, because I do not want to inhibit a person about to take up that appointment. I wish him well in all that he wants to do. The Government should not expect too much from him, because the real representations will have to be made at the industrial level by the Premier in his annual visits to London in the interests of development. There is no alternative to a visit by a head of a State and his contacts with industrialists who may establish here. The Agent-General can arrange those contacts before the Premier arrives and facilitate the meetings that take place.

I remember with much gratitude the meetings that Mr. Milne had arranged in the United Kingdom on my two visits, and I may say that those visits resulted in worthwhile developments in industry in South Australia. The Wilkins Servis factory at Elizabeth is a good example of the type of industry that we can get here by persistently selling the

advantages that we have. I warn the Government that representation by the Premier will be more effective than any other form of representation in getting these industries and consequent trade for the State. I have pleasure in supporting the Bill and in wishing the new Agent-General every success. I hope that, as Premier of the State, I shall be able to visit him before the end of his term of office.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Salary and allowance of Agent-General."

Mr. BECKER: Can the Deputy Premier say whether we should not express the amounts mentioned in this clause in sterling dollars rather than sterling pounds, because of the recent change in the currency in Great Britain?

The Hon. J. D. CORCORAN (Minister of Works): I am not certain that Britain has converted yet: I think the conversion is to take place over a period. I do not think this point matters much, because we are more concerned with the cost to us in Australian dollars than in pounds sterling. I can tell the honourable member the amounts in Australian dollars. I do not think there is any need to make the adjustment the honourable member suggests but, if there is, we can have the Bill amended in another place.

Clause passed.

Title passed.

Bill read a third time and passed.

UNFAIR ADVERTISING BILL

Returned from the Legislative Council with amendments.

CONSTITUTION ACT AMENDMENT BILL (VOTING AGE)

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, line 11 (clause 2)—After "2" insert "(1)".

No. 2. Page 1 (clause 2)—After line 12 insert new subclause (2) as follows:

"(2) The Governor shall not make a proclamation for the purposes of subsection (1) of this section unless he is satisfied that legislation has been enacted by the Parliament of the Commonwealth, providing that the age at which persons shall become entitled to vote at elections for the House of Representatives of the Commonwealth shall be eighteen years, and that legislation is in operation."

No. 3. Page 1—After clause 2 insert new clause 2a as follows:

"2a. *Amendment of principal Act, s. 21—Disqualification for voting for Council*—Section 21 of the principal Act is amended by striking out from paragraph (*a*) the passage 'at least twenty-one years of age' and inserting in lieu thereof the passage 'of the age at which he is entitled to vote at an election for a member or members of the House of Assembly'."

No. 4. Page 1—After clause 3 insert new clause 3a as follows:

"3a. *Enactment of s. 40a of principal Act*—The following section is enacted and inserted in the principal Act immediately after section 40 thereof:

40a. *Compulsory voting*—(1) Notwithstanding anything in any other Act whether passed before or after the commencement of the Constitution Act Amendment Act (No. 2), 1970-1971:

(*a*) an elector for the House of Assembly;

or

(*b*) an elector for the Legislative Council,

who has not attained the age of twenty-one years, is not obliged to record his vote at any election for the House of Assembly or, as the case may be, the Legislative Council.

(2) Nothing in subsection (1) of this section shall be held or construed as requiring any elector, who has attained the age of twenty-one years, to record his vote at any election for the Legislative Council."

Amendments Nos. 1 and 2:

The Hon. L. J. KING (Attorney-General): I move:

That the Legislative Council's amendments Nos. 1 and 2 be disagreed to.

These amendments make the reduction of the voting age for South Australian elections conditional upon the passing by the Parliament of the Commonwealth of Australia of similar legislation relating to House of Representatives elections. I want to say only briefly that no satisfactory reason has been advanced as to why the voting age for South Australian elections should be conditional on the alteration of the voting age for House of Representatives elections. There is no reason why a voting age of 18 years should not operate in this State. Of course, it is already operating in Western Australia and, indeed, a State election has been conducted on that basis. There is no reason why the South Australian Parliament should not fix its own age for elections in this State and why it should be made conditional upon the passing of legislation by the Commonwealth Government. This Parliament is responsible for what happens in South Australia; the Commonwealth Parliament is responsible

for what happens in regard to the Commonwealth elections. For that reason, I ask the Committee to disagree to the Legislative Council's amendments.

Mr. HALL (Leader of the Opposition): I support the Legislative Council's amendments for the reasons I gave on these matters when the Bill passed through this Chamber. At the time, I moved similar amendments, to the same effect. There is a case here for uniformity. The Attorney-General frequently travels to conferences of the Attorneys-General in other States and comes back at various times with cases for action leading to uniformity between the States. But this is one it is convenient for him to omit: in this case uniformity does not apply to South Australia; we should not act in uniformity with the Commonwealth. The States have a number of varying customs or requirements as to who shall attend to vote and what shall be done when people do attend. In this instance, we are going to make one more distinction for young people between the ages of 18 years and 21 years—that they can vote in State elections but not Commonwealth elections. We do not approve of that.

I approve of the voting age being reduced to 18, for the reasons previously stated. I shall not go into that again. Surely members can understand that to add yet another distinction will bring Parliament into further disrepute. The public's image of Parliament today is not so high that we can add another complication. People will say, "What is different this time? What shall I have to do that is different"? If the Attorney-General says that people between the ages of 18 and 21 can vote at State elections but not at Commonwealth elections, what does he intend to say to them when they come to his door and ask, "For whom shall I vote this time?" Does he not know that there are many people in the community who take so little interest in voting that they do not know about these things? Yet he will place the obligation on them to vote in the interests of the State, or be fined. It will depend on whether or not it is a referendum. They will be fined if they do not vote. They will be confused because, in a Commonwealth election, they will not be able to vote. It is not sensible to introduce this variation. I support the age of majority for voting being reduced to 18 years as long as it is in concert with the Commonwealth age. That is a sensible and reasonable attitude to adopt.

The Hon. L. J. KING: The Leader's attitude is truly remarkable. It is not logical to say that, because the voting age in South Australia may be made different from the voting age in the Commonwealth, this will create confusion and bring the State Parliament into disrepute because people will be confused by the difference in the voting conditions. He advocates a different franchise for one House compared with another; and not only that, but that the elections for the two Houses shall be held on different days, and even that there should be two separate voting lists for the two Houses. If he is worried about confusion bringing Parliament into disrepute, it is a remarkable attitude for him to take. He should be consistent in the matter and perhaps he will see that whatever differences he can see arising from the proposal I am putting to the Committee would be insignificant compared to the inconsistencies in what he has long advocated about voting.

Motion carried.

Amendment No. 3:

The Hon. L. J. KING: I move:

That the Legislative Council's amendment No. 3 be agreed to.

The Bill as it originally stood provided for a voting age of 18 for the Legislative Council. It has been amended by the Legislative Council to provide that the voting age shall be the same for both Houses. Whatever views may be entertained about the appropriate voting age, I would agree that the voting age for the two Houses should be the same.

Motion carried.

Amendment No. 4:

The Hon. L. J. KING: I move:

That the Legislative Council's amendment No. 4 be disagreed to.

In this amendment the Legislative Council seeks to make a distinction between voters over the age of 21 years, for whom voting is compulsory, and voters between the ages of 18 and 21, for whom this amendment would provide that voting should be voluntary. If anything could be said to cause confusion, surely this would cause confusion in the minds of the electors and bring Parliament into disrepute—but that is not thought to be the case by the Legislative Council. Compulsory voting is part of our electoral system; it has long been there. I do not intend to go over again at this hour of the night the arguments in favour of compulsory voting. We have had them over and over again. There is no ground for distinguishing between voters of different

ages, whether or not voting should be voluntary or compulsory. It is farcical to distinguish between voters of different ages and say that one set of conditions should apply to one group and another set should apply to the other group.

Mr. HALL: On this occasion, I agree with the Attorney-General. However, I do not like the implication that something should not be debated because the hour is late. I have always resisted the suggestion that a debate should be curtailed because the hour was late. I have seen this happen before; that is why we are rather sensitive about it. Long before the Attorney-General came into this House, important Bills were not being fully debated because of the lateness of the hour.

Mr. MATHWIN: I support this amendment, which will give these young people the privilege of voting without compulsion. My feelings about compulsory voting are well known in this Chamber; I have spoken many times on the matter, and shall continue to do so. I support this amendment for other reasons, too, which I hope members will consider carefully. I would be the first to agree that our young citizens today are more mature and generally better educated than their parents were at that age; they can talk on matters better than the older generation could have done at their age. These young men and women are the first to admit that it will not be easy to grasp the nettle, as it were, and take up their new-found responsibilities. Some young people will be ready; on the other hand, some will not, and it is the latter that I ask the Government to consider. I ask that they be not made to vote, forced into something about which they would rather think a little longer. If they are made to vote compulsorily, the right to vote is no longer a privilege. It is not a privilege if they are forced to vote like sheep; it is an insult to their intelligence. It is better for these people to exercise their educated minds and to cast a thoughtful and considered vote and, if they do not consider themselves ready for it, let the decision be theirs. A privilege is a right and an advantage given, but the infringement of a privilege takes away a person's right, and that is what the present provision is doing. The word "teenager" to many people conjures up a horrible picture of youths roaming the streets, being rude to adults, and screaming in adulation of pop singers, and the like.

The ACTING CHAIRMAN (Mr. Ryan): Order! I cannot allow the debate to continue along these lines. We are dealing with the amendment of the Legislative Council. The member for Glenelg.

Mr. MATHWIN: I am suggesting that these people should have the right to cast a voluntary vote, not a compulsory vote. Young people in schools today are taught to speak for themselves and to be independent, having a right to do what they consider to be correct. I have not yet heard one good argument in this Chamber in favour of compulsory voting. One Government member has said that if we had voluntary voting we would have cars racing around, canvassing votes.

The ACTING CHAIRMAN: Order! I cannot allow the honourable member to refer to something said in another debate. We are dealing with the amendment of the Legislative Council. The member for Glenelg.

Mr. MATHWIN: It has been said that if we have voluntary voting members will have to drive around in cars and canvass votes and that they will have to work hard; politicians would have to prove themselves. Although there is no doubt in my mind that young people are sufficiently responsible and mature I point out that many hard-working, healthy young people will be taking note of how we acquit ourselves in this debate. I support the amendment.

Dr. TONKIN: I, too, support the amendment. I think once more this is an attempt to see the necessary motivation given to the young people of this State to vote by ultimatum. This amendment is aimed at giving to intelligent young people the right to make up their minds whether or not they are qualified to vote and whether or not they are sufficiently informed to cast an intelligent vote; under the Bill if they are not, they are penalized. This measure (and another measure relating to compulsion), if the amendment is not carried, will force young people to be democratic and will give no credit to those who wish to exercise their responsibility, privilege and right (if the Minister likes to call it that) to vote. The Bill gives them no credit at all for having the intelligence to cast their vote thoughtfully and intelligently. I think someone should urge those young people who do not want to vote to bear in mind that at the next election, when they are forced to record a vote but consider they are not ready to do so, the Australian Labor Party is to blame for it.

Mr. EVANS: I support the amendment. Many people between 18 and 21 years of age have not had to consider voting previously, for this matter has been debated only in recent

months. Many of the people concerned are still at school in the midst of studies, trying to decide on a career and wondering whether they will attain the necessary qualifications to embark on a career. The Government is attempting to force on these young people another responsibility, whether they like it or not.

Mr. Payne: Their future will depend on the way they vote.

Mr. EVANS: Surely it is a poor reflection on young people if we believe that the only way that we can get them to the polling booth is to compel them to vote. I am not worried about how they will vote. I have always opposed compulsory voting in any field, and I still hold that view. People between the ages of 18 years and 21 years are not demanding the right to vote. A minority within that age group does desire to vote and I do not object to giving such people the opportunity to vote but, for the sake of giving them that opportunity, it is undemocratic and wrong to compel the majority to vote. I believe that Government members realize that; however, for the sake of Party politics or convenience, they object to the amendment.

I have great respect for our young people and I shall do everything possible to encourage them to take an interest in Government, whether it be local, State or Commonwealth, and to participate in the activities of service organizations in our community. Most young people do not want to be forced to decide which political Party will be most beneficial to them in the future. Even in the Stuart District, most young people do not want to be compelled to vote. Any member who has talked to Matriculation classes will know that students in those classes cannot name the 16 members who represent them in the State and Commonwealth Parliaments.

The ACTING CHAIRMAN: Order! The honourable member must confine his remarks to the matter before the Chair.

Mr. EVANS: People of this age are not greatly interested in politics. I ask the Government to leave it as a voluntary vote for this group.

Mr. McANANEY: As I oppose compulsory voting, I support this amendment. I oppose the compulsory democracy that the Labor Party, in its hypocrisy, advocates. However, I do not see why members pick out people in the 18 years to 21 years age group when they talk about the lack of interest people have in politics and in voting. At the Midland by-election held last year, when people found out that they did not have to vote they went away. How many people over 21 years of age know who is their member of Parliament? Although my district boundaries have been changed, I still receive letters from people who live in my former district. At present, the agerage age of people when they vote for the first time is 22½ years so that, if the age at which people are permitted to vote is changed to 18 years, the average age at which people will vote for the first time will be 19½ years. I consider that people aged 19½ years are the equal of people aged 59 years in every respect. I put my 19-year-old son in charge of a large property, and he is doing as well as I could do. I support the amendment.

Motion carried.

The following reason for disagreement was adopted:

Because the amendments are in conflict with the principles of the Bill.

BUILDING BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2, line 22 (clause 5)—Leave out "within the State" and insert "to which this Act is, by proclamation declared to apply".

No. 2. Page 2, line 24 (clause 5)—Leave out "an area or" and insert "a".

No. 3. Page 2 (clause 5)—After line 36 insert new subclauses as follows:

"(4) A proclamation shall not be made under this section in respect of an area, or portion of an area, except in compliance with a petition made by the council for the area.

(5) A proclamation affecting the application of the repealed Act and in force immediately before the commencement of this Act shall be deemed to have been made under the provisions of this Act and shall have corresponding effect upon the application of this Act."

No. 4. Page 3 (clause 6)—After line 14 insert "or".

No. 5. Page 3, lines 19 and 20 (clause 6)—Leave out

"or

(*c*) any other work that may be prescribed,".

No. 6. Page 3 (clause 6)—After line 22 insert new definition as follows:

" 'clerk' means clerk of a council:".

No. 7. Page 5, line 14 (clause 7)—Leave out "may" and insert "shall".

No. 8. Page 6, lines 13 and 14 (clause 8)—Leave out "or as the building surveyor may, by written notice served upon the owner, require".

No. 9. Page 6, lines 24 to 41 (clause 9)—Leave out subclauses (3), (4), (5) and (6).

No. 10. Page 7, line 4 (clause 9)—Leave out "but" and insert "and".

No. 11. Page 7, line 6 (clause 9)—Leave out "not".

No. 12. Page 7 (clause 10)—After line 40 insert new subclause as follows:

"(5) It shall be a defence to a charge under subsection (1), (2) or (3) of this section that the building work to which the charge relates was of a minor nature and without adverse effect upon the structural soundness of the building or structure in respect of which the building work was performed."

No. 13. Page 7 (clause 10)—After new subclause (5) insert new subclause (6) as follows:

"(6) Where a council refuses its approval under subsection (4) of this section, an appeal shall lie to referees who may reverse or otherwise vary the decision of the council."

No. 14. Page 8, line 3 (clause 11)—Leave out "the building surveyor or a building inspector" and insert "or the clerk".

No. 15. Page 8, line 21 (clause 12)—Leave out "(and in any case not more than three days after its commencement)".

No. 16. Page 8, line 27 (clause 13)—After "building" insert "erected after the commencement of this Act".

No. 17. Page 8, line 31 (clause 13)—After "classification" insert "(if any)".

No. 18. Page 9, line 16 (clause 14)—After "office" insert "or reasonable accommodation".

No. 19. Page 9, line 21 (clause 16)—After "and" insert "within a period of one year".

No. 20. Page 10, line 9 (clause 17)—After "be" insert "reasonably".

No. 21. Page 11, line 8 (clause 20)—Leave out "or".

No. 22. Page 11, line 9 (clause 20)—After "surveyor" insert "or chartered builder".

No. 23. Page 11 (clause 20)—After line 25 insert new subclause as follows:

"(6) In this section—

'Chartered builder' means a Fellow or Associate of The Australian Institute of Building."

No. 24. Page 13, lines 18 and 19 (clause 27)—Leave out "surveyor and the referees" and insert "council".

No. 25. Page 13, lines 20 to 27 (clause 27)—Leave out subclauses (2) and (3) and insert new subclauses as follows:

"(2) The council may direct, subject to such conditions as it may determine, that the provisions of this Act shall apply in respect of that building work with such modifications as are specified in its determination, and the provisions of this Act shall apply accordingly.

(3) The owner, builder or architect may appeal to referees against any decision or determination of the council under this section and the referees may upon hearing the appeal vary the decision or determination of the council in any manner that they think fit."

No. 26. Page 15, line 20 (clause 35)—Leave out "he" and insert "the council".

No. 27. Page 15, line 23 (clause 35)—Leave out "surveyor" and insert "council".

No. 28. Page 15, line 26 (clause 35)—Leave out "surveyor" and insert "council".

No. 29. Page 15, line 31 (clause 35)—Leave out "he" and insert "the council".

No. 30. Page 15, line 34 (clause 35)—Leave out "surveyor" and insert "council".

No. 31. Page 15, line 37 (clause 35)—Leave out "he" and insert "the council".

No. 32. Page 16, line 2 (clause 35)—Leave out "surveyor" and insert "council".

No. 33. Page 16, line 9, (clause 35)—Leave out "surveyor" and insert "council".

No. 34. Page 16, line 12 (clause 35)—Leave out "surveyor" and insert "council".

No. 35. Page 16, line 16 (clause 35)—Leave out "by the surveyor".

No. 36. Page 16, line 35 (clause 38)—Leave out "surveyor" and insert "council".

No. 37. Page 22, lines 35 and 36 (clause 51)—Leave out the clause.

No. 38. Page 23, line 37 (clause 56)—Leave out "surveyor" and insert "council".

No. 39. Page 25 (clause 60)—After line 43 insert new subclause as follows:

"(2a) The powers conferred under paragraphs (*c*), (*d*), (*e*) and (*f*) of subsection (1) of this section shall not be exercisable in respect of any land that is included within an authorized development plan under the Planning and Development Act, 1966-1969."

No. 40. Page 29 (clause 62)—After line 21 insert new subclause as follows:

"(4a) A member of the committee shall be appointed for a term, not exceeding three years, specified in the instrument of his appointment, and, at the expiration of a term of appointment shall be eligible for re-appointment."

Amendments Nos. 1 to 5:

The Hon. G. T. VIRGO (Minister of Local Government): I move:

That the Legislative Council's amendments Nos. 1 to 5 be disagreed to.

The two main reasons for rejecting these amendments are, first, that amendments Nos. 1, 2, and 3 propose to make the Act operative only in those areas of the State where, by proclamation, the operation has been sought by the local council. This is a retrograde step, because it takes us back farther than does the present legislation, which we all agreed needed to be revised completely. It would mean that, where a local council was lax, the legislation would not operate, and members can appreciate the difficulties that would arise. Amendments Nos. 4 and 5 relate partly to the same question: they restrict severely the type of building contained in the definition of "building work", and structures such as swimming pools and retaining walls would not be covered by the new Act.

Mr. COUMBE: Amendments Nos. 1 and 2 do not mean what the Minister has suggested they mean, although amendment No. 3 does.

Members who represent remote districts have pointed out that a council office may be 50 or 60 miles from the place where a building is to be erected and that an inspector would find it difficult to visit the job. The councils suggested that a provision in terms of the Legislative Council's amendments be inserted to assist them in administration. My comments refer not to the closely-developed parts of the metropolitan area or country towns but to remote places. The Minister knows that many of our Acts contain provisions whereby the Governor, by proclamation, may exempt certain areas or make certain provisions apply. The Minister is trying to bring everything within the ambit of the Bill.

The Hon. G. T. Virgo: That is not so. You haven't read it.

Mr. COUMBE: I suggest that the Minister's explanation is not to the point.

Mr. RODDA: I support the member for Torrens. The Legislative Council's amendments cater for the remote areas. Unless there is a petition from a council for a proclamation, this Act should not apply.

The Hon. G. T. VIRGO: The honourable member has not read this clause properly. Clause 5 currently provides that, subject to subclause (2), the Act shall apply throughout the whole of the State. Subclause (2) provides for the Governor to make proclamations that in certain areas the Act shall not apply. There is power in this clause to delete any parts of the State where it is considered undesirable, from the point of view of practicability, to give effect to the terms of the measure.

Mr. COUMBE: I perfectly understood the position before the Minister made his explanation. He is ignoring the wording of the Legislative Council's amendment, which provides that, whilst the Governor has the power to make a proclamation (and the Governor means, in effect, the Cabinet or the Government), a proclamation shall not be made except in compliance with a petition by a council. Under the clause as drafted, the Government has the say. The purpose of the amendment is that the local council shall have a say.

Motion carried.

Amendments Nos. 6 and 7:

The Hon. G. T. VIRGO moved:

That the Legislative Council's amendments Nos. 6 and 7 be agreed to.

Motion carried.

Amendment No. 8:

The Hon. G. T. VIRGO: I move:

That the Legislative Council's amendment No. 8 be disagreed to.

My reason for so moving is that the existing Act already gives a surveyor the power to require calculations to be made. This practice is working admirably, and it is considered undesirable that there should be any departure from it. Amendments Nos. 10 and 11 also have some bearing on this. The clause as it now stands requires the owner to furnish the council with calculations of stress and other technical details relating to the building as may be prescribed or as the building surveyor may, by written notice served on the owner, require. This is a normal function that the building surveyor would carry out.

Motion carried.

Amendment No. 9:

The Hon. G. T. VIRGO moved:

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

Motion carried.

Amendments Nos. 10 and 11:

The Hon. G. T. VIRGO: I move:

That the Legislative Council's amendments Nos. 10 and 11 be disagreed to.

These amendments seek to require a council, when a plan is rejected, to state in detail how the building work does not comply with the Act. If these amendments were accepted, a person such as a member of Parliament, who would not know how to start erecting a building and would not have the faintest idea of what he was doing, could submit plans and specifications to a council, and when the council rejected his application it would then have to write a specification for him.

Mr. COUMBE: The Minister seems to be saying that he does not want the reason for the rejection of the plan to be disclosed.

The Hon. G. T. VIRGO: No; the Legislative Council's amendments would make it mandatory for a council to provide details of the reasons for rejection. I consider that it should not have to point out the infringement in detail.

Mr. COUMBE: If a builder or an intending owner found that his plans did not comply with the council's requirements or the requirements of the Act, surely that person should be entitled to be told why the plans did not meet those requirements. I do not suggest that that person should be given specific details. However, I maintain that he

should be told where he has gone wrong so that he can readily resubmit his plans. I think that is a reasonable attitude to adopt. A small builder may be using timber of the wrong size or insufficient rafters or purlins, and it would be helpful if he could be advised on these matters.

The Hon. G. T. VIRGO: I do not quarrel with the point made by the member for Torrens, but that is not what the amendment is seeking. The amendment provides that councils shall be obliged to state in detail the particulars in which building work does not comply, and the interference exists. At present councils inform people of minor defects and tell them how to rectify them, but a council should not be required to provide the detailed work that the amendment is seeking to be provided.

Mr. WARDLE: I oppose the amendment. I do not consider that it should in any way be a council officer's responsibility to draw plans and work out specifications.

Motion carried.

Amendment No. 12:

The Hon. G. T. VIRGO moved:

That the Legislative Council's amendment No. 12 be agreed to.

Motion carried.

Amendment No. 13:

The Hon. G. T. VIRGO: I move:

That the Legislative Council's amendment No. 13 be disagreed to.

This relates to a council's providing details in connection with a building and concerns the matter we were just discussing.

Motion carried.

Amendments Nos. 14 *and* 15:

The Hon. G. T. VIRGO moved:

That the Legislative Council's amendments Nos. 14 and 15 be agreed to.

Motion carried.

Amendments Nos. 16 *and* 17:

The Hon. G. T. VIRGO: I move:

That the Legislative Council's amendments Nos. 16 and 17 be disagreed to.

This relates to an important clause which, if the amendment is carried, will place in jeopardy many buildings particularly within the city of Adelaide and the inner-metropolitan area. It will mean that the health, safety and fire provisions in the new legislation will supersede the provisions in the existing Act and will not apply to existing buildings. They will apply only to buildings erected after the legislation has been enacted. That is what the Legislative Council's amendment seeks to do, but that would be a disastrous situation. Many multi-storey buildings could be without adequate safeguards. We must remember, too, that the Act being repealed by this Bill was passed almost 50 years ago.

Motion carried.

Amendments Nos. 18 *and* 19:

The Hon. G. T. VIRGO moved:

That the Legislative Council's amendments Nos. 18 and 19 be agreed to.

Motion carried.

Amendment No. 20:

The Hon. G. T. VIRGO: I move:

That the Legislative Council's amendment No. 20 be disagreed to.

Clause 17 provides that in certain circumstances a surveyor or building inspector may serve on a builder a notice requiring him—

to cause any part of a building structure or work that prevents the surveyor from ascertaining whether the building work has been performed in accordance with this Act to be cut into, laid open or pulled down so far as may be necessary in order to ascertain whether it does so comply.

The Legislative Council's amendment provides that the word "reasonably" be inserted after "may be". The only result of the Council's amendment that I can foresee is that there will be much money for lawyers who will try to determine what the word "reasonably" means. Consequently, I oppose the amendment.

Motion carried.

Amendments Nos. 21 *to* 23:

The Hon. G. T. VIRGO moved:

That the Legislative Council's amendments Nos. 21 to 23 be agreed to.

Motion carried.

Amendments Nos. 24 *and* 25:

The Hon. G. T. VIRGO: I move:

That the Legislative Council's amendments Nos. 24 and 25 be disagreed to.

As it now stands, the Bill embodies the practice provided for in section 75 of the Act. That section has operated well and it has had the wide approval of the architectural profession. It is thought that the amendments could lead to abuse and inconsistency as a result of unwise and inconsistent decisions. I therefore oppose the amendments.

Motion carried.

Amendments Nos. 26 *to* 36:

The Hon. G. T. VIRGO moved:

That the Legislative Council's amendments Nos. 26 to 36 be agreed to.

Motion carried.

Amendment No. 37:

The Hon. G. T. VIRGO: I move:

That the Legislative Council's amendment No. 37 be disagreed to.

Clause 51 exempts buildings and structures of the Crown from the operation of the Act. The Legislative Council seeks to strike out that clause and thereby make all buildings, including those of the Crown, subject to the terms of the legislation.

Mr. Venning: Why not?

The Hon. G. T. VIRGO: At least one Opposition member will have the same view as I have, because of his experience as Minister of Works. He will know that it is completely impracticable to give effect to the amendment. Buildings erected by Government departments are built in complete compliance with the terms of the Building Act and any other relevant Act. If the Government were completely in the hands of local councils in this respect there could be delays if all the plans and specifications for a school were not completed before construction was commenced. The member for Rocky River might not mind if that was the position in his area, but people in other areas would mind if it happened in their areas. To place the Government in a situation where a council inspector would have to issue a certificate with regard to foundations and make periodical inspections of Government buildings just would not work. If Government departments abused their position in this respect, I suppose there would be room for criticism, but I have never had any instance brought to my attention where a department has abused the fact that it is not covered by this legislation. As the Crown is not covered at present, there is certainly no reason why it should be covered in the amending Bill.

Mr. COUMBE: The Minister was correct in saying that the Public Buildings Department conforms to the requirements of the Act. What he did not say was that not one piece of legislation governs that department. However, the department conforms to various requirements out of common sense. No legislation requires the Highways Department to conform to these requirements, but at times it builds its own buildings. Also, the Engineering and Water Supply Department builds its own buildings and stations and, although it does not have to do so, out of courtesy and common sense it, too, conforms. We can see nothing wrong with the Crown's being bound in this respect.

The Minister had a point when he spoke about possible delays caused by the necessity for council inspection. When this matter was debated in Committee, I canvassed the subject and was defeated in my move to have the Crown included in this provision. If my amendment failed, as it did, I wanted to introduce a further amendment, but procedurally I was unable to do that.

My idea was that, if the Crown was not to be bound in respect to all facets of the legislation, at least it would help councils if Government departments were to submit to councils overall plans showing the block of land, where the building would be placed, how big it would be, entrances, flood water drainage, and so on. This would have been of great benefit to councils in planning their roadworks and the course of their drainage works. I know that this is often done as an act of courtesy but there is no requirement to do so. Parliament should always try to spell these matters out so that there is no ambiguity. Instead of paying council rates, some Government depoartments pay a fee the equivalent thereto. If the Minister does not want to accept the amendment, perhaps what I suggested could be considered. I assume that I would be out of order in attempting to amend the Legislative Council's amendment at this stage.

The ACTING CHAIRMAN (Mr. Ryan): The honourable member would be correct in that assumption.

Dr. EASTICK: One feature we have discussed concerns the introduction of provisions relating to environment. If all other parties had to conform to these provisions we would have the situation where one body, the Government, could hold up progress. This amendment would permit local councils to require Crown buildings to comply with the provisions of the Act. It seems that where everyone else in the community is required to conform to the environmental aspect the Crown can upset that aspect, and there is no alternative. I find it difficult to accept what the Minister has said on this matter.

Mr. WARDLE: I do not think it is a good enough argument for the Minister to say that councils will hold up plans for Government buildings. This does not accept the fact that most councils are fairly efficient in this field.

The Hon. G. T. Virgo: What if the council refuses the plans and the Government has to take the matter to council referees?

Mr. WARDLE: The Minister's argument was based on the fact that the Government erects all its buildings according to regulations, and it should not fear taking the matter to referees. Councils would feel that they had some say if ground plans for all Government buildings had to be submitted to them and it is only fair that these should be submitted. The Government should conform in the same way as everyone else.

The Hon. J. D. CORCORAN (Minister of Works): I support the Minister of Local Government in this matter. The Public Buildings Department gives information on civil works for all new development on new sites to councils at three stages in design development. First, councils are alerted by letter when a development project is at feasibility stage. Secondly, at contract documentation stage problems of drainage, etc., are usually discussed with councils. Thirdly, at completion of documentation a final civil works plan is forwarded to the council to seek its agreement to the proposals. Should full compliance with the Act be required, however, the major effect would be the necessity for the department to submit its full proposals, all drawings, specifications and structural calculations, to councils before proceeding with any building work and, following approval to proceed, our buildings would be periodically inspected during construction. Occupation could only follow final approval by the council inspectors. In detail, this would impose restrictions. The department would have to seek council approval to build before commencing work (including Works Division day labour jobs, such as timber portables).

The department would be required to submit full drawings, specifications, and appropriate application forms signed by client and architect, pay appropriate fees, and submit structural calculations.

These matters would apply to all building works, whether new buildings, alterations or additions, and would range in size from major projects, such as Flinders medical centre, to very minor works, such as additions to departmental housing. In each case submissions would impose a time delay in programmes. If council approval is not given, arbitration would follow. However, I do not think that would happen, because the standard of the Public Buildings Department in structural strength and design is high.

If approval is given, the council inspects the work during progress, and, for example, usually insists upon no concrete being poured until steel reinforcement has been inspected, etc. Finally, until the council inspector so certifies, the client may not occupy the building. Thus, it can be seen that this procedure will incur considerable additions in time to every project passing through the department, both at design stage and construction. The department's design standards are high (and, in fact, considered by some to be too high). The department's standard of contract inspection is also of a very high standard, certainly far more so than council inspection. Thus in both these respects councils are assured when the Government builds that Government projects are above the minimum standards set by the Act. To submit documents for council approval means an enormous duplication of effort and similarly to submit our constructions to council inspection also duplicates this activity. There would be many thousands of copies of prints to councils each year, running to about 40c a copy; and there would be submission fees of many thousands of dollars. There would also be costs for additional specifications. The additional work to administer submissions of all our work would also require extra staff. To sum up, the department complies with virtually all, if not all, the technical requirements of the Act. The department advises councils of all new projects on new sites and seeks approval for civil works.

Mr. Wardle: How recently has that been done?

The Hon. J. D. CORCORAN: It has done it in the past; it was done during the time of the previous Government, and even before that. I know from my experience in Millicent that the department conferred with the council about the drainage for schools there before the schools were even commenced. In one case, it contributed towards the cost of a drain, but the council had to provide the cost of the drainage of the area.

Mr. Wardle: When was that?

The Hon. J. D. CORCORAN: I thought it right and proper that it should contribute towards the cost because the council had an additional burden placed on it as a result of the building of this school. Nobody will suggest that the Government will not comply with the building requirements of the Act in

every respect. To submit all building documents to councils will be costly, time-consuming and achieve nothing further, as the department already fulfils the council requirements in building standards and subsequent inspection.

Mr. NANKIVELL: I am provoked by the Minister to say a few words. He says that the department is above reproach and never makes mistakes; he intimated that.

The Hon. J. D. Corcoran: I did not say that at all.

Mr. NANKIVELL: The Minister said that it does not make mistakes in design and planning. I can cite an instance with which the Minister of Education would be familiar—the design, planning and supervision of work at the Geranium Area School. The site should never have been approved and the standard of work has caused nothing but concern to the two departments ever since. It has been the subject of complaint by the local council. It would not have accepted the site and approved this type of design for that area. You, Mr. Acting Chairman, would know of another instance—a proposed primary school at Bordertown. Those are two instances of a standard building being accepted so as to conform. In other areas, including Swan Reach, in other respects approval would have been given for the building except that the Public Works Committee picked up the mistakes.

The Hon. J. D. Corcoran: What are you there for?

Mr. NANKIVELL: That is not our responsibility, but it was pointed out by people with local knowledge. Their local knowledge was completely overridden by departmental authorities.

The Hon. J. D. Corcoran: Why do you take evidence from people if you are not trying to find out these things?

Mr. NANKIVELL: In two instances the site plans were changed after they had been approved and in one instance where the work had just been commenced. I am suggesting that large councils such as the Tatiara council are responsible bodies and are competent to look at these matters.

The Hon. G. T. Virgo: And they would never make a mistake?

Mr. NANKIVELL: I do not say that: I am saying that their local knowledge would prevent their making some mistakes that Government departments make.

Mr. WARDLE: Can the Minister give an assurance that councils will be given ample notice of an intention to erect a building on a site?

The Hon. J. D. CORCORAN: I have already said that the councils now receive notification and plans in respect of civil works where a new building is to be erected on a site.

Mr. Wardle: Prior to building commencing?

The Hon. J. D. CORCORAN: Yes, and the matter is discussed with the council before the building is commenced. I suppose it would be fairly true to say that the Government does not commence building prior to the Public Works Committee's reporting on the project because it does not have authority to spend money. In only one case that I know of has this been departed from. My information is that councils are notified in the matter. Perhaps in an isolated case a council has not been so notified, but the policy is that councils should be notified, and that should be complied with. The Government will do its best to see that it is. However, I think honourable members would realize that to do all the things required under this legislation would involve tremendous additional cost to the Government for no real purpose.

Motion carried.

Amendments Nos. 38 *to* 40:

The Hon. G. T. VIRGO moved:

That the Legislative Council's amendments Nos. 38 to 40 be agreed to.

Motion carried.

The following reason for disagreement was adopted:

Because the amendments would impair the effectiveness of the Bill.

ADJOURNMENT

At 1.35 a.m. the House adjourned until Thursday, March 25, at 2 p.m.