# HOUSE OF ASSEMBLY

Tuesday, March 30, 1971

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

## SUCCESSION DUTIES ACT AMENDMENT BILL (CONSEQUENTIAL)

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

## MINING BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

## PETITION: MEADOWS LION SAFARI

Mr. McANANEY presented a petition signed by 122 House of Assembly electors stating that the establishment of a business enterprise known as Meadows Lion Safari, to be situated within half a mile of the Kangarilla township, for the public viewing of lions, would have adverse effects on the farming and general community. The petitioners prayed that the House of Assembly would exercise whatever necessary powers might be required so as to prevent the establishment of this enterprise.

Petition received and read.

## QUESTIONS

### TOWN PLANNING

Mr. HALL: Will the Minister of Roads and Transport clarify the position of planning for roads and freeway development in the Hindmarsh area? To explain my question, I will read from a copy of a letter that was sent to the Premier, copies of which were sent to the Minister and me. I quote:

May I strongly draw your attention to the chaotic state in which the town of Hindmarsh finds itself, due to the procrastination and indecision of the Government of South Australia? Many industries and business firms are leaving our area because of the uncertainty of the future of the M.A.T.S. proposals, and many residents are also moving away. We eagerly awaited some clarification of our position with the publication and debate of the Breuning report, but this, by its vagueness and obtuseness, has only added to our confusion. It is bad enough to decide to rape the area of Hindmarsh with the M.A.T.S. plan, but to continue to torment the area and nullify any progress by the Government's continued lack of decision does not help the area or endear the Government to the hundreds of people affected.

We have been in conference with members of the Civic Trust and the Mayor and Town Clerk to plan for the redevelopment of Hindmarsh, but we cannot proceed until we have more idea of what the future holds. May we urge you and the Government to clarify the position and put the area of Hindmarsh out of its present quandary?

That is a copy of the letter sent to the Premier illustrating the problem.

Mr. Langley: By whom?

Mr. HALL: Rightly, members opposite ask by whom: it was sent by Mr. Hammersmith, President of the Hindmarsh Chamber of Commerce. The letter was sent because of the self-explanatory issues referred to. This area is subject to intensive redevelopment and acquisition for roads under a previous plan, but the Breuning report does nothing to clarify the position. As businesses of all types must know where they stand, I ask this urgent question of the Minister.

The Hon. G. T. VIRGO: I am indebted to the Leader for drawing my attention to correspondence which, regrettably, I have not yet received.

Mr. Hall: What about your office?

The Hon. G. T. VIRGO: I do not know whether the Leader is criticizing the efficiency of my office. All I am saying is that I am indebted to the Leader for his drawing my attention to correspondence that I have not yet received.

The Hon. D. N. Brookman: Are you grateful?

The Hon. G. T. VIRGO: The member for Alexandra is entitled to have his view, as is the member for Mitcham. The Government's policy on transportation has been clearly stated in this House on numerous occasions. It was debated in this House, when the Leader had every opportunity to raise the issue that he is now raising, but he failed to do so.

Mr. Hall: Are you suggesting I should have raised this?

The Hon. G. T. VIRGO: No, but I am suggesting that the Leader may care to look at the Government's stated policy on this matter. I think it was as late as last week that I gave the member for Torrens a reply on this matter, but for the benefit of the Leader I will repeat the Government's policy, as contained in a statement issued as a result of the Government's considering the report submitted to it by Dr. Breuning. This report resulted from the implementation of our policy

stated by the Premier prior to the last election, when we said we would review the Metropolitan Adelaide Transportation Study proposals which had been adopted by the previous Government and which have caused the chaos to which the Leader is now referring. We said:

New systems of public transport will have greater capacities and will cause far less disturbance to the community and its established living patterns. However, they will require corridors through the urban area and, although Dr. Breuning was not in the short time he was in Adelaide able or expected to consider the actual routes, he reported that routes similar to those in the M.A.T.S. plan, if required at all, would best serve the city's needs as transportation corridors. Accordingly, steps have been taken to incorporate the following corridors in an amended 1962 Metropolitan Development Plan, as recommended by Dr. Breuning in action recommendation No. 7—

This has been done. The various councils concerned, including the Hindmarsh council, have been informed of the State Planning Authority's proposals, and they have been invited, as have all members of the public, to make written submissions within two months. Those submissions will be considered before the State Planning Authority takes the necessary action to finalize the amended 1962 development plan.

Mr. HALL: As the Minister in charge of town planning, will the Minister for Conservation make available to the House a copy of the amendments which the State Planning Authority has made to the 1962 plan and which I understand have been forwarded to councils that are affected? I have asked the Minister of Roads and Transport about the position of the Hindmarsh council and its district in relation to future transport planning. I direct the attention of the Minister for Conservation to the reply given by his colleague to the effect that the State Planning Authority had made a report, which was the basis on which the Government now stood. I am sorry if I misinterpreted the reply of the Minister in this respect.

The Hon. G. T. VIRGO: I said the authority was giving effect to the amendment of the 1962 development plan.

Mr. HALL: I will not quarrel with the Minister's interpretation, and I accept his reply. It is obvious that I, being one of the persons who has received a copy of the letter, would not be aware of the Government's intentions without seeing the report from the State Planning Authority. Now that the matter has been raised by the Chamber of Commerce, and as this is obviously a subject that has been discussed widely in the Hindmarsh district, will the Minister give me a copy of the report that was circulated at least to that council in relation to its planning for this area?

The Hon. G. R. BROOMHILL: I gather from the tone of the Leader's question that he knows very little about the activities of the State Planning Authority. It could well be that the people who have been discussing this matter with the Leader also do not understand the position.

Mr. Hall: We are seeking information; we do not want abuse.

The Hon. G. R. BROOMHILL: I am trying to be as helpful as I can to the Leader. As my colleague pointed out to him, the State Planning Authority has not yet presented any plan. However, it has submitted a supplementary plan to all councils, and the Leader's informant should have told him about this. The views of all councils will be sought, and councils will have two months in which to submit to the State Planning Authority their comments on the supplementary plan. I shall be pleased to provide the Leader with a copy, which I hope will help him understand this matter.

## LOCAL GOVERNMENT BILL

Mr. CURREN: Will the Minister of Local Government say whether the Government intends to reintroduce the Local Government Act Amendment Bill, the previous Bill having been passed by this House but rejected by the Legislative Council without being fully considered? In the *Advertiser* of March 27, an article headed "'Councils Will Lose' says Minister" states:

The Minister of Local Government (Mr. Virgo) said yesterday he could see no point in reviving the Local Government Bill rejected by the Legislative Council—and councils would be the losers.

In this article the following reference is made to the Leader of the Opposition:

The Leader of the Opposition (Mr. Hall) said yesterday he hoped the provisions of the Bill which were of use to councils would be re-presented to Parliament at the proper time.

So that we may have this matter clarified, will the Minister say what are the Government's intentions?

The Hon. G. T. VIRGO: Following the rejection by the Legislative Council of the Local Government Act Amendment Bill, I was asked whether the Government intended to reintroduce the legislation. I replied that I could see no point in wasting the time of the Parliament in reintroducing a Bill that had been arbitrarily rejected in its entirety by the

Legislative Council. I am deeply concerned that the Council has taken the view it has taken: I believe it has done a grave disservice to the people of South Australia. Apparently it was so intent on carrying out the instructions it received from outside sources to oppose—

Mr. MILLHOUSE: Mr. Speaker, I take a point of order. In his reply, the Minister is clearly reflecting on another place, and I submit that that is contrary to Standing Orders.

The SPEAKER: The honourable Minister must reply to the question and not comment.

The Hon. G. T. VIRGO: I am trying to do that. Apparently Council members were so intent on carrying out the instructions they had received from an outside body—

The Hon. D. N. BROOKMAN: On a point of order, Mr. Speaker. The Minister is contravening Standing Orders in criticizing another place, and, in addition, he is giving a one-sided interpretation of this matter. There are two sides to the question. The Minister is not entitled to refer derogatorily to another place or to any of its members.

The Hon. G. T. Virgo: What's the difference between that and you blokes talking about the instructions of the Trades Hall?

The SPEAKER: Order! No member is entitled to use offensive words in respect of either House of Parliament. The honourable member did not state what words were objected to.

Mr. MILLHOUSE: In that case, I am prepared to state the words on which I based my point of order and on which I believe my colleague based his point of order: in his reply, the Minister said straight out, before I took my point of order, and then again before the member for Alexandra took his point of order, that members of another place had taken their instructions from outside; he said that they had been instructed by some outside body to throw out the Local Government Act Amendment Bill. I believe that is offensive within the meaning of Standing Order 150.

The SPEAKER: The honourable member has taken a point of order in relation to what are, in his opinion, offensive words. He is entitled to express his opinion. The honourable Minister of Roads and Transport.

The Hon. G. T. VIRGO: I am making my statement in the light of a letter from the Local Government Association which I have and which urges all members of the Legislative Council to reject the Bill entirely and also in the light of a newspaper report which has apparently emanated from the Chamber of Commerce and the Chamber of Manufactures and which urges all members of the Legislative Council to reject the legislation entirely. It is just too bad if my reply to the question does not meet with the wishes of the members for Mitcham and Alexandra, because it is a factual reply. The Bill was rejected by the Legislative Council in its entirety, apparently because (from reading the *Hansard* pulls) the Legislative Council was so opposed to having democratic principles introduced into local government that it rushed in and threw out the Bill, even though, had it been passed even in an amended form, the Bill would have attracted a tremendous amount (I would assume thousands of dollars) of Commonwealth money to South Australia, and would have given local government organizations throughout the State the opportunity to enter the social welfare field by providing homes for the aged and infirm. All these things were opposed by the Legislative Council.

The Hon. J. D. Corcoran: And rejected by it!

The Hon. G. T. VIRGO: Yes, they were rejected out of hand by the Legislative Council. The Legislative Council rejected not only these things: it also rejected other measures that had been sought by the Adelaide City Council and by local government conferences throughout the State.

Mr. COUMBE: I rise on a point of order, Sir. The Minister was asked what he was going to do about reintroducing the Local Government Act Amendment Bill. I ask you, Sir, in deference to your earlier ruling, to instruct the Minister of Local Government to answer the question asked of him.

The SPEAKER: The Minister has given a lengthy explanation regarding the question, and I would say that the answer has been given.

Mr. CURREN: I take the point, Sir, that my question on whether the Government intends to reintroduce the legislation has not been answered. However, I support the Minister's remarks.

The SPEAKER: The Speaker cannot direct a Minister to answer a question, although a Minister's reply must be relevant to the question asked of him.

The Hon. G. T. VIRGO: I am trying to answer the question asked by the member for Chaffey. With your permission, Sir, I should like to conclude my remarks on this matter by repeating that I regret that the Legislative Council has thrown out the Bill, which would have benefited the whole State, in its entirety. I can see no value in reintroducing it, if the

Legislative Council is going to continue with its obstructive policy in relation to legislation introduced by the Government in accordance with Labor policy.

Mr. Gunn: That's not answering the question.

The Hon. G. T. VIRGO: I know the honourable member does not like this. However, if some Opposition members, including those who are so intent on taking points of order because the truth hurts, will obtain an assurance from their colleagues in the Legislative Council (if and when they talk to them) that the Legislative Council will give due and proper consideration to legislation passed by this House, the Government will consider reintroducing the Bill.

## MURRAY STORAGES

Mr. MILLHOUSE: Will the Premier say whether he has had any response from the Commonwealth Government or the Governments of New South Wales and Victoria to his latest approach about the ratification of the Dartmouth dam agreement? I think it was on March 18 that assent was given to the Bill that purported to ratify the agreement to build the Dartmouth dam.

Mr. Hall: To vary it.

Mr. MILLHOUSE: Well, I say that it purported to do it, with a variation and an omission. I think the Bill was assented to on March 18, and the Premier stated, I think in this House, that he was writing to the Prime Minister and to the Premiers of the other States immediately, seeking their co-operation in the matter. We do not know the contents of that letter but I accept that that was the gist of it. I point out that the longer the delay the less chance there will be of an agreement with the Governments being reached, and at this stage apparently we, as South Australians, are seeking only to reopen the negotiations, presumably on the basis now set out in that South Australian Statute. As nearly a fortnight has passed since assent was given to the measure, one would expect that there would have been a response from the other Governments (if we are to get one) by now. Therefore, I ask the Premier whether he has had a reply from the other three Governments concerned or any of them.

The Hon. D. A. DUNSTAN: No, I have not had a reply so far.

Mr. Millhouse: Are you following it up?

The SPEAKER: Order! There must be only one question at a time.

The Hon. D. A. DUNSTAN: If the honourable member allows me to reply, I will try to do that, but, if he does not, I will sit down. In fact, two Acts were involved, as the honourable member knows. The latter was assented to only a short time ago.

Mr. Millhouse: On March 25, I think.

The Hon. D. A. DUNSTAN: Yes, last Thursday. Subsequently, letters were sent to the other States immediately, enclosing copies of the two Acts that had been passed by the South Australian Parliament. We had written before the Bills for those Acts were introduced, telling the other States what we intended and, as soon as both Acts had been passed by the Parliament and assented to, I wrote again, explaining the situation at that time. So far I have not received from the other State Governments or from the Commonwealth Government a reply to any of my letters. I have asked for an indication of their views urgently.

## OPEN-SPACE LAND

Mr. HOPGOOD: Will the Minister for Conservation say how much of the land referred to on page 200 of the 1962 Report on the Metropolitan Area of Adelaide as land for open-space proposals has so far been acquired for that use?

The Hon. G. R. BROOMHILL: I will obtain the information for the honourable member. Only recently I was considering a list of the land that the authority had acquired. I shall be pleased to refresh my memory on this and bring down a report for the honourable member.

## AGRICULTURAL EDUCATION REPORT

Mr. COUMBE: Can the Minister of Education say when the report by the committee of inquiry into agricultural education in South Australia is likely to be brought down? This committee was appointed in 1968, and I understand that it has been sitting intermittently for some time. Apart from the information that is likely to be derived from the committee's report, one of my constituents has told me that in September, 1968 (about 2½ years ago), he gave evidence to the committee, having submitted a statement of his evidence to Mr. Philp, who has now retired from the Public Service. My constituent desires to know when he may get information about the committee's findings. I should be pleased if the Minister could tell me when the committee's findings are likely to be published.

The Hon. HUGH HUDSON: The report having been completed, I will consult the

Minister of Agriculture and try to tell the honourable member the date on which it will be made available.

*Later*:

Mr. NANKIVELL: Will the Minister of Works ask the Minister of Agriculture when it is expected that the Ramsay report on rural education will be available to members?

The Hon. J. D. CORCORAN: The question has already been asked by the member for Torrens and a reply given this afternoon.

## TRAVEL AGENCIES

Mr. LANGLEY: Is the Attorney-General aware of instances of persons who have paid money to travel agencies, one being Olympic Travel Service Proprietary Limited, in order to travel overseas and who have, as a result, lost their life savings or mortgaged their houses, and can the Attorney suggest what persons can do to protect themselves against such losses?

The Hon. L. J. KING: In several matters involving the public that have come to my notice wherein an agent has failed to perform or a principal has not met his contractual obligations, it has been found that the particular transaction concerned was entered into in the first instance with the knowledge and for the reason that the service to be provided was to be at a lower price or cost than normally was available elsewhere and that little attention had been paid to the reputation, financial background, or general ability of the agent or principal to meet his obligations. Because of these and other considerations, it is not possible to enact a set of laws that would be effective to ensure that all members of the public were protected in all circumstances against financial loss due to fraud, dishonesty or bad management by another party. Where fraud or dishonesty can be proved, there exist appropriate laws, and action is taken accordingly. I have received a report concerning the recent failure of Olympic Travel Service Proprietary Limited in which a number of persons have suffered financial loss, and I have directed that certain action be taken. I cannot stress too strongly, however, the importance of members of the public protecting themselves by dealing only with reputable, well established organizations. This advice seems to be particularly pertinent in relation to foreign travel agencies.

## LION PARK

Mr. EVANS: Has the Minister of Works a reply to my recent question about the establishment of a lion park at Kangarilla?

The Hon. J. D. CORCORAN: Proposals for the establishment of a lion park at Kangarilla are on a short-term basis with a maximum operating period of only six years. Use of the Baker Gully catchment area as a water supply source is not programmed for at least 10 years. Although the park is located in a future water catchment area, approval for its establishment will be on a temporary basis and an agreement will be made to remove all structures two years before the construction of any reservoir when the land will be resumed for grazing purposes. This morning I received a deputation, led by the member for Heysen, from representatives of dairy farmers in the area concerned, who expressed concern similar to that expressed in the petition presented earlier this afternoon. However, as I told the deputation, the Government has no power at present, at least under the Waterworks Act, to prevent the establishment of the lion park. Legislation at present before the House will provide that power if and when the watershed area is proclaimed, and it is not intended to proclaim the new watershed areas until they are about to be used for that purpose. The announcement made on, I think, Sunday last about the establishment of a further lion park, north of Chain of Ponds, has not been officially brought to the notice of any officer of the department or to my notice. There have been no discussions on that development but, if and when the legislation now before the House is passed, the Government will have power to prevent its being located in a watershed area if it is shown that it would cause pollution. So far as I am aware, the Health Department would not be able to prevent its establishment (provided that it complied with the Health Act), nor can the State Planning Authority or the Minister of Lands prevent its establishment. It seems as though we cannot prevent the establishment of this park: the best we can expect is to obtain a formal agreement (as I mentioned privately to the honourable member) whereby the park will be there for a limited period, and an undertaking will be given to do certain things when the area is vacated.

## HIGHBURY EAST SEWERAGE

Mrs. BYRNE: Has the Minister of Works a reply to my question of March 25 about a projected sewerage scheme at Highbury East?

The Hon. J. D. CORCORAN: The sewers to serve Tolleys winery and adjacent areas at Hope Valley are expected to be commenced in June, 1971, and it will take about three months to complete the approved works.

## EASTICK REPORT

Mr. RODDA: Will the Minister of Works ask the Minister of Lands whether the Government intends to have the Eastick report printed as a Parliamentary Paper? This report was prepared by a committee which was headed by Sir Thomas Eastick and which considered the rents of soldier settlers in zone 5 in 1963, I believe, and it contains much detail relevant to the present argument on zone 5. As there has been some clamour to have the report printed as a Parliamentary Paper, can the Minister say whether this will be done?

The Hon. J. D. CORCORAN: I take it that the honourable member is asking that the document be tabled so that it shall be available for public perusal. I am well aware of the report and studied it closely during my term as Minister of Lands, as did the member for Alexandra during his term. I understand that Mr. Quirke, when Minister, called for the report. Certain representations were made to the Commonwealth Government as a result of that report and, although they were not met in full by the Commonwealth Government, some alterations were made, as the honourable member would be aware. Having been asked questions about this matter, I think I replied that the report had been called for by the Minister for his use. As the honourable member would be aware from his own experience as a Minister, a Minister will often call for a report on a specific matter in order to inform himself and to obtain guidance from that report about decisions that may result from it. I believe that the Eastick report is that type of report. However, as it is not for me to reply for my colleague, I will put the honourable member's request to him and seek a reply.

## CAMPBELLTOWN INTERSECTION

Mr. SLATER: Has the Minister of Roads and Transport a reply to my recent question about the intersection of Lower North-East Road and Darley Road, Campbelltown?

The Hon. G. T. VIRGO: A contract has been let for the installation of traffic signals at the intersection of the Lower North-East Road and Darley Road, Campbelltown, and it is expected that the work will be implemented within the next few weeks.

## HOPPER WINDOWS

Dr. TONKIN: Will the Minister of Education ask officers of his department to investigate the safety of certain hopper-type windows in use at the canteen at the Adelaide Technical High School? The Minister may be (and probably is) aware that a girl aged 12 years suffered a severe eye injury on March 22 at this school. Having bent down, she stood up suddenly and the hopper-type window had been opened from inside whilst she was bending down; and when she stood up again she caught an eye and an eyelid on the edge of the steel frame window. Although the eye may be saved, it may still be lost completely. I understand that, although identical hopper windows are used at the Unley High School, they are surrounded by some form of protection. In the interests of the safety of students generally, will the Minister obtain a report and take action on this matter?

The Hon. HUGH HUDSON: I will certainly consider the matter and obtain a reply for the honourable member.

## INSURANCE

Mr. PAYNE: Will the Attorney-General consider introducing legislation to spell out a code of conduct to apply between insurers and the insured? Undoubtedly most people who insure (whether for vehicle or other liability) believe they have transferred their liability on payment of the premium. However, I believe that this is not so in practice, because at present they seem to be at the mercy of whoever may be in charge of an insurance company.

The Hon. L. J. KING: Leaving aside for the moment the unfortunate cases in which insurance companies have failed and, therefore, have been unable to meet their obligations, I think the primary cause of difficulty in this area is the fact that some insurance companies take advantage of technical breaches in respect of insurance policies to repudiate liability, even though in some cases the insurance company has not been prejudiced by the breach. If there has been a breach of the policy which cannot be excused and which prejudices the insurance company, I think that any code of conduct as to the relations between the insurer and the insurance company would have to give the right to the company to refuse liability. However, there are cases where the breach is technical, where it is excusable on any reasonable approach to the situation, and where it does not prejudice the insurance company, and in these circumstances it seems to me that it is wrong that liability should be denied by an insurance company on those grounds. I think it is along these lines that the problem has to be tackled, and the Government intends to consider legislation designed to provide that, in

such cases where the insurance company is not prejudiced, its obligations under the policy should stand. The matter is being considered, and I hope that by next session it will be possible to introduce legislation along these lines.

## RURAL RECONSTRUCTION

Mr. GUNN: Has the Premier a reply to my recent question about rural reconstruction?

The Hon. D. A. DUNSTAN: Concerning the case referred to by the honourable member, I point out that the bank in question was the Savings Bank of South Australia and not the State Bank and, secondly, the matter is not one of a bill of sale but of a notice of sale. I inquired closely into the case, having secured the name of the farmer concerned from the honourable member, and I quote, first, a report from the Treasury and, secondly, a letter I have sent to the Chairman of Trustees of the Savings Bank. The Under Treasurer reports:

This is a rural guarantee case. Notwithstanding that the guarantee was given to settle this man on this particular property, after four years he left the property in the hands of a share farmer to live in Adelaide, operated as a land salesman, entered a retail business which proved a costly loss, then in partnership purchased property at Esperance, and at the same time carried on a trucking business. His financial difficulties, mainly as a consequence of these departures, are such that he cannot currently meet his liabilities, which have extended enormously since the guaranteed loan was given. His chances of extricating himself are said by the Land Board to be very slight on current prices of rural produce. The Savings Bank sent this case to Treasury for a Land Board report, indicating it was not prepared to support an application for deferment. In the circumstances, the matter was submitted to the Minister assisting the Premier simply for authority to advise the bank of the Land Board's report. If the bank had been prepared to support deferment it is not certain, and perhaps unlikely, that the Land Board and Treasury would have recommended some deferment. Unfortunately, the bank has advised that the Treasurer, on the recommendation of the Land Board, has declined to approve the application for deferment.

That was not so, and I therefore wrote to the Chairman of Trustees of the Savings Bank in the following terms:

During September last the bank referred to me this case in which there is a guarantee under the Rural Advances Guarantee Act, and which was in arrears, asking for a report by the Land Board and advising that the trustees "have decided not to support the application" for deferment. In the circumstances a detailed report from the Land Board was forwarded to the bank on February 10 last, together with a letter which stated, "The honourable Treasurer has noted that the trustees do not support the application made by the applicants for deferment of their payments to the bank, which accordingly may not be approved." On March 5 last the bank advised the farmer that "the honourable Treasurer on the recommendation of the Land Board has declined to approve your application for deferment of instalments". This last advice is not strictly in accord with the facts. If the bank were prepared to support the application it is possible, though perhaps unlikely, that the recommendations of the Land Board and the Treasury may have supported some deferment. The matter has now been raised by the applicants' Parliamentary representative, who has suggested that deferment may be granted for sufficient time to ascertain whether the applicants may qualify under the proposed new rural reconstruction arrangements. Should your trustees consider there may be some possibility that this man may qualify for such assistance, I suggest any further action for recovery may be deferred, provided he consults forthwith with the section of the Lands Department dealing with reconstruction matters, so that it may report thereon.

That has been my recommendation to the trustees and, if the honourable member will have his constituent confer with the Lands Department officer referred to, we will see what can be done. However, the honourable member will see from the report that this is not purely a matter of financial difficulties arising out of problems in rural areas.

Mr. NANKIVELL: Has the Premier a reply to the question I asked on March 16 about rural reconstruction?

The Hon. D. A. DUNSTAN: Any application for assistance under the Primary Producers' Debts Act would receive consideration and, if deemed necessary, a stay order would be issued whilst the application was being assessed for eligibility under the Act. However, it is a condition of the proposed rural reconstruction scheme that funds available for use under the Primary Producers' Debts Act be applied for the purposes of the proposed scheme, prior to the expenditure of any Commonwealth funds.

## ADVERTISEMENT

Mr. CRIMES: Has the Minister of Roads and Transport a reply to my recent question about a radio advertisement of the Maughan Thiem Motor Company?

The Hon. G. T. VIRGO: Following the honourable member's question, the Maughan Thiem Motor Company was approached about its radio advertisement, which it undertook to withdraw without delay. The company regretted the occurrence and gave an assurance that it had resolved to concentrate on safety

and performance in advertisements, rather than speed characteristics. It is indeed pleasing to note that, as soon as the Managing Director of Maughan Thiem Motor Company was approached about this matter, immediate and ready co-operation was forthcoming. I sincerely hope that all other companies who undertake this kind of advertisement, or who have advertising consultants acting on their behalf, take similar steps to see that their advertising is responsible. As I said in the House on November 14, 1970, in answer to a question by the member for Price, I deplore sensational-type advertising which is designed to attract youth to car showrooms and dramatize the power of motor vehicles. I believe that such advertising has a bad influence on young people because it emphasizes bad driving practices, high horse-power ratings and the like, and does not emphasize safety features and ways in which the road toll can be lowered.

## CHAIN LETTER

Mr. CARNIE: Will the Minister of Education say whether it is permissible for chain letters to be sent out on Education Department stationery? Several questions have been asked recently about chain letters, which I understand are of doubtful legality, but that is not the point at issue in this case. A constituent of mine last week received one of these letters, and his first thought was to tear it up, but he noticed that it had been sent in an official Education Department envelope, and the letter appears to have been printed by some duplicating process that may or may not be Education Department property also. If I give the Minister the letter and the envelope, will he have this matter investigated for me?

The Hon. HUGH HUDSON: The short answer to the honourable member's question is obviously "No": it is not permissible. We have already received one complaint, not about this letter but about another instance, and it has been investigated. However, I shall be pleased if the honourable member will pass on the letter in his possession, together with the envelope, and I will see that this case is investigated also.

## STRATHMONT CENTRE

The Hon. D. N. BROOKMAN: Has the Minister of Works a reply to the question I asked last Thursday about why Dr. Forbes had not been invited to the opening of the Strathmont Centre?

The Hon. J. D. CORCORAN: True, Dr. Forbes in his previous portfolio of Commonwealth Minister for Health was not invited to the opening of the Strathmont Centre by His Royal Highness the Duke of Edinburgh. Unless the Government requests that certain people be invited to a function, it is normal procedure for the Royal Visit Director (Mr. Isbell) to determine invitation lists. The Director has informed me that, if there was any error in not inviting Dr. Forbes, the responsibility was his alone. However, the Director points out that he was aware, through the Commonwealth Director of the visit, that Commonwealth Ministers were attending certain functions in Canberra at which His Royal Highness would be present. In these circumstances, it has been the practice not to invite Commonwealth Ministers or members to State functions. Commonwealth authorities did not at any time raise with the Director the question of Dr. Forbes's not being invited to Strathmont Centre. I again emphasize that the Government did not intend to offend either Dr. Forbes or the Commonwealth Government in this matter.

The Hon. D. N. Brookman: Will you see that in similar circumstances, where the Commonwealth Government is involved, this does not occur again?

The Hon. J. D. CORCORAN: Yes, I will certainly look at that matter.

## TEACHERS' SUPERANNUATION

Mr. GOLDSWORTHY: Will the Minister of Education consider introducing amendments to the Superannuation Act in respect of those sections dealing with various benefits applying to teachers who retire before they reach the retiring age? Members have received a letter from the President of the South Australian Institute of Teachers (Mr. W. A. White), who refers to generous benefits bestowed on those who, when they are more than 12 months from the retiring age, retire on the grounds of invalidity (or bestowed on the widow in the event of the contributor's death). He also points out that those who are closer than 12 months to the retiring age and who retire are specifically excluded from these benefits and that, as a result, a fairly serious anomaly exists. In the light of this material presented to members, will the Minister consider introducing appropriate amendments to the Act?

The Hon. HUGH HUDSON: This matter arises from the revised Superannuation Act that was enacted in 1969 in the term of the previous Government. This Superannuation Act comes under the administration of the Treasurer and not under my administration;

teachers are part of the general superannuation scheme that applies to all public servants. As I think the honourable member will recall, the 1969 legislation introduced payment days and entitlement days. The day on which a Government employee became entitled to additional units was not necessarily the same day as that on which he started to pay for the additional units. Therefore, at that time there was a provision in the Act that, should the person concerned or his dependants become entitled to a pension between the entitlement day and the payment day (that is, before any additional units were contributed for), the benefits bestowed by those additional units would apply. However, the provision that had been in the Act for a long time, that any additional units to which a contributor became entitled in the last year of service had to be paid for in full, was continued. In this respect, the person concerned (Mr. Alexander, the former Headmaster of the Klemzig High School) was adversely affected, because he was invalided out of the service in his last year of service. The matter having been previously considered by the Treasurer, further consideration of it is now taking place. However, I point out that the anomaly, in so far as there was an anomaly, was that, although a certain benefit was bestowed on a prospective beneficiary, to be paid for additional units to which he had become entitled before any payment was made for them, this benefit was not extended to someone who was in his 65th year and in his last year of service. The matter has been discussed by Cabinet and will be further considered; as soon as an answer is available, I will inform the honourable member and the Institute of Teachers.

## HOUSING TRUST RENTALS

Dr. EASTICK: Has the Premier a reply to my question of December 1, 1970, about Housing Trust rentals?

The Hon. D. A. DUNSTAN: When sewer connections are made to existing Housing Trust areas the amount of $1 a week is added to the weekly rent. This amount is based on an estimated average cost of such connections, as the trust applies uniform rents for similar houses throughout its estates where practicable. In actual fact at Gawler the amount a house a week required for the necessary modifications to existing facilities (provision of pipes and Engineering and Water Supply connection fee) is 57 cents, while the current departmental sewer rate produces an additional 45 cents a house a week, making the total $1.02. I point out that the trust had previously used a figure of 75 cents a week but found this inadequate. In other localities, where hard digging is essential, the cost would be even greater than it is at Gawler.

## PRIMARY PRODUCERS

Mr. NANKIVELL: Has the Minister of Works a reply to the question I asked recently about financial assistance for primary producers?

The Hon. J. D. CORCORAN: The Minister of Lands has confirmed that there is no provision under the Primary Producers Emergency Assistance Act to advance funds to farmers in the circumstances outlined by the honourable member for the purchase of superphosphate. The specific purpose of this Act is to assist farmers in necessitous circumstances because of natural calamities such as drought, frost, etc. The draft agreement between the Commonwealth and this State under the Rural Reconstruction Scheme has been received from the Commonwealth. A Bill is now being drafted and it is expected that it will be introduced into Parliament this session. This legislation will provide funds for the purpose which the honourable member has in mind.

## MURRAY RIVER FERRIES

Mr. WARDLE: Has the Minister of Roads and Transport a reply to my recent question about the Murray River ferries?

The Hon. G. T. VIRGO: During the ferry committee's investigations, the question of reimbursement to lessees and payment to ferry operators was discussed with the lessees. Generally speaking, the conditions of employment and the arrangements made between the lessees and their employees were considered satisfactory and no adverse comments were received. The problem of anticipating possible cost increases over a three-year period was raised by a number of lessees. Provision has therefore been made in the current lease agreement for the premium to be adjusted in accordance with variations in the State living wage.

## RESERVOIR LAND

Mr. McANANEY: Can the Minister of Works say whether the people who will be affected by the acquisition of 32,000 acres of additional land near Mount Bold have been informed that their land will be acquired and, if they have not, when they will be informed?

The Hon. J. D. CORCORAN: Is it 32,000 acres or 3,200 acres?

Mr. McAnaney: I'm going on what is in the newspaper.

The Hon. J. D. CORCORAN: I think it may be 3,200 acres. As I do not know specifically whether people affected have been informed about this, I will inquire and let the honourable member know what is the position.

Mr. EVANS: Can the Minister of Works explain the proposal regarding the proposed Clarendon reservoir and adjoining catchment areas, including the catchment area of Mount Bold reservoir? A headline in today's *News* states that a $10,000,000 dam will be built, to hold 8,000,000,000 gallons, just above Clarendon. A report in the *Advertiser* last Thursday states that the Government intends to acquire a total of 32,000 acres, of which 10,000 acres has been acquired already, whereas today's report states that 3,200 acres has been acquired. Many persons have telephoned me during the weekend, expressing concern about the 32,000-acre proposal as the total area for the dam. This would be an area about 12 miles long by about four miles to five miles wide, and these persons are concerned that the area would take in complete townships such as Mylor and Bradbury and also take in much more than was originally envisaged by them. Also, persons within the catchment area would like to be assured that the reservoir will be built. It seems that it will be, although I have been asking questions about the matter for about two and a half years. If properties are to be acquired, will the Government do this readily so that the persons concerned may look for other properties on which to establish if they are concerned with primary production? There is concern in the area about the proposal involving 32,000 acres and the statement that about 10,000 acres has been acquired. Can the Minister state, as accurately as possible, when tenders for the work will be called and can he also state a commencement time for the project?

The Hon. J. D. CORCORAN: I did not see the statement in the newspaper last week to which the honourable member has referred. I did not make the statement: I think the Engineer-in-Chief made it. From what the honourable member has said, it seems that 32,000 acres is the total area and that 10,000 acres has been purchased already. The department's policy is to create a half-mile buffer zone around the reservoir. As the honourable member would know, this has been done by purchasing land around other reservoirs. So far as I am aware, the figure of 3,200 acres given in today's newspaper is correct. However, as the honourable member has raised the matter, I will check the position to be absolutely certain and find out what programme of purchase the department has in mind. I think other questions have been asked about whether people concerned have been notified, and I will also check that. Regarding the final point about the date of commencement of the dam, recently I approved expenditure of, I think, $94,000 for an exploratory adit to establish the foundations, and so on, for the dam. When the programme will proceed will depend entirely on the availability of Loan funds, but this project will be proceeded with. In other words, it will be given some priority: it will not be pushed aside each year because Loan funds happen to be tight. This is why at least $90,000 has been made available for the exploratory adit. I am fairly certain that the area is 3,200 acres, not 32,000 acres as reported.

## NATIONAL PARK TOILETS

Mr. PAYNE: Will the Minister for Conservation have special toilet facilities for handicapped people established at National Park, Belair? I originally raised this matter on July 29, last year, before the present Minister took office, since when I have received reports from various departments stating that standards for erecting this type of building exist, and that provision for such facilities is being made at the Glanville national resort. I understand that such facilities might be provided at Alligator Gorge and, although I welcome this, the provision of such facilities at National Park is overdue. If they were provided, the handicapped people could enjoy the natural beauty of the park which those who are more fortunate take for granted.

The Hon. G. R. BROOMHILL: I shall be happy to see whether anything can be done to relieve the matter to which the honourable member has referred.

## BOARD OF ADVANCED EDUCATION

Mr. MILLHOUSE: Does the Minister of Education intend to confer further with the council, staff or students of the South Australian Institute of Technology concerning the establishment of a board of advanced education? I have received a copy of the latest issue of *Ego 2*, the institute's paper, in which I see, to my regret, that the Minister is still under severe criticism for his attitude towards the institute on this matter. Even though the paper contains an article that he has

written in self-justification, no-one likes to see one's colleagues in trouble in this way. The editorial (at least I think it is an editorial) states:

The Minister of Education (Mr. Hugh Hudson) made a pilgrimage to the institute on March 11 and took one hour to tell us bugger all.

The article goes on to use language that I myself would not use. I do not know whether the Attorney-General intends to take action in this regard. I certainly would never have used that language.

The SPEAKER: Order! The honourable member must not comment.

Mr. MILLHOUSE: No, Sir. However, knowing the Minister as I do, I sympathize with the students who had to listen to him, and I can understand their complaint. As it is obvious that there is a widening gap between the Minister and the institute on this matter, I ask whether he intends to confer further on it with those at the institute.

The Hon. HUGH HUDSON: My door is always open to anyone that wants to come and see me, even including someone as juvenile as the member for Mitcham.

## NORTH ADELAIDE POLICE STATION

Mr. COUMBE: Has the Minister of Works a reply to my recent question regarding the rehabilitation of the North Adelaide police station?

The Hon. J. D. CORCORAN: The Commissioner of Police has examined proposals prepared by the Public Buildings Department for alternative courses of action in connection with the old North Adelaide Police Station. The Commissioner has indicated the need to retain the building and, in view of this decision, it has been necessary to check the accuracy of the cost estimate for restorative maintenance. The formulation of a firm proposal is now almost complete and a submission for expenditure approval will be made shortly. Subject to approval of funds and the determination of priority, it is planned to execute the work during the 1971-72 financial year.

## HOLDEN HILL SCHOOL

Mrs. BYRNE: Will the Minister of Education have the plans for the proposed permanent building to be erected at the Holden Hill Primary School examined to ensure that provision is included for a shelter shed, and will he, if possible, ascertain whether improvement can be effected in this direction now? I point out that the present shelter shed is inadequate and will worsen as the school's enrolment continues to grow.

The Hon. HUGH HUDSON: The Holden Hill Primary School has a standard shelter shed for that size of school and, if it is inadequate at that school, shelter sheds at every other school in the State would also be inadequate. Members will realize that to provide a higher standard of shelter shed accommodation at every school throughout the State would cost much money. If, as a consequence of the expected increased enrolment at the school, there is a need for additional shelter accommodation acording to the general standards that the Education Department applies, additional shelter accommodation will have to be provided.

## APPILA ROAD

Mr. VENNING: Has the Minister of Roads and Transport a reply to the question I asked the Minister of Works on March 18 regarding the promise to my predecessor to have the Appila-Laura road sealed by the end of 1968?

The Hon. G. T. VIRGO: I hope that the honourable member likes the reply. The regular checks on traffic densities on all main roads throughout the State made by the Highways Department do not show a sufficient traffic volume on the Appila-Laura road to give it priority for reconstruction and sealing. However, the position is being kept under review. No firm promise was made that the road would be sealed by the end of 1968.

Mr. Venning: It's in *Hansard*.

The Hon. J. D. Corcoran: That's not so.

The Hon. G. T. VIRGO: Although Mr. Heaslip, a former member of this House, was told in 1965 that consideration was being given to commencing work in 1968-69, this was when the forward planning programme was being reviewed, and subsequently work had to be deferred in favour of more urgent work on roads of a higher priority. The District Council of Port Germein was told in May, 1967, that traffic volumes were insufficient to warrant sealing. Similar advices were given to United Farmers and Graziers of South Australia Incorporated in July, 1968, and to the District Council of Laura in September, 1968, and again in May, 1969. In the meantime, main road grants are being given to assist general maintenance of the existing road, and all reasonable requests from the councils have been met.

Mr. VENNING: Will the Minister of Roads and Transport check the accuracy of the reply that he has given me today concerning the Appila-Laura road, compared to that given

to my predecessor? This can be checked by reading page 3383 of *Hansard* of November 2, 1967. On March 18, I asked a question and the Minister seemed to be guilty about its being overlooked.

The SPEAKER: Order! The honourable member is commenting.

Mr. VENNING: It was an observation, not a comment. At page 3383 of *Hansard* appears the following:

However, I shall use my good offices with my colleague to ensure that any assurance given to the honourable member will be honoured, and that, although Appila does not have a silo, it will have a sealed road by the end of 1968.

The Hon. G. T. Virgo: Who said that?

The Hon. J. D. Corcoran: That is not a guarantee.

Mr. VENNING: You forgot about it.

The Hon. G. T. VIRGO: The reply I have given the honourable member today is the factual position as applies at present. I can see no good purpose being served by asking the department to waste its time further in checking what was or may have been said.

## VALE PARK CROSSING

Mr. SLATER: Will the Minister of Roads and Transport obtain a report on the advisability of establishing a school crossing at Harris Road, Vale Park, near the Vale Park Primary School?

The Hon. G. T. VIRGO: Yes.

## SCHOOL WORKS

Mr. NANKIVELL: The Minister of Education has told me that he has replies to two questions I have asked about the provision of a toilet block at the Pinnaroo Area School and change rooms at that school and the Meningie Area School. If the Minister gives both replies now, I shall be pleased.

The Hon. HUGH HUDSON: I shall be delighted to comply with the honourable member's request.

Mr. Millhouse: As you were to comply with mine over the institute.

The Hon. HUGH HUDSON: The member for Mitcham loves peddling the garbage that other people put around. Regarding the Meningie Area School, it is expected that tenders for the new change room will be called next month and that the work will be completed towards the end of this year. Regarding the Pinnaroo Area School, the original request was for a new toilet block, and at a later stage a request for change rooms was received. It was then considered advisable to defer the construction of the toilet block until the project for the change rooms was ready, and then to build the two at the same time. At Tintinara there are separate change rooms for boys and girls, and a separate toilet block. There is a standard composite change room and toilet block, but it would not be large enough for the Pinnaroo Area School. The design of a large enough composite block would have involved further delay, so it was decided to proceed with the work on the separate change rooms and toilet block. Funds have now been made available for both projects, and the Public Buildings Department has informed me that tenders will be called as soon as possible.

## SAVINGS BANK LOAN

Mr. CARNIE: Can the Treasurer say whether the Savings Bank of South Australia insists that a person, before being granted a loan by the bank for rural purposes, has had a deposit with the bank of at least $2,000 for a specified period?

The Hon. D. A. DUNSTAN: As I would not like to hazard a guess about the exact situation regarding these loans, I will get a report from the Chairman of the Trustees of the Savings Bank for the honourable member.

## LOCK SCHOOL

Mr. GUNN: Has the Minister of Education a reply to my question regarding work on the ovals at the Lock Area School?

The Hon. HUGH HUDSON: The Honorary Secretary of the Lock Area School Committee has recently been informed that the quotations for the grassing and reticulation of the ovals have been examined by the Public Buildings Department and are acceptable. These are subsidized projects, the cost of which will be shared by the committee and the department. The quotation submitted for the ground formation work is also acceptable. However, this work is at full cost to the department, and, before the offer can be formally accepted by the school committee, it will be necessary for the required funds to be made available. When this expenditure has been approved, the committee will be told to proceed.

## HOSPITAL INQUIRY

Dr. TONKIN: Will the Premier say whether the Government has now reconsidered its decision to implement the recommendations of the committee of inquiry into hospital communications?

The Hon. D. A. DUNSTAN: The position is exactly as I put it to the honourable member previously. So far we have had no report from Dr. Shea that changes the Government's view.

## NARACOORTE EDUCATION

Mr. RODDA: In view of the statement attributed to the Minister of Education in the *Naracoorte Herald* this week, will the Minister say whether it will be his policy that, unless a country area has a potential enrolment of 5,000 persons for a place of tertiary education, the establishment of an institution will not be considered? I introduced a deputation from Naracoorte to the Minister early this year and, although it discussed a university in the South-East (at Naracoorte in particular), obviously, in view of the Minister's reported statement, this could not be considered. People at Naracoorte and in the South-East generally are interested in having a place of tertiary learning such as an institute of technology. Can the Minister elaborate on the press statement?

The Hon. HUGH HUDSON: I have not seen the article to which the honourable member has referred. I think the figure of 5,000 used for an institute was included for illustrative purposes. The same would apply in relation to an institute accommodating 1,000 students. The capital cost of residential accommodation is the great bottleneck of providing this kind of establishment. The honourable member will appreciate, from reading his local newspaper, that a Commonwealth subsidy is available for residential accommodation. However, even if a college of advanced education project for 1,000 students had been approved by the Wark Committee, more than $2,500,000 of State Government funds would have had to be used. In circumstances in which we are so poorly off in providing proper school accommodation and where at the tertiary level we still have to commence building at Murray Park, Western Teachers College has to be rebuilt, and other expansion programmes continued, even for about 1,000 students the expenditure of State funds of such magnitude is not within our present financial ability. I think I made the point in the statement to the *Naracoorte Herald* that, if the Commonwealth Government wished to encourage the decentralization of these institutions, it should be aware of the financial difficulties of the States and be prepared to treat the funds necessary for residential accommodation on a special basis. I think that if the honourable member checked with the University of New England, the Townsville university, or other establishments in country areas in other States where residential accommodation has had to be provided, he would realize that, where an establishment of such an institution occurs, the rate at which it can develop is slowed down considerably by the heavy cost of forever increasing residential accommodation. I believe that we should be looking in this direction, but I believe that, in the interests of decentralization, the Commonwealth Government must consider the possibility of taking over the full responsibility of providing residential accommodation.

## LEGISLATIVE COUNCIL ROLL

Mr. McANANEY: Has the Premier a reply to the question I asked five weeks ago about the cost of Government advertising concerning the obtaining of Legislative Council enrolments?

The Hon. D. A. DUNSTAN: I have asked the Secretary to the Attorney-General for a report but, as it has not yet been given, I will ask him again.

## EDUCATION EXPENDITURE

Mr. HALL: Has the Minister of Education further information in reply to my previous question concerning the increased allocation for education this year from the financial resources of the Government?

The Hon. HUGH HUDSON: Current estimates of Education Department expenditure for 1970-71, together with original estimates, and actual expenditure for 1969-70 are as follows:

| Item | Actual 1969-70 | Orig. est. 1970-71 | Latest 1970-71 estimates |
|---|---|---|---|
| | $ | $ | $ |
| Salaries and wages . . . . . | 54,500,000 | 62,100,000 | 64,400,000 |
| Contingencies . . . . . | 10,600,000 | 12,600,000 | 13,200,000 |
| Total . . . . . | 65,100,000 | 74,700,000 | 77,600,000 |

The salaries and wages estimate makes no allowance for possible increases that may arise from a current teachers' salaries claim. The percentage increase on actual expenditure in 1969-70 is now expected to be 19.2 per cent and, depending on the award made by the Teachers Salaries Board in the case now before it, could be as high as 22 per cent.

Mr. HALL: Will the Attorney-General say why he misled electors in his district by giving

incorrect information about the Government's budgetary position in regard to education? The Attorney-General has circulated in his district a letter, dated February 27, 1971, in which he says, under the heading "Education":

The Labor Government's Budget provided for an increase of 23 per cent over last year's provision for education.

The Treasurer, in writing a letter to trade unionists which he signs "Yours fraternally", states:

We therefore moved immediately to provide service pay to daily and weekly-paid Government employees costing some $6,500,000, a 15 per cent increase in education expenditure and a 20 per cent increase in spending on health and hospitals.

The Minister of Education, in giving me some figures this afternoon, has said that the 14.7 per cent projected increase in the education budget may reach—

The Hon. Hugh Hudson: Will reach!

Mr. HALL: The Minister says it will reach 19.2 per cent after the present known wage increases and awards for education have been applied. However, I draw the Attorney-General's attention to the wording of the letter to his constituents, namely, that the Labor Government's Budget provides for an increase of 23 per cent. This is obviously completely incorrect by a substantial sum, and I ask the Attorney-General why he misled people in his district in this way.

The Hon. L. J. KING: I have been asked many questions in my time, such as, why do I not stop hitting my wife, and, when I am asked why did I mislead the electors, the reply is simply that I did not. The figure contained in the pamphlet issued to the electors of Coles is accurate—

Mr. Hall: It is not.

The Hon. L. J. KING: —and it is also consistent with the figures supplied to this House by the Minister of Education and the Treasurer.

Mr. Hall: You know it isn't!

The Hon. L. J. KING: Does the Leader mind if I answer the question? The figure of 23 per cent, which is included in the pamphlet issued to the constituents of Coles, represents the overall excess of the figure budgeted for in respect of education over the figure of the previous year and includes the sums budgeted for tertiary education and the other matters included in the "Miscellaneous" lines. If the Leader would like full particulars of that, they can be supplied.

## SCIENTOLOGY

Mr. MILLHOUSE: Can the Attorney-General say whether the Government intends to introduce a Bill either to amend or to repeal the Scientology (Prohibition) Act? Some members will recall that this Act was passed, I think, at the beginning of 1969. Since the present Government took office, there have been rumours to the effect that the Government does not intend to seek the repeal of the Act but, indeed, members of the Party opposite opposed the Bill when it was being considered in this House. I understand that the records that were seized by the police on the instructions of the previous Government, soon after the Bill was assented to, have been returned to the scientologists. I did not exercise the power given under the Act to have those records destroyed, and they were still stored when we went out of office.

The Hon. L. J. KING: The only records of scientologists which have been returned, to my knowledge and with my authority, were certain tapes that contained nothing more, I was assured by police officers, than recordings of the teachings of scientology, apparently made by the gentleman whose name I have forgotten—

Mr. Millhouse: Hubbard.

The Hon. L. J. KING: Yes; and, of course, there were other records that had been seized, in addition to those that have been returned. The repeal of the Act is obviously a matter of Government policy; it has not arisen for consideration by the Government, but, if it does arise, a decision will be made by Cabinet.

## GALWAY AVENUE JUNCTION

Mr. COUMBE: Has the Minister of Roads and Transport a reply to the question I recently asked about traffic congestion at the Galway Avenue junction at Collinswood and about any steps that may be taken to solve this problem?

The Hon. G. T. VIRGO: Galway Avenue is being reconstructed to plans prepared by the Corporation of the City of Prospect. The plans, which are acceptable to the Highways Department, include treatment of the junction with North-East Road. It is expected that the contractors doing this work will complete intersection reconstruction by the end of April. At present, traffic signals are not scheduled for installation in the current five-year programme. A number of factors may influence traffic patterns at this intersection, namely, traffic signals to be installed

at the Smith Street and Gawler Terrace junction, the removal of the pedestrian crossing, and control of traffic from the Australian Broadcasting Commission studios. A reassessment of these patterns may then enable consideration to be given to earlier installation of traffic signals.

## WOMBATS

Mr. EVANS: Will the Minister of Works confer with the Minister of Lands and ascertain when I may expect a reply to the question I asked on February 24 about the possibility of the Lands Department's poisoning wombats along the dog-proof fence?

The Hon. J. D. CORCORAN: Yes.

## DEEP SEA PORT

Mr. VENNING: Can the Minister of Marine be more specific concerning his reply to me last week about the completion of evidence and the decision on the location of the next deep sea port in South Australia? Last week, the Minister said:

It is not possible at this stage to predict the date of completion of the inquiry but it is unlikely to be before July, 1971.

That is a little bit like the stories told—

The SPEAKER: Order! The honourable member is commenting.

Mr. VENNING: The reply given is meaningless, and I ask the Minister to be more specific. It is like saying—

The SPEAKER: Order! The Minister of Works.

The Hon. J. D. CORCORAN: Mr. Speaker, you have spoilt the honourable member's day: he wanted to tell a little story. I cannot be more specific; the committee has its terms of reference and is doing its work. I inquired of the committee at the honourable member's request to find out when it was likely that its report would be in my hands, and that was the reply I received.

Mr. Venning: It doesn't mean a thing.

The Hon. J. D. CORCORAN: If it does not mean a thing to the honourable member, he will have to wait until the report is in my hands.

## ELLISTON SCHOOL

Mr. GUNN: Has the Minister of Education a reply to the question I recently asked about the Elliston Special Rural School?

The Hon. HUGH HUDSON: My officers inform me that the accommodation at the Elliston Special Rural School is particularly generous, taking into account the enrolment and the number of secondary students involved. For an enrolment of 88 primary and 12 secondary students, the accommodation consists of one solid and three timber classrooms and one small classroom, together with a craft room. There is a staff of five teachers. A new science block is programmed for erection beginning on April 19 this year.

## LOTTERIES

Mr. MILLHOUSE: Can the member for Tea Tree Gully, as Chairman of the Subordinate Legislation Committee, say what action, if any, the committee is taking regarding the regulations under the Lottery and Gaming Act concerning lotteries. I thank the honourable lady for coming back into the Chamber so that I could ask her this question. I notice in the minutes of proceedings which she has tabled this afternoon that today the committee resolved that consideration of those regulations should be adjourned. I remind you, Mr. Speaker (I am sure she knows), that next Thursday is the last day on which notice of disallowance may be given in this Chamber.

The Hon. J. D. Corcoran: Your mate up the road is doing it for you.

Mr. MILLHOUSE: As members of this House are in charge of their own business, they have a responsibility in this matter.

The Hon. G. T. Virgo: You're still not talking to Legislative Councillors.

Mr. Clark: He could hardly be blamed for that.

The SPEAKER: Order! The honourable member must ask his question.

Mr. MILLHOUSE: Only two days are left and all members in this Chamber are interested in knowing what the intentions of the committee may be in this matter so that we may plan our own action.

The SPEAKER: The honourable member for Tea Tree Gully does not have to reply to the question unless she wishes to do so.

Mrs. BYRNE: I point out to the member for Mitcham, and to any other member interested, that the committee is well aware of the fact that the final date for the disallowance of regulations under the Lottery and Gaming Act is April 1. The matter is still being considered by the committee. True, the committee met this morning, but it is also having a special meeting tomorrow morning, when witnesses will give evidence and, if necessary, another meeting may be held on Thursday.

## BREAD

Mr. COUMBE: Can the Minister of Labour and Industry say whether he will take further action in respect of weekend baking? About

two weeks ago, in reply to the member for Light, the Minister said:

My first consideration has concerned the requirements of the public and, until I am satisfied that a change in the regulations will be in the best interests of the public, I will be taking no action.

Is the Minister aware that I made a very similar statement when I was a Minister two years ago? How does the Minister equate his recent statement to which I have referred with the statement made by his Government soon after assuming office that it intended to introduce a five-day baking week? Finally, does the Minister intend to take any action at all in this matter?

The Hon. D. H. McKEE: If the position was reversed and if I asked the honourable member, as Minister, the question he has asked me, I know what the answer would be, and so does he.

## UNION MEMBERSHIP

Dr. EASTICK: Has the Minister of Labour and Industry a reply to my recent question about a constituent of mine who wishes to join a union?

The Hon. D. H. McKEE: The constituent to whom the honourable member refers should come under the award for the Storemen and Packers Union. Only this morning I had discussions with the Secretary of the union, and he will be pleased to sign up the honourable member's constituent as a member. I congratulate the honourable member on taking up this matter on behalf of his constituent, and I also congratulate his constituent on wishing to join a union.

## SEAWEED

Mr. VENNING: Has the Premier, as Minister of Development and Mines, a reply to the question I asked on November 19, 1970, about seaweed at Port Broughton?

The Hon. D. A. DUNSTAN: The Director of Fisheries and Fauna Conservation reports that "nori" is the name given to a dried Japanese seaweed product derived from the red seaweed *porphyra atropurpurea* which is mostly harvested by hand in the Philippines, Indonesia and Hawaiian Islands. It is known to occur in Australian waters but not in quantities sufficient for commercial harvesting. Unless the cultivation methods presently known to Japanese algologists have been immeasurably improved, it is not believed that the seaweed can be grown commercially and exported with a margin of profit from South Australia.

## COOBER PEDY WATER SUPPLY

Mr. GUNN: Has the Minister of Works a reply to my recent question about the Coober Pedy water supply?

The Hon. J. D. CORCORAN: The present price of water at Coober Pedy is $1.20 a hundred gallons. Our overall production costs in this area are very much more than the price charged. In view of this and of the increasing demands for water at Coober Pedy a reduction in price cannot be recommended at this time.

## LICENSING ACT

Dr. EASTICK: Can the Attorney-General say whether he intends this session to introduce legislation to amend the Licensing Act and, if he does, is he available at present to receive representations from the industry in respect of alterations it deems necessary? The weekend press indicates that a decision of the Full Bench of the Licensing Court on February 25 has created difficulties under the Licensing Act in respect of groups of persons or individuals holding more than one licence. Vignerons are concerned about their licence because they are not permitted to deliver parcels of wine to unlicensed persons, even though this practice, which was in vogue for many years before the recent alteration to the Licensing Act, is most important with regard to the activities of promotion and publicity by this section of the industry, more particularly for persons who do not have direct access to the vigneron's cellar door, at which a contract must be made. If the Minister intends to introduce amendments this session, many vignerons who have a licence to sell at the cellar door would like to acquaint him of the difficulties that they see in the industry and would like to make representations to him regarding necessary alterations concurrent with those, the necessity for which has been brought to his attention.

The Hon. L. J. KING: I had hoped it would be possible to introduce some amendments this session. However, we are nearing the end of the session, there is still much business on the Notice Paper to be disposed of, and there is still much work in the hands of the Parliamentary Counsel. It would be impracticable at this stage to introduce amendments prior to the close of the session. I have had representations from trade interests on both matters raised by the honourable member. However, both matters require much consideration and discussion with the people in the trade who are interested in

them. Although it is impracticable to introduce amendments on either of these topics this session, I will consider introducing such amendments next session. Regarding the other part of the honourable member's question, I shall be happy in the meantime to receive representations from those who are interested as to what the amendments ought to be.

## WORKING WEEK

Mr. RODDA: Will the Minister of Labour and Industry say whether the Government is pursuing the introduction of the 35-hour week? I remind the Minister that a difficult situation is confronting the State, and that productivity is one of the main factors involved in this matter. However, in view of the statements he made when assuming office, that he was on the side of the workers (for which we do not blame him), I ask the Minister what is his policy regarding the introduction of the 35-hour week.

The Hon. D. H. McKEE: As the honourable member would be aware, a 35-hour week exists in some areas of Australia at present. However, the court, not I, must decide this matter.

Mr. Rodda: Do you support it?

The Hon. D. H. McKEE: Naturally, I do. If the people desire this and the courts agree to it, I will support the move to have a 35-hour week. However, the Premier answered this question adequately last week.

## MURDER PHOTOGRAPH

Mr. MILLHOUSE: Has the Attorney-General further information to give the House regarding the pictures that appeared in the *City Pictorial* and subsequently in *Pix* regarding the murder that was committed last year at a city hotel?

The Hon. L. J. KING: This matter has been referred to the Police Department for investigation and, so far as I know, a report has not yet come to hand.

## TRADE AGENCIES

Mr. BECKER (on notice): What new trade markets and benefit have the South Australian agencies obtained in South-East Asia and Japan since their appointment?

The Hon. D. A. DUNSTAN: The South Australian agencies have initiated many negotiations, the results of which may not be known for some time. Trade inquiries obtained by the agencies are being taken up with the South Australian manufacturers through the Industrial Development Branch of the Premier's Department.

## POLICE PENSIONS

Mr. BECKER (on notice): Does the Government still intend to introduce legislation to amend the Police Pensions Act this session? If so, when?

The Hon. D. A. DUNSTAN: Legislation to amend the Police Pensions Act will not be introduced during the present session, as the drafting of amendments cannot be completed within the time remaining. However, the amendments will be made retrospective to May 1 to ensure that the delay will not adversely affect any prospective pensioner.

## CRIMINAL INJURIES COMPENSATION

Mr. MILLHOUSE (on notice):

1. How many claims have been made under the Criminal Injuries Compensation Act?
2. How many have been met?
3. How many are pending?
4. What is the total amount paid out under the Act?

The Hon. L. J. KING: The replies are as follows:

1. Three.
2. Nil.
3. Two. One claim has been withdrawn.
4. Nil.

## LAW REFORM COMMITTEE

Mr. MILLHOUSE (on notice):

1. Has a secretary been appointed to the Law Reform Committee following the death of Mr. Edwards?
2. If so, who has been appointed?
3. If not, when will an appointment be made?

The Hon. L. J. KING: The replies are as follows:

1. No.
2. Not applicable.
3. It is not intended to fill the vacancy. The Chairman (Mr. Justice Zelling) has agreed that he can cope with the situation with the assistance of his private secretary-stenographer.

## SOCIAL WELFARE

Mr. MILLHOUSE (on notice): Does the Government intend to introduce amendments to the Social Welfare Act this session? If so, when?

The Hon. L. J. KING: No.

## TRADING HOURS REFERENDUM

Mr. MILLHOUSE (on notice):

1. How many electors failed to vote at the referendum on September 19, 1970?
2. How many electors have advanced reasons for not so voting?

3. Of those, how many have been accepted as having had valid and sufficient reasons?

4. Of those who, in the opinion of the Returning Officer for the State, did not have valid and sufficient reasons, how many have consented to have their cases dealt with by him?

5. What sum has been paid by them?

6. Of those who have not so consented, against how many have summonses been issued?

7. Is it intended to summons any others? If so, how many? If not, why not?

8. Have any electors been convicted of the offence of not voting? If so, how many?

The Hon. L. J. KING: The replies are as follows:

1. 50,181.

2. 49,960. This figure includes those electors that the Returning Officer for the State was satisfied had a valid and sufficient reason for not voting and, in consequence, pursuant to the provisions in section 118 (*a*) (4) did not send a notification. Also included in this figure are the cases of electors' notices returned unclaimed by postal authorities.

3. 49,793.

4. 102.

5. $204.

6. Nil; 55 are in the course of preparation.

7. Yes. Summonses are at present being prepared in respect of 221 electors who failed to reply to any of the three notices and 194 whose third notices were returned unclaimed. The administrative work concerned with this volume of prosecutions has prevented the State Electoral Department from initiating prosecutions earlier.

8. No. No court cases have yet been heard.

## NOARLUNGA FREEWAY

Mr. MILLHOUSE (on notice):

1. Were the views of the 5,679 electors who signed the petition, praying the Government *inter alia* immediately to reject the M.A.T.S. recommendations to build the Noarlunga Freeway, presented to the House by the then member for Edwardstown on September 19, 1968, taken into consideration by the State Planning Authority in making the recently anounced decision on the route of this freeway?

2. If so, were these views accepted?

3. If not, what were the reasons for rejecting them?

4. Were the views expressed by the then member for Edwardstown in speeches in the House taken into account by the State Planning Authority in making this decision?

5. If so, were they accepted?

6. If not, what were the reasons for rejecting them?

The Hon. G. R. BROOMHILL: The replies are as follows:

1. The State Planning Authority is currently amending the 1962 Metropolitan Development Plan in accordance with Government policy arising from the report of Dr. S. Breuning. As the Government's policy is not inconsistent with either the prayer of the petition or the speech of the then member for Edwardstown in support of the petition referred to by the member for Mitcham, no useful purpose would have been served to require the State Planning Authority to take the petition's views into account.

2 to 6. These questions have no application, bearing in mind the reply to question No. 1.

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## WANBI TO YINKANIE RAILWAY LINE

The SPEAKER laid on the table the interim report by the Parliamentary Standing Committee on Public Works on Wanbi to Yinkanie Railway Line.

Ordered that report be printed.

## BUILDING BILL

(Continued from March 24. Page 4374.)

The Legislative Council intimated that it did not insist on its amendment No. 13 but insisted on its amendments Nos. 1 to 5, 8, 10, 11, 16, 17, 20, 24, 25 and 37.

Consideration in Committee.

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

That disagreement to the Legislative Council's amendments be insisted on.

Last week we agreed to 25 of 40 amendments made by the Legislative Council and the remaining 15 were unacceptable. The Legislative Council is now not insisting on only one of those 15. It seems that some of these amendments are so important that the future of the whole Bill will be in jeopardy unless some area of agreement is reached.

The Hon. D. N. Brookman: Can you outline the amendments and tell us their numbers?

The Hon. G. T. VIRGO: We have disagreed to the Legislative Council's amendments Nos. 1, 2 and 3 and the Legislative Council now insists on those amendments. The relevant clause deals with the area of the State in which the Bill shall have application. The difference between the two approaches is that we say that the Bill should apply throughout the State

except in areas where the Governor, by proclamation, grants exemption, whereas the other place says that the Bill should apply only in those areas where councils ask that it apply.

There are cases in which, because councils have not sought the application of the legislation, it does not apply there. Perhaps the best example is Port Pirie, where the legislation applies within the corporation area but not in the council area. The housing development in the corporation area has spilt over into the council area and houses on one side of the street are subject to the legislation, whereas those on the other are not. This is ludicrous.

Where councils fail to do what they should do, the legislation ought to do it for them. That is why the Bill has been so framed. It does not embrace the whole State without exception, although some members think it does. There is provision for exemption.

The point of disagreement regarding the Legislative Council's amendments Nos. 4 and 5 concerns the definition of "building work". Although the Parliamentary Counsel has been as explicit as possible, he has had to use the rather embracing words "any other work that may be prescribed". The fact that "may be prescribed" is used means that it must be prescribed in the regulations. The Legislative Council wants to delete these words. The result of that would be that many structures could be erected outside the provisions of the legislation. Although I have not asked the Crown Solicitor or other lawyers for an opinion, there is a doubt that a swimming pool, a retaining wall, or a high brick fence would be covered. We should not leave this sort of doubt.

The Hon. J. D. Corcoran: We went over all this the other evening.

The Hon. G. T. VIRGO: Yes, but the member for Alexandra has asked me to go over it again. The Legislative Council's amendment No. 8 deals with a building surveyor being able to obtain additional information to provide to a council. By amendments Nos. 10 and 11, the Legislative Council wants the council to state in detail why an application is rejected. In other words, it wants to ask councils to write the specifications. It is ludicrous to go on with these things. The remaining matter of conflict is about all Government buildings being included.

Mr. McAnaney: That's good.

The Hon. G. T. VIRGO: I am pleased to hear that, because the honourable member, like the Legislative Council, is advocating that the Government's building programme be reduced. This provision would cost at least $500,000 and that money would not be available for public buildings such as schools and hospitals.

The Hon. D. N. BROOKMAN: I am not impressed by the Minister's arguments.

The Hon. G. T. Virgo: I wouldn't expect you to be. You ought to be in the other place, anyway.

The Hon. D. N. BROOKMAN: The Minister's argument is paternalistic. He says that, when a council fails to do what it should do, we will do it for the council. It is up to adjoining councils to consider differences in application of the legislation. It is not for us to say that, because there is a difference of opinion, the councils must observe what Parliament lays down. I do not agree with the Minister, and the other place is justified in making this amendment. It is also justified in striking out "any other work that may be prescribed" from the definition of "building work". The Government is introducing legislation that it can deal with as it likes by proclamation.

This Parliament always tries to insist that it should be able to exercise control over Government activity, not try to nose into matters that are merely administrative. The definition in the Bill is obviously a wrong one to accept, and I do not agree with the Minister about the amendments.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs. Broomhill, Coumbe, Evans, Harrison, and Virgo.

Later, a message was received from the Legislative Council agreeing to a conference to be held in the Legislative Council conference room at 2.30 p.m. on Wednesday, March 31.

## FRUIT FLY (COMPENSATION) BILL (SEATON)

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

The Hon. J. D. CORCORAN (Minister of Works) obtained leave and introduced a Bill for an Act to provide for compensation for loss arising from measures to eradicate fruit fly. Read a first time.

The Hon. J. D. CORCORAN: I move:

*That this Bill be now read a second time.*

This is the second measure of this kind that has come before the House in this part of the session. In the usual form of measures of this

nature, it relates to the most recent outbreak of fruit fly: that is, the outbreak in the Seaton area. In substance it provides for compensation for losses sustained by commercial and domestic fruitgrowers consequent upon the eradication campaign. Clause 2 makes the appropriate provision for compensation and clause 3 provides for the lodging of claims by August 31, 1971.

It is estimated that, from about 350 domestic properties attended to, 100 claims will arise, and that compensation of about $3,000 will be payable in respect of those claims. In addition, a further $1,000 will be necessary to meet certain commercial claims so, in all, the compensation payable under this Bill will be about $4,000.

The Hon. D. N. BROOKMAN (Alexandra): With the open-mindedness and spirit of co-operation characteristic of the Opposition, I endorse the Bill.

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

## LOTTERY AND GAMING ACT AMENDMENT BILL (POOLS)

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Lottery and Gaming Act, 1936, as amended. Read a first time.

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

*That this Bill be now read a second time.*

Its main purpose is to enable small on-course totalizator dividend pools conducted by or on behalf of country racing clubs to be amalgamated with the metropolitan on-course dividend pools. The Totalizator Agency Board has received many requests from country racing and trotting clubs to conduct, on behalf of those clubs, an on-course totalizator service. However, the attendances on-course at some country meetings are not large, and it is considered impracticable and uneconomical to operate a totalizator at some of those meetings and declare dividends on the small pools that would be available for each race.

In order to provide the totalizator service at these meetings, and at the same time additional revenue for those clubs, it would be necessary to enable the small country on-course totalizator dividend pools to be amalgamated with the larger metropolitan on-course dividend pools and one set of dividends calculated, declared, and paid for each amalgamated pool. Also, at many country meetings the fields are comparatively small, and it would be uneconomical to conduct a totalizator only on the local races.

Section 15a of the principal Act, as it now stands, enables a racing club to carry over its totalizator dividend pool from one day to another, and to transfer its totalizator dividend pool to another club subject to the regulations, thus enabling a club to conduct a jack-pot totalizator with power to carry over the jack-pot. Clause 2 amends section 15a by extending the jack-pot totalizator provisions to enable a racing club to amalgamate its on-course totalizator dividend pool with any other dividend pool available for the payment of dividends in the same or any other totalizator conducted by that club or any other racing club. The other amendments of the clause are consequential. Clause 3 makes a consequential amendment to section 28 of the principal Act.

Mr. HALL secured the adjournment of the debate.

## CONSTITUTION ACT AMENDMENT BILL (VOTING AGE)

(Continued from March 25. Page 4421.)

Consideration in Committee of the Legislative Council's message.

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

That disagreement to the Legislative Council's amendments be insisted on.

I think that it is unnecessary for me to reiterate the reasons I gave last week in moving disagreement to the Legislative Council's amendments and that it is sufficient to say that the reasons I then advanced are, in my judgment, still valid.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs. Dunstan, Hall, King, Payne, and Venning.

Later, a message was received from the Legislative Council agreeing to a conference to be held in the Legislative Council committee room at 2.30 p.m. on Wednesday, March 31.

## PLACES OF PUBLIC ENTERTAINMENT ACT AMENDMENT BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

Adjourned debate on second reading.

(Continued from March 25. Page 4411.)

Mr. HALL (Leader of the Opposition): This represents another of the unpleasant packages that the Treasurer is introducing,

one by one, to increase the Government's revenue-raising sources. I believe the measure has been hastily thought out and is therefore being applied in a way that seems, on the surface at least, unjust to the industry concerned, that is, the cinema industry in the main. The history of entertainment tax in Australia has varied: my information is that it was first levied by the Commonwealth Government and introduced by a Commonwealth Labor Government led by the late Mr. Billy Hughes in 1916, actually operating from January 1, 1917. The tax was gradually lifted after the First World War, and in 1924 it applied only to admission charges of 2s. 6d. and upwards. In 1933, the Commonwealth Government vacated the entire field in favour of the States, as part of the financial arrangements made with the States to enable them to recover from the financial effects of the depression.

The Commonwealth Government, in 1942, took over from the five States (Queensland did not levy the tax) in this field as a wartime measure. This power was handed back to the States in 1953, when the tax was suspended in South Australia and no longer applied. Western Australia, Queensland and New South Wales do not appear to levy an entertainment tax at present. In Victoria, which resumed the tax in 1953, I understand it applies at present only to racing and trotting. Tasmania, which has an entertainment tax of 10 per cent of admissions over 60c, raised $72,000 in 1967-68, on the latest figures that I have. It is interesting to see how the Government intends to divide its loyalties in this way: it will take money from some in the entertainment field and give it to others. The Government is granting subsidies (quite rightly so: I recall that as Premier I was involved in granting significant increases in some of these fields) to the Adelaide Repertory Theatre, the Arts Council of Australia, the Institutes Association of Australia (of course, for recreational reading)—

The Hon. D. A. Dunstan: There's no entertainment tax on that.

Mr. HALL: That is so. The Treasurer is providing a significant sum for all these organizations and, as he rightly says, there is no entertainment tax on the use of the Institutes Association's facilities. The Government is continuing to grant subsidies to the various organizations, including also the South Australian Symphony Orchestra and other organizations in the entertainment field, yet people who go to the cinema, which provides a form of entertainment, art and culture, will pay an entertainment tax. Why on earth is the Government singling out certain sections of the entertainment industry in this way? Why is it being so unfair as to subsidize some and penalize others? On what basis does the Government put a blanket tax on admissions of over $1, knowing that this will hit the cinema industry in the main? I have received a protest from the South Australian Motion Picture Exhibitors Association regarding this Bill, and the letter in which that protest is made states:

Following the Premier's announcement to levy the places of public entertainment tax of 7½ per cent on all admission charges in excess of $1, we would like to present some facts that would indicate that the Premier has not considered this field very closely before effecting this impost. At this stage, we are given to understand that this is to be applied in the form of a licence fee, and the amount is irrecoverable by passing the levy on to the persons being entertained. This situation would appear to be completely unjust, as it singles out a particular industry to carry the burden, unlike the other proposed tax increases announced. These will be passed to the public automatically. The Electricity Trust, being a public utility and the sole supplier, will not cease operation if the 3 per cent levy becomes an economic impossibility.

So the first part of this letter indicates that the motion picture theatre exhibitors—

The ACTING DEPUTY SPEAKER (Mr. Ryan): Order! The Leader is referring to some other legislation before the House. I cannot allow those remarks to stand.

Mr. HALL: On a point of order, Sir, to which legislation am I referring?

The ACTING DEPUTY SPEAKER: That dealing with electricity tariffs.

Mr. HALL: No; that was a quotation from a letter.

The ACTING DEPUTY SPEAKER: It is out of order to refer to a debate on a measure that has been before this House this session.

Mr. HALL: I accept your ruling, Sir; the reference is completely irrelevant, anyway. You are quite correct. It appears, therefore, that the motion picture exhibitors understand that they are not to be allowed to pass on the additional cost. Is the Treasurer serious in this or has he reassurred the motion picture exhibitors that they can pass on the cost? Does he believe they can stand a 10 per cent impost? He can reply to these questions in Committee, but it appears that the fears of the industry here must be allayed. This tax would be impossible if the industry had to bear it within its present charges. Does the Government intend to try to escape the political odium

attaching to the industry's having to face an entertainment tax on its tickets and placards? Does it intend to try to escape the odium arising from that by some form of licence fee that it will expect the industry to absorb in the first few months? These questions must be answered in Committee, because it would be impossible and unjust to expect the industry to bear this charge in the light of the information contained in this letter, which continues:

If the Premier eventually agrees to allow the entertainment industry to pass this charge on to the public, which in all common sense he must agree to do if he wishes to keep this business solvent, it is felt that the price range in which this levy is applied is definitely slanted at a class. The simplest inquiry would have shown that this industry has been through a torrid period since the advent of television. Everywhere there is evidence of the effect of this medium on a once flourishing industry. Does he consider that those theatres still open might be even now still financially troubled and this levy will be the death knell of more theatres? If the commercial outlets for film no longer exist, where will the great Australian film productions of the future be exhibited to enable the Government, in association with the promoters, to recover its print costs? Without a home market, no film production is a success.

Being unable to quote a total industry position, it would be sufficient indication to say that one major operator in this State running 14 situations claims an attendance drop ranging up to 30 per cent for six situations over the period December, 1969, as against the same period in 1970. For the eight-week period January-February, 1970, as against 1971, with a recent price rise, attendances show a drop ranging to 23 per cent in seven situations. Strong evidence of buyer resistance to increased admission prices is obvious. To maintain solvency due to a progression of receding audiences, the film industry has been forced over the years to adjust admission prices to offset this situation. Evidenced by the number of past closures of theatres, this principle has not been the solution to maintaining a profitable operation.

This does not appear to be a lucrative field to be levied without considerable thought as to the total effect. At this stage, attention is drawn to recent rises in staff costs experienced since December, 1969, to March, 1971, expressed as a percentage increase for staff members:

| | Per cent |
|---|---|
| Manager | 13.16 |
| Assistant Manager | 13.03 |
| Head Operator | 15.75 |
| Operator | 15.98 |
| Assistant Operator | 22.20 |
| Cleaner—male | 18.69 |
| Cleaner—female | 21.31 |
| Booking Clerk | 22.59 |
| Usher | 18.18 |
| Electrician | 12.00 |

These percentages average an overall increase of 17.28 per cent in a little over 12 months.

Arbitration has seen fit to alter working conditions, increasing operating costs, which are unable to be expressed at this stage as a percentage, but below is a list of the alterations and the physical effect.

November 6, 1970:

(1) Annual leave increased from three to four weeks.
(2) Protective clothing to be supplied and laundered.
(3) Overtime will commence at 11.15 p.m. Previously this could be accommodated in normal working time by rostering.
(4) Actual operating time has been reduced by a minimum of 70 minutes a week. In some situations this has been reduced by 140 minutes.
(5) Certain allowances have been increased and their application altered so that it is impossible to roster without paying one or the other of two allowances: it could result in a payment of $7.50 for meals or mileage a week.
(6) Assistant operators have been graded, making considerable additional payments for years of service.
(7) It is certain that in November, 1971, an application for a five-day working week will be presented for consideration.
(8) Wage increase.

January 7, 1971, 6 per cent national wage increase. In view of the foregoing remarks, the Premier's decision to levy the entertainment industry must have been made without investigation of the ability of the industry to pay. It smacks more of the thought "Whatever happened to entertainment tax?" with no thought of why it was removed. The exhibitors' association of South Australia registers a strong protest to the proposed legislation; and, for those situations still operating should this levy be proceeded with, we seek that it be possible to pass this charge direct to the public.

We have heard much from the Treasurer about the excise imposed by the Commonwealth Government on wine sales. He has vilified that Government for downgrading that industry economically by the imposition of the excise; yet he stands up in this Chamber and places a tax on an industry in South Australia that is at least in as much trouble as is the wine industry of which he speaks. What are his motives for, on the one hand, criticizing so harshly the Commonwealth Government for imposing a tax and, on the other hand, supporting the imposition of this type of tax on an industry that provides employment in South Australia for hundreds, or thousands, of people, whose employment is threatened by this tax? Of course, there is no logical or moral connection between those two motives. If the Treasurer stands firm on one, he should stand firm on the other. Because

of the instances given by the motion picture exhibitors, one can expect that the attendances will inevitably fall when this 7½ per cent levy is added to the cost of tickets to the value of $1 and over. The inevitable result will be a drop in patronage.

The question therefore remains: why is it that the Treasurer has chosen this industry, which has been free of tax in this State since the end of the Second World War (I do not know the exact year), as the one on which to resume taxation? We are to threaten one industry among many involved in the entertainment field, which indulge in a wide range of activities and charge admission prices of $1 and over. This one industry will have to pay an additional 7½ per cent.

Amongst this wide range of industries, the industry of motion picture exhibitors stands out. The livelihood of these people and the employment of those working in the industry are threatened. Therefore, not only an increase in taxation that will increase the cost to the community is involved: we also have a threat of recession and depression affecting one industry because of the Government's imposing tax in this way. The Treasurer still has to answer the big question whether he intends to allow those who are affected to pass on legitimately and properly this extra charge placed on them. Why does the Treasurer continue to subsidize some forms of entertainment while taxing one branch of it? For the reasons I have given, I oppose the Bill.

Dr. EASTICK (Light): There is no joy in having to speak to a Bill which is the means of causing yet another erosion of people's money. In speaking previously to Bills that place these imposts on people (they were outlined by the Treasurer on February 23), I have used the term "erosion", and I will continue to use it because I believe it is most applicable to the effect that will be brought about by the measures we are debating in this connection. The argument used by the Minister of Works, on behalf of the Treasurer, in the second reading explanation was particularly weak. At page 4411 of *Hansard*, the Minister said:

I believe these States—

he is referring to the other States of the Commonwealth—

must consider an extension of their present levy, and the others will not be able to avoid moving back into the field to assist their very serious budgetary problems.

The other States which the Minister has suggested will increase their levy are Victoria, in relation to race meetings, and Tasmania, in relation to cinemas. Apparently the Minister has looked into his crystal ball and now says he believes the other States will take this action. Has he arranged for other States to do this? Have the Treasurers of those States collectively said that they will move into this field? I suggest that they definitely have not said this. Therefore, the argument the Minister gave in introducing the Bill is weak and will not stand up to investigation.

In addition, the second reading explanation was confusing. I am happy to have found from the Minister's advisers that the inclusion of two words reduces the confusion. At page 4410, the Minister states that the rate of 7½ per cent will not extend to admission charges that do not exceed $1. However, later, when outlining specific provisions in the Bill, the Minister states:

New section 27a fixes the rate of tax at 7½ per cent of the gross receipts for admission to a place of public entertainment. An exemption is granted in respect of admission charges of less than $1 entertainments.

Obviously, that latter statement makes sense only if the words "or less" are added after "$1". The confusion does not help one to accept this measure. The Bill will reduce the incentive of many organizations to make available better facilities to their patrons. Time and time again this session we have been told of the need to provide for the people who will patronize the entertainment concerned. This applies especially in the cases of horse racing, trotting and greyhound racing. However, in this case, if $1 is the current admission price, and if it is decided that an extra charge of 5c is necessary to improve the sport (whether it be horse racing, trotting or greyhound racing) by increasing the stake money or by increasing the number of prizes from three to four in a particular race, the addition to the price of 5c will mean that now the club will suffer a loss of 2½c.

Once the 5c is added to the price of $1, 7½c or a little more will go to the Government, and the club will receive a little more than 97½c, whereas previously it received $1. If the club wished to increase its income, it would have to add also the sum that the Government will take by way of entertainment tax. Therefore, the amount of increase necessary to provide the club with 5c per patron would be from $1 to $1.13, with the extra 8c being necessary to cover the tax levied by the Government. However, what will be the position, once an admission charge involves odd cents (and this will be particularly troublesome in cases where

turnstiles are used), for people who issue tickets and who will be required to deal in this case in 2c pieces? In the interests of practicality, the admission charge will have to be reduced to $1.10 or increased to $1.15. These difficulties that will be involved through the imposition of the entertainment tax will not be to the advantage of any of the sports or entertainments referred to.

The whole crux of the Bill revolves around clause 5, which inserts into the Act new sections 27a to 27j. Many of the provisions are obviously designed to give some help to certain organizations, especially to those that may not be classed generally as personal entertainments. I refer to organizations associated with agricultural or horticultural shows. I know that provision is also made for organizations that raise funds for charitable purposes. Naturally, there is personal entertainment to be derived from attending such functions, but they are different from the purely selfish and individual functions, such as cinemas, race meetings, trotting meetings and so on, which people sometimes attend. New section 27a (5) introduces the word "reasonable", which will not help in any way the organizations concerned and which will not be simple to interpret. The inclusion of this word in this provision is almost as ludicrous as the inclusion of the word "substantial" in a provision of the Local Government Act; no-one can really define the meaning of these words. New subsection (5) states that the proceeds of the public entertainment are to be devoted to charitable purposes or in part to defray the reasonable costs of the public entertainment. Therefore, where reasonable costs of the public entertainment are to be used to defray costs the Minister may, if he is satisfied, allow this organization not to charge the entertainment tax.

However, who will determine what "reasonable" will be? Is this to be a predetermined figure? What will happen if, because of the weather or because many functions are being held in the area, the number of people that have been budgeted for does not attend? Will the reasonable cost of conducting a function be worked out as a proportion of the returns that the organization will recover? Is the definition of "reasonable" to be contained in the provisions which allow for the determination of regulations specifically in respect of this section of the Act? Who will have the final say in interpreting this word? Will there be some means of altering a previously determined reasonable cost if factors that are outside the control of the organizers suddenly become a real problem in connection with the entertainment they are conducting? Obviously, new section 27b, which will be inserted in the Act by clause 5, is a total winner for the Government. It provides:

> Where the payment for admission to a public entertainment is made by means of a lump sum paid as a subscription to any club, association or society, or for a season ticket, or for the right of admission to a series of entertainments, or to any entertainment during a certain period of time, entertainment tax shall, subject to this Act, be payable in respect of the lump sum.

I hope the Treasurer will be able to say what will be the situation when an individual cost of entry occasioned or permitted by a season ticket is less than $1. As I read the new provision, if the cost of a season ticket is beyond $1, the Government will extract this tax. Even though the populace at large is attending a function that would not normally attract an entertainment tax, an entertainment tax will be applied. It would be far better and far more reasonable for persons to pay as they entered an entertainment rather than pay in advance.

What will this provision do to those organizations which, in many instances, have had a distinct advantage in offering to their individual members a slight concession on a season ticket, knowing full well that all members will not use its facilities on every occasion and that, by a person's not making use of the facilities available to him, it (the organization) will save, because a certain number of persons are members and will subscribe a given sum each year? In this way, the budgeting of that organization is assisted. In this case, there will be no incentive. We will take from individuals the incentive to participate in this way by being season subscribers.

The only other comment I wish to make refers to new section 27c. I suggest that there will be tremendous administrative problems, in that the cost of conducting this administration and giving effect to the provisions of this new section in the first instance will far outweigh the advantage that it may be to the Government to include it. In many previous cases, provisions applied from a given time. However, as I read new section 27c, in some instances the provisions will work in reverse, and this is not to the advantage of the organizations concerned. Regarding new section 27j, which deals with regulations, I mention briefly again that regulations that can be determined will

affect the implementation of the whole Bill. The Government is asking us again to write a blank cheque, without our knowing what the regulations will provide, as we did not know in the case of the Builders Licensing Act Amendment Bill, the Lottery and Gaming Act Amendment Bill (which deals with bingo) and other legislation that the Government has introduced in this session.

The ACTING DEPUTY SPEAKER: Order! The honourable member must not allude to other debates of this session.

Dr. EASTICK: I maintain that here again we are trying to make provision for extensive regulations to be promulgated and organized after the event. I know this is a common practice, but I suggest that a far better practice is to state in the Bill many of the provisions that will dictate the nature of the regulations. If that is done, members are then more aware at the outset of what they are asked to vote on. I oppose the Bill.

Mr. McANANEY (Heysen): I join my colleagues in opposing this measure. It is one of seven items providing for increased taxation in South Australia.

Mr. Gunn: It's not one of the seven wonders of this world!

Mr. McANANEY: I agree with my colleague. There are different degrees of taxation. Although I am not allowed to mention other ways of raising money, there are good types of tax and indifferent types. Some are not as hard on the taxpayers as others and, in one way, the tax provided for in this Bill is not such an arduous collection as are others.

I object strongly to the fact that in this Bill we are not told how much money will be received. I think it is essential that, on every occasion when we are asked to vote on a Bill, we be told how much money will be taken from the people of this State. We should know the exact amount so that we can make a more reasonable approach to the Bill. I support the Leader's statement about this being a levy on live shows. Although I have not had time to watch television recently, I have been told that many former television artists and persons who have worked in live shows are out of work at present. To levy an additional tax on live shows, in which many Australians are employed, or to do anything that lessens the opportunity of these people to work is, I think, extremely bad. I emphasize that in relation to any tax on live shows.

As the Leader has said, this money is being collected to meet a Government commitment, and the Government has said, with a fanfare, that additional amounts will be given to the arts. Therefore, we are giving with one hand and taking with the other. A good Government ensures that its expenditure is curtailed so that it does not have to impose levies such as these.

The member for Light has said that it will be expensive to collect the money. Another group of persons will be employed in collecting this tax, and that work will be entirely unproductive. Instead of having more and more types of taxation, we should be getting fewer types, and we should be levying only those taxes that are non-inflationary or do not have a harmful effect on any section of the community.

The member for Light has dealt thoroughly with the clauses of the Bill. I shall speak again on the various provisions in the Committee stage. The Government has not tried to show why it considers these additional levies are necessary and, as has been said, we have not had the opportunity to show why we consider they are not necessary and to show that by other methods we can avoid levying these additional taxes and involving additional staff to collect them.

The ACTING DEPUTY SPEAKER: Order! There is too much audible conversation.

Mr. EVANS (Fisher): I oppose the Bill. I consider that it is the first sign of a Government's becoming desperate in imposing a tax on culture, when in the past some of its members have been supposed to be great advocates of encouraging the arts in our society. The Estimates of Expenditure for this year, given on June 30 last, show one lump sum grant of $150,000 for the performing arts. In the Treasurer's statement on February 23 this year, as reported in *Hansard* at page 3490, we see an estimate that the tax proposed in this Bill will derive about $200,000 to $250,000 a year. We are giving a grant of $150,000 to the people we will tax! If we take out the part that will be contributed to the State Treasury by the horse-racing and other groups (in other words, those groups other than the performing arts), in actual fact we are giving the performing arts about what we will take away from them by the tax of 7½ per cent.

I cannot see the sense in giving a grant to a group and then taxing the same group for the amount of the grant. That is a ridiculous attitude. The Government, which for a long time has been advocating the promotion of the film industry in this State, will now start taxing

that industry. I wonder what the Prices Commissioner's attitude will be if a particular group such as the film industry or any section in the group that will be taxed asks for approval to increase admission charges to its areas of entertainment. Would such a group be allowed to increase charges, or would the promoters have to carry the increase? I know that the Treasurer realizes that those in the live artist field are having great difficulty in meeting their expenses at present. In the film industry, if we use films from other countries where they are produced more cheaply, it is possible for the industry to compete and perhaps carry the burden to a small degree, but in the performing arts, in which human beings are employed (and because inflation is hitting us in every quarter), how can this burden be carried? If it is added to the cost of admission (and this eventually must happen) people attending the show will have to pay this added tax.

In that case, we hit the family man who takes his wife and children to see the performing arts or a live-artist show. He will be taxed and hit hardest, although he cannot afford to pay the extra charges. Therefore, we will be encouraging him to stay at home and watch television, the main competitor of the performing arts at present. The Treasurer has said many times that we should encourage the performing arts, but now he is making it more difficult to promote that type of culture in our society. People in other States will be able to see performances that we have in this city at present (such as the Moscow Circus) more cheaply than our people will be able to see them.

In other words, the average man, the worker, will be deprived of the chance to see these performances, because the Government has introduced this additional taxation. What interpretation can be placed on new section 27c, in which the Minister will decide what part of the payment is for entertainment? People who join the South Australian Cricket Association will pay a tax on their membership fee, or that part of it that the Minister deems is aligned to entertainment. What will the position be in junior football clubs that charge a membership fee of between $2 and $5 a year? Will these groups have to pay a tax on part of that fee or will all of it be exempted? Neither the second reading explanation nor the Bill contains these details. Apparently, we are leaving it wide open for the Minister to please himself. However, the membership fee or part of it charged by all clubs could be considered as taxable. Is playing golf an entertainment or a recreation? What will the definition be in the eyes of the Treasurer?

I know that the Treasurer has argued that we need money, but $200,000 to $250,000 is a pretty paltry sum and, at the same time, these small clubs are being put to the trouble of filling out a return once a month to be sent to a department, which considers and decides whether all or part of the fee is entertainment or is being paid for privileges, rights and/or other purposes. We have not been told: no Government member has spoken in this debate because, apparently, it is not considered necessary, and the second reading explanation contains no details. This legislation may become law overnight and, suddenly, every club (whatever it may be) could be liable to a tax on its membership fee. We have not been told that this will not occur, and I hope that the Treasurer will give this information before a vote is taken on this Bill.

*Later*:

Mr. HOPGOOD (Mawson): The purpose of this Bill is to raise finance for the Government. We are aware of the difficult position in which the Government has been placed as a result of the mean attitude of the Commonwealth Government toward this Government in particular.

Mr. McANANEY: I rise on a point of order, Mr. Speaker. The Commonwealth Government has nothing to do with the Bill.

The SPEAKER: I uphold the honourable member's point of order and I warn the member for Mawson to confine his remarks to the Bill.

Mr. HOPGOOD: I support the Bill. No-one likes taking the kind of step involved in this Bill, but South Australia must measure up to the standard States in raising revenue. I hope our future position will be such that eventually it will not be necessary for the Government to take such steps. I look forward to a complete revision of relationships between the Commonwealth and the States. I support the Bill.

Mr. BECKER (Hanson): Like the previous speaker, I do not think anyone really appreciates any measure that introduces taxation on entertainment. I oppose the Bill because it is the fourth of the taxation measures announced by the Treasurer on February 23, when he said:

The duty will extend to race meetings, films, football, and other sports, stage shows, and

other entertainment. A preliminary estimate of the revenue derivable is about $200,000 to $250,000 a year.

The timing of the introduction of this Bill means that no entertainment tax will be levied this financial year; levying of the tax will commence on July 1. One finds it difficult to understand why the Treasurer should insist on imposing a tax on a certain section of the community. We are aware that the Government is trying hard to establish a film industry in South Australia and, while those of us who are probably considered to be the more progressive members would like to see new industries introduced into South Australia (particularly a film industry), I am most concerned that we will be imposing a tax that will have repercussions on the motion picture industry. This 7½ per cent tax will seriously affect that industry. Our motion picture industry has had a difficult period since the introduction of television into Australia. Indeed, we have seen the motion picture industry generally having to make bigger and better films.

It has had to introduce sex and other matters into films in order to attract patrons, but it has had extreme difficulty in increasing patronage. It would be fair to say that during the last two years the standard of motion pictures has improved, but admission charges have been increased. Many motion pictures run for almost the whole of the programme and, because of this and because of the increased cost of producing a top-quality film, theatre owners have decided to charge extremely high admission prices. Therefore, this tax will have a serious effect on the motion picture industry. However, the Bill does not clearly provide what will happen in regard to collecting the tax: it does not say whether the industry is to absorb the tax or whether it will be automatically passed on to patrons.

When we look at the Bill critically, which we as an Opposition must do, I think the measure needs much more explanation. Indeed, I think that this is hasty legislation and that its drafting should have been considered more closely. I am not happy to think that the motion picture industry will be forced to absorb the tax. If it is forced to absorb the tax, one can visualize members of the industry applying to the Prices Commissioner for an increase in admission prices. The increase in a $1 admission price would take the admission price to $1.07½, but we know that this would not be the case and that the charge would be increased to $1.10, for I cannot see that charge being reduced to $1.05.

The Hon. Hugh Hudson: Do you know what the percentage would be—

Mr. BECKER: Will the Minister please keep quiet while I am talking? In fact, the 7½ per cent tax will mean a 10 per cent tax, for it does not matter what is involved: 7½c is not a coin or sum that is in use. Therefore, in my opinion, if it is to be passed on to the patrons the charge will be increased by 10 per cent.

Furthermore, the various sporting organizations will be affected, one in particular being the racing industry, which has built up a good reputation in the past few years. We have already seen during the latter part of this session an impost of .2 per cent on bookmakers, and now there will be an increase in the average admission prices for people who support racing. That is unfortunate, because South Australian racing has difficulties now in competing with racing in the Eastern States, especially in Victoria. Any moneys that the racing clubs receive from the Totalizator Agency Board and from admission prices is normally channelled into stake moneys. The moneys they now receive from admission prices could be affected by this Bill, because those prices will probably increase by 10 per cent, not 7½ per cent. That may not sound very much on $1.50 or $1.75, but it has some effect. If it affects racing by 10 per cent, it is natural to assume that the stake money will be affected.

The ability of the racing clubs to provide better facilities for their patrons could also be affected. That will be the case, too, with the income of other sporting bodies, many of which are trying to build up their sports. While their present admission prices may be less than $1, with current inflationary trends it is not hard to visualize increased admission prices to football grounds and to first-class cricket matches. There are other aspects of the Bill that I do not like. Clause 5 inserts new section 27a, subsection (3) of which provides:

For the purposes of this section any amount paid for the right to view or participate in a public entertainment (not being a competition or game of chance that is only incidental to the main entertainment) shall be deemed to be a charge made for admission to the place of public entertainment.

That has not been spelt out very clearly, and it could affect certain indoor sports. If there was to be an impost of 7½ per cent on ten-pin bowling, I would certainly oppose it. As this clause states, it has to be "a competition or game of chance". Young people like a game of ten-pin bowls. It is played all the

world over, being very popular in America, certain countries in South-East Asia and the United Kingdom. It has had to struggle in Australia since its introduction here, but it will gain in popularity.

Mr. Langley: What does a game cost?

Mr. BECKER: I think it costs about 50c or 60c a game, but most bowlers play two or three games at a time, and they could be affected by this tax.

The Hon. Hugh Hudson: How much do you have to pay to get in to watch?

Mr. BECKER: As I said earlier, I wish the Minister would be quiet while I am speaking. If he wants to speak, he has the opportunity. Under the Bill, impositions are placed on people who own theatres and places of entertainment, and on promoters. Organizations other than charitable organizations which have functions such as film mornings or mannequin parades will probably have trouble under the Bill. Such money-raising functions are popular in my district. The average price of a film morning or mannequin parade is $1.50, and people running these functions will have to absorb the 7½ per cent tax. Included in the film mornings and mannequin parades is a cup of tea and some biscuits. It will be interesting to see whether the price of the cup of tea and biscuits is included in the price of admission and whether it can be said to be worth 55c so that the admission price could be brought back to 95c. This would enable such people to get out of the 7½ per cent impost.

The Hon. Hugh Hudson: Call it a charity and get out of it that way.

Mr. BECKER: A bowling club cannot be called a charity. Difficulty will arise in these cases. The average housewife, who likes to go out once a week or a fortnight to one of these functions, will be penalized. The 7½ per cent impost in the Bill will affect every household in the State, especially those in the metropolitan area. The typical Australian likes to participate in some entertainment, whether a film or sport, once a week. Therefore, the Government has once again picked an area where the majority of people will be affected. A further impost will be extracted from the bulk of the population. That is why I say that this is thump No. 4 on the working man; he and his family will have to suffer.

In his second reading explanation the Minister said that this measure would make it simpler for people concerned to submit their returns. When one looks at the power of an inspector, one wonders whether the previous system was not just as simple. I can remember that many years ago, when an entertainment tax applied, in organizing cabarets and balls in country areas it was a nuisance to have to issue tax tickets with admission tickets. However, it was easy to calculate and pay the tax and it was certainly an easy system to check.

I do not like the Bill. I am not convinced that it clearly states whether the tax is paid on every ticket over $1 or whether it is paid on a lump sum. I do not think it is well drafted. I believe this is a sorry day for the entertainment industry in South Australia. Possibly we will have only 12 months of this tax because, when the 7½ per cent becomes 10 per cent and that is added to all admission charges, there will be complaints in certain areas. When we are trying to encourage greater participation in all forms of the arts, particularly the theatre, and trying to set an extremely high standard for the theatre in Australia, particularly in South Australia, it is a shame that a tax that will affect them must be introduced. I am not concerned about whether the 7½ per cent increase will have any effect on *Oh! Calcutta!* Perhaps the Government ought to consider imposing a 25 per cent tax on that play instead of taxing the better theatres. This is thump No. 4 of the new tax measures, and I do not like it.

Mr. MILLHOUSE (Mitcham): I oppose the Bill. I remember the many years after the Second World War during which the Playford Government avoided imposing entertainment tax, and it was always proud that it could do so. Now, of course, it takes a Labor Government to introduce a Bill for this tax. Apart from that doubtful honour that the Government has brought upon itself, I think this is a bad tax in many ways.

I do not like the fact that it is being imposed only on admission prices that are more than $1. Clearly the Government is after what it likes to call the tall poppies in the community. The Premier used that expression in his letter to his trade union brethren that has been quoted during this sitting by the Leader of the Opposition. The Government hopes that, in this way, the tax will not impinge on the pockets of those who attend less expensive entertainment, but it will fall, as I say, on the tall poppies in the community.

I have received many complaints about this tax. Many members have spoken about its effect on the motion picture industry. At a time when that industry is in the doldrums, it seems extraordinary that it should be made to bear an additional impost, yet that is precisely what the Government is doing. I

have also had complaints from dance promoters about the tax. I understand that, contrary to the general understanding that people have, the profit margin for dance promoters, especially promoters of dances for teenagers, and so on, is extremely low and that, whilst most of these places charge an admission fee of about 80c (and, therefore, the tax will not be imposed on them), some of the better places charge $1.20.

If they do not increase admission prices, the extra taxation that they will have to pay will reduce their profit margin to almost nothing. They are concerned about this. Not only the promoters but also the people who play in dance bands and certain other people will be affected and may lose their employment. I do not know whether the Government has thought about this, but the dance promoters are thinking about it now. One promoter whom I hardly know has told me that this is the likely effect on his calling.

I consider that, when the Government was faced with the financial situation of increasing expenditures and had a gap between expenditure and revenue, it should have done two things. Certainly, it could not have avoided some increases in taxation, but it should have made a real effort, which it has not made, to reduce expenditures in this State. That was requested by the Commonwealth Government, which has set an example, and several of the other States, particularly Queensland and Victoria, have done that. South Australia, with a Labor Government, was not willing to do it and said, "To hell with you: we are going to spend as much money as we said we would spend before. Whatever effect it will have on inflation and whatever Budget gap it will leave, we will tax our people to get the extra money." The Labor Party is a high-taxation Party, and we see it in this and the six or seven other measures by which the Government is now increasing taxation. My final point is that I believe the cost of administering this tax will be high, and I wonder how much net the Government will get out of it. It will not be an easy tax to police and administer, and I should like to know from the Minister in charge of the Bill—and looking at the three on the front bench one would think that none of them were—

The Hon. Hugh Hudson: Don't be rude.

The Hon. G. R. Broomhill: We are all listening to you with great attention.

Mr. MILLHOUSE: If that is so, can the Minister say what extra staff will be necessary in, presumably, the Chief Secretary's office to administer this tax, and what will be the cost of collecting the tax? I do not think the reply will satisfy me. For the other reasons I have given, and because the replies will probably not satisfy me, I oppose the Bill.

The House divided on the second reading:

Ayes (23)—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, and Wells.

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

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

Majority of 5 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Enactment of heading and sections 27a to 27g of principal Act."

Mr. MILLHOUSE: During the second reading debate I said that I would like to know from whichever Minister was in charge of the Bill what extra staff would be required to administer this legislation and what would be the cost of administration. Because I believe the Minister of Works is in charge of the Bill, I ask him those questions.

The Hon. J. D. CORCORAN (Minister of Works): I cannot tell the honourable member exactly what will be the cost of administration. The system of collection will be different from the system previously used. The promoter of the entertainment will be required to submit a return of his activities over a period and he will pay tax on that return. Consequently, the legislation will be much cheaper for both the Government and the promoter to administer than was an earlier form of entertainment tax. The new tax will be operated on a simpler basis than that formerly used. Instead of a duty endorsed on and payable on each ticket issued, promoters will be called on to render periodical statutory returns and pay the tax as determined therefrom. This procedure will be far less costly. It will probably require the services of only two additional staff members in either the Chief Secretary's office or the Treasury Department. On that basis 2 per cent or 3 per cent of the total amount

collected will be involved in the cost of administration.

Mr. HALL: One of the problems that I foresee is associated with organizations which may be concerned with providing, in the main, something other than entertainment but which, nevertheless, will provide some entertainment that will represent a minor proportion of the total value obtained by a member for his subscription. Will this tax be rigidly applied, for example, in the case of an aero club or gliding club which, in return for a subscription, provides, say, two social functions a year? Does the tax apply to the whole of the subscription? Although the subscription may be $25, the entertainment component may amount to only $5. Is the whole $25 subscription to be subjected to the 7½ per cent tax?

The Hon. J. D. CORCORAN: I believe it is the practice for subscriptions to be paid to organizations such as discotheques, where people can attend a certain number of performances that would be considered as being entertainment. Under new section 27c, the Minister has discretion to examine the type of facility provided for the subscription paid and to make an exemption. I think that, in the cases referred to by the Leader, the exemption would be granted. Every case would be examined and treated on its merits, and I should be surprised if an entertainment tax were imposed on subscriptions to a golf club which might amount to $200 or $300 a year.

Mr. HALL: The Minister is not being definite about this.

The Hon. J. D. Corcoran: I am not going to make the decision here for the Minister.

Mr. HALL: We ought to know these things, because there are hundreds, if not thousands, of clubs. We should not be passing this provision or applying an impost in respect of these clubs without knowing what we are really doing. If the Government has not thought of such examples as I have given, it is the most ill-prepared tax measure that has come into the Chamber. Many sporting clubs have varying subscriptions and provide entertainment, albeit of a minor nature, for their members.

The Hon. Hugh Hudson: Are you thinking of dances?

Mr. HALL: Almost anything can be an entertainment—a barbecue or a dance. The Minister will need far more staff than he has mentioned this evening for the supervision of the hundreds of clubs in the community and the assessment of the taxable portion of their annual subscriptions. This will entail greater administrative expenditure than the Minister has said. I am concerned about the inability of the motion picture industry to pass on the tax to the public by decree of the Prices Commissioner. Can any organization, whether a private club or the motion picture industry, automatically pass on this tax to the public, and will they be able to print the information on their admission tickets that there is an entertainment tax?

The Hon. J. D. CORCORAN: I am not aware of the motion picture industry's charges or those of any other entertainment body being subject to price control. Is the Leader suggesting that, if they attempt to pass on this tax, we shall immediately put them under price control?

Mr. Hall: Their impression is that great difficulty will be put in their way.

The Hon. J. D. CORCORAN: They may be under that impression, but the Government has not indicated that that will be the case. It does not intend to interfere with these people if they think it is necessary for them to pass on this impost. The Government is no happier about it than anyone else. If the Leader is suggesting that these people are afraid to pass on the impost placed on them, he has nothing to fear.

Mr. HALL: Will it therefore be possible for organizations that charge for admission by ticket to state on the ticket the price of admission and the taxation component of that price?

The Hon. J. D. CORCORAN: If the people concerned desire to do that and pay for the cost of it, there is nothing in the Bill to stop them.

Mr. EVANS: In the second reading debate I asked whether or not football and golf clubs were to be charged this tax on membership fees. If the Bill provided for a "licensed place of public entertainment", it would be a different matter. New section 27b refers to "a public entertainment" and new section 27c refers to "a place of public entertainment". If "licensed place of public entertainment" was stipulated, the definition would be clearer, as that would exclude racecourses and football ovals, unless they were brought under the Act. They could be brought under the control of the Chief Inspector of Places of Public Entertainment, as has been done in some cases. If we cannot get a guarantee from the Minister that this provision does not include football club membership, for which members might pay $5 a year at some of the

smaller clubs for admission to an undisclosed number of football matches, these people might then be liable to tax. The matter should be left to later today when the Treasurer can say whether or not he intends to tax these groups of people. It is completely unfair for us to pass this provision now when we may find in a couple of months that members of these clubs are subject to tax on their membership.

The Hon. J. D. CORCORAN: From reading new section 27b, I imagine that in calculating whether or not tax had to be paid due account would be taken of the series of entertainments, whether football or anything else, that people would be able to view over that period based on the average cost of each single entertainment. If the average was less than $1 the tax would not apply. It would be reasonable to assume that if the price exceeded $1 in each case the tax would apply. Because subscriptions vary in every case, I cannot give specific examples of where the tax would apply and where it would not apply. It will be applied in accordance with the Bill, and it will be calculated on that basis.

Mr. COUMBE: Many metropolitan members are members of league football clubs. Being an office bearer and subscriber to the North Adelaide Football Club I pay a certain sum that entitles me to membership of that club and of the Rooster's Club. I receive a certain number of tickets for nine league matches. I have already paid my subscriptions for this financial year. The clubs have decided at their annual meeting held in about February the amount to be charged, so they could be out of pocket if this tax were applied. If the tax is imposed, a charge will have to be made by the clubs at their annual meetings next year. I have paid for tickets to attend matches, which come under the category of entertainment.

The Hon. J. D. Corcoran: You are paying for other things in that amount.

Mr. COUMBE: The amount paid does include other privileges. Can the Minister say what the Government expects to receive in revenue from this measure in a full year?

The Hon. J. D. CORCORAN: The Treasurer stated in February that the Government expected to collect between $200,000 and $250,000 in a full year.

Dr. EASTICK: There are organizations where the only privilege membership is entry to entertainment. The member for Elizabeth and I are members of a club and we may attend 14 trotting meetings a year and take two female persons with us on each occasion. The total charge is $10. The unit fee is much less than $1 but the Bill grants no exclusion to allow that division of 42 attendances into $10 to give the club the opportunity of the advantage. Many clubs benefit from this type of membership and some persons rarely use the tickets. I understand that the clubs will be responsible for making good the amount of money necessary to balance their budgets. Where they have no supplementary benefits as suggested in new section 27c, there will be no redress.

The Hon. J. D. CORCORAN: As I understand new section 27b, it indicates that it would be broken down over the time or the number of meetings that may take place, and it refers to season tickets. Perhaps the advice given to the honourable member is not correct. It seems to me that the details are clearly spelt out in this new section and, therefore, the honourable member would not be subject to the tax.

Dr. EASTICK: The Minister's explanation indicates that the position is not clear, and we should not have to decide until we can have the situation clearly defined.

The Hon. J. D. CORCORAN: I thought it would be better to explore this matter further so that we would know what we were looking for, before reporting progress.

Progress reported; Committee to sit again.

## WATERWORKS ACT AMENDMENT BILL (POLLUTION)

Adjourned debate on second reading.

(Continued from March 25. Page 4428.)

Mr. RODDA (Victoria): When I was speaking to this Bill last Thursday I referred to the seriousness with which Hills dwellers regarded it.

The Hon. G. T. Virgo: Do you support it?

Mr. RODDA: I do not wish to imply that I am opposed to the Bill, because it deals with a serious matter. The previous Government imposed a 20-acre minimum limit on land holdings; that limit put great strain on Hills dwellers. However, that Government provided some relief from the effects of that regulation by allowing one home site to be established on each property. In that way the previous Government overcame the disability that might be suffered by a son and heir who over the years had looked to the time when he might inherit his father's property and had built his own home on portion of it.

The human element is the greatest contributor to the eutrophication that is causing so much trouble in our water supplies. In

his second reading explanation the Minister said that the Hills watersheds were unique in their vulnerability, especially when compared to the water catchment areas in other States. We must take account of the special circumstances of the situation. We know full well what will be the consequences if the present situation is allowed to continue. Strong measures must be taken to provide an environment that will not cause our water supplies to become further polluted. I do not think it is possible to appreciate fully the consequences of this Bill. There is no mention of compensation in it. It is drafted in such a way that it gives the Minister all the powers he may require. To provide satisfactory water supplies for a city such as Adelaide, the Minister may have to make great use of those powers. Consequently, the Bill should provide for compensation for the Hills dwellers who will be affected. The Bill strikes out the definition of "stream" in the principal Act and inserts the following definition:

"stream" includes a river, creek, brook, spring, lake, aqueduct, conduit, tunnel or any structure through or along which water passes and includes any water in a stream:

That definition, in itself, covers just about any water movement in any part of the watershed. The map that the Minister has displayed in the Chamber shows that a vast area will be affected by the Bill. The definition of "watercourse" bolsters the definition of "stream". It is as follows:

"watercourse" means the bed of a river, creek or other channel in which water flows whether ordinarily, intermittently or occasionally and any water therein:

That definition could be taken to mean the side of a hill. We know only too well that in periods of high run-off farm waste may be washed down a hillside and eventually find its way into reservoirs. We know, too, that heavy dosages of copper sulphate have had to be applied to control algae, which are the main cause of eutrophication. The growth of algae involves an increase in the nutrients in the water. This Bill gives the Minister far-reaching powers that can be stringently applied to landholders. New section 9a (2) provides that the Governor may declare any land within a watershed to constitute a watershed zone 1 or a watershed zone 2. In this connection I ask members to consult the map that the Minister has provided. Clause 2 provides:

"waterworks" includes all water storages, reservoirs, wells and bores, pumping stations, water treatment stations, tanks, aqueducts, tunnels, pipes and other works for the collection, treatment and distribution of water and all land acquired by or under the control of the Minister, for the purposes of this Act in connection with the supply of water.

So, the Minister and his advisers have left nothing out of the Bill. I can well imagine that the lions to which the member for Heysen has referred will have great difficulty in getting a toe hold in the Adelaide Hills if this Bill is passed, as a result of the extremely wide definitions I have referred to. I believe that the definitions have been included in the Bill so that they can be used in their broadest sense. When the Bill is passed the Governor can make proclamations to bring into effect the necessary machinery. I realize that proclamation is the quickest way of getting action, and I agree that in some cases the Minister should have these powers.

Clause 4 gives the Minister power to make by-laws. Of course, such by-laws will be subject to possible disallowance by either House. The by-laws can control or prevent the impairment of the quality of water within a watershed and prohibit entry into a watershed. It appears that landholders in the Adelaide Hills will have a fairly bleak outlook. At the beginning of my speech today the Minister of Roads and Transport asked whether I supported the Bill; in reply, I wish to inform him that I do support it in this respect: that I believe there should be a balance. I was interested to hear the Minister say that the officers of his department would, in the light of experience, take a critical look at this matter and would ensure that every necessary step was taken to safeguard our water supply. I have no quarrel with the Minister's taking action to prevent people from settling in the Hills areas in question, but I urge him to observe a balance.

I am sure that departmental officers will, under the Minister's guidance, take action that will be, as far as possible, minimal in its effect on the people concerned, as well as on wild life. Those people living in the areas concerned could suffer much hardship if forced to move. In addition, I draw the Minister's attention to the need to examine the situation in which effluent from the built-up areas is currently entering various streams and polluting the catchments. I do not intend to move any amendments to the provisions that deal with the Minister's powers, for I believe that these powers are required in order to protect the city's water supply. However, I should like to see the situation in which a minimum

of control is exercised and in which there is a minimum effect on the lives of the people concerned. These people are ably represented by the member for Heysen and the member for Fisher, who I know, from experience, are the people in the hot seat.

I do not need to remind the Minister that there are some angry people in the Adelaide Hills, and I need only refer here to the plan to establish a lion park. It is necessary to safeguard our water supply, for we have seen what has happened overseas where lakes, for instance, have been ruined because steps were not taken sufficiently soon. But I utter a plea on behalf of the landholder who has invested his life savings in the area concerned. Once this legislation is on the Statute Book, the Minister will have some extremely wide powers, but I have sufficient faith in him to use those powers wisely and to ensure that the people affected will not be put to too much trouble.

Mr. EVANS (Fisher): I support the Bill, knowing of the problems that exist for the Government, especially the Minister, and knowing of the situation facing the people concerned, whether they already live in the area in question or whether they hope to live there in the future, in relation to obtaining the benefit of a reticulated water supply and possibly sewerage. I am aware of the department's problems in providing these services, especially reticulated water. In addition to the definition of "waterworks" to which my colleague has referred, the following new paragraph is inserted in section 10:

XXI. for regulating, controlling or prohibiting the use of any stream or watercourse within any watershed or watershed zone:

I refer here to a statement appearing in the press in the Minister's name; this statment has been worrying me for some time, because it is not true, and the Minister has never taken the opportunity to tell the House that it is not true. The inference to be drawn is misleading, especially to the people of Happy Valley. This statement appeared in the *News* of January 27 last, and on the same day an editorial in that paper was headed "Fighting Pollution". The statement to which I refer is as follows:

The State Government has completed the purchase of about 320 acres of land adjacent to the Happy Valley reservoir as part of the continuing fight against water pollution. The land cost about $750,000.

I suppose "about" provides a wide area of variation. The statement continues:

It will eventually become part of the reservoir reserve. At least six houses, an Emergency Fire Service centre, and the Happy Valley institute (pictured) will be demolished under the ambitious scheme.

This was a great story for the Government at the time, the Minister's press secretary no doubt earning a large sum of money to release the statement when little other news was available. This was at a time when Parliament was in recess and most people were on Christmas holidays. The article was especially misleading to me and annoying to the people in the area, who knew that the 320 acres had been purchased between 1965 and 1968 and that the present Government had not purchased any of this land. These people knew that the old Happy Valley fire station had been knocked down three years previously, and they were concerned that the Government intended to knock down the new fire station, the approval to erect that building having been given by the previous Government.

Until last week, the Happy Valley institute committee had received no notice that the institute building was to be demolished. This institute was established as a memorial to those who, like the Minister, served their country overseas. However, the committee had received not one word that the building was to be demolished; nor has any statement been made by the Government refuting the statements made in this article. In fact, if we go back to September 22, 1965, we find that the then Minister of Works (Hon. C. D. Hutchens) made this announcement in the *News* of that date:

Residential development south of Adelaide has forced the Government to buy 300 acres of farmland near Happy Valley reservoir for $300,000, Works Minister, Mr. Hutchens, said today . . . Mr. Hutchens said the land acquired was on the north-east and eastern side of the reservoir.

There were a few more comments relating to that. It is exactly the same property as I have been speaking about. I asked the present Minister questions on this matter; he replied to my first question on March 2, when he said:

About 291 acres was acquired—

not 320. He continued:

The areas varied from 34 perches to 72 acres, 1 rood, 39 perches. A total of 40 properties were acquired at a cost of $650,790.31—

not $750,000, as the figure was stated to be in the article in the *News* of January 27, 1971. I asked a further question of the Minister on March 9 about the date of purchase of the individual properties. I will not read the whole answer because it is set out in *Hansard* for honourable members to peruse if they wish to, but, of the

properties that had been acquired at Happy Valley, only two had been purchased in 1968 and only one in the term of office of the previous Liberal and Country League Government. All the rest were acquired from when the Hon. Mr. Hutchens made the statement until the Hall Government came to office on March 2, 1968, and the only one acquired after that date was that which was acquired on June 12. The cost was not $750,000: it was nearer $650,000. The area was not 320 acres: it was 291 acres.

The six houses referred to in the article of January 27, 1971, as being due for demolition had been demolished. I hope the houses of the people living there are not to be demolished, because there is a two-year wait for Housing Trust houses. The fire shed was knocked down two to three years ago. The institute committee has not heard one word about its building being demolished, and there has been no suggestion of compensation. What happens when this sort of article appears in the paper and the Minister does not stand up and say, "There has been an error. It has been exaggerated. It has been written up in the wrong form as regards the purchase of the properties"? What happens to the people? They all telephone their local councillor, who advises them to telephone their local member. Then the mental trauma starts again. They say, "The Government intends to buy 300 acres and it will knock down the fire shed we have just built." Surely the Minister knew that these facts appeared in the newspaper; they were headline facts. Surely his press secretary was aware of it and should have passed on the information to the people of that area, who are greatly concerned.

Even in today's *News* the Minister still did not clarify the position when he had the opportunity to do so in relation to an announcement about the Clarendon dam, which concerns the Happy Valley reservoir area. The article states:

This follows the Government announcement that it intends to buy the town of Chain of Ponds on the banks of the Millbrook reservoir, and the acquisition of land—carried out over a number of years—around the Happy Valley storage.

Even today no move has been made to clarify the position so that these people who live in fear of having their properties bought could be told, "No, we are not going to touch the properties. We have bought the land we need at Happy Valley. We have completed the programme announced in 1965 by the Minister of Works, the Hon. Mr. Hutchens." That was all that was needed to be stated.

The Hon. J. D. Corcoran: Has it been completed?

Mr. EVANS: I believe the Government should say whether the programme has been completed, because of the answer the Minister gave me in this House. I have informed the council of the answers I have received.

The Hon. J. D. Corcoran: What did the article say?

Mr. EVANS: The article states:

The Government in planning to buy 320 acres to form the buffer zone against pollution has pointed out that the present reservoir reserve boundary is less than 50 yards from the water's edge in some places.

The Hon. J. D. Corcoran: Read from the start.

Mr. EVANS: The article began by stating:

Some roads will be closed and others realigned in a State Government plan to establish a buffer zone on the eastern and southern sides of Happy Valley reservoir.

The Hon. J. D. Corcoran: Would you say that that completed the purchase?

Mr. EVANS: This Government did not complete the purchase; it was the previous Government that completed the purchase, as the Minister well knows.

The Hon. J. D. Corcoran: That's all you're worried about.

Mr. EVANS: The Minister knows that no purchases were made by this Government.

The Hon. J. D. Corcoran: That's right. What's the real problem?

Mr. EVANS: I now come to the other problems that are perhaps nearer to my own home area and also reach into the areas represented by the member for Heysen and the member for Kavel. We all realize that control of the catchment areas is necessary to prevent pollution, but certain facts about the effects of the legislation should be mentioned. Some of them I have mentioned previously in this Chamber. I think the only way we can ever achieve fair compensation for the people in the area who are adversely affected by this or any other legislation is by keeping on hammering the point.

Practically every church organization in this State has its youth camp or its weekend camp or playground area in the reservoir catchment areas. Another youth group, the National Fitness Council, has its camp at Mylor, right on the edge of the river. It operates an effective sewerage system and does everything in its power to prevent pollution. There are also the

Oakbank races and the *Schutzenfest*. Every community oval that can be hired out at the weekend is hired out to picnic parties. In other words, this area is used as a playground for the plains people. If we say to the people living in this area, "You cannot build a house outside the township area because we cannot sewer it and, even if you have a septic tank of your own, it is the other activities that cause us pollution problems", can we then say to the people who use the area as a playground, "You can continue to use the land for recreation"?

The Hon. J. D. Corcoran: Do you advocate doing away with the Oakbank races?

Mr. EVANS: I would advocate that, if the pollution problem were as serious as this legislation says it is, we must look at all aspects of pollution that occur in the area. If it becomes necessary to install a bigger sewerage system so that a race meeting can be held at the Oakbank course once a year, that will have to be done: perhaps this will have to be done in the future. What compensation can we or do we offer? I know that the department and the Minister have a problem in offering compensation when a person operates, say, a dairy farm, and finds it difficult to do what is necessary to stop pollution as the Minister would like to stop it. If such a property were in zone 1, the owner might be forced out of business. If that happens, how can he be compensated, or is it necessary to compensate him? We do not have to compensate him, and we have not said that we will consider this, although I believe it is necessary.

The Minister knows that the powers he has under the legislation are wide. If he wanted to be difficult about it, he could virtually stop most people from operating their farms, whether they be used for intense agriculture or as grazing land. I do not think the present Minister would do this: I hope he would not. However, departmental officers could advise the Minister or whoever succeeds him in such a way as to mislead the Minister into taking unnecessary action. In regard to one case of compensation to a council for loss of rates, the Minister gave the following reply to a question I asked him:

The purchase of land and property for this project is no different from other purchases made by the Engineering and Water Supply Department or by other departments, and there appears to be no reason why it should be treated in isolation from other property in respect of which no reimbursement has been made to the local government body.

I knew when I asked the Minister the question that the purchase of this land and property for this project was no different from the purchase of other properties by the Engineering and Water Supply Department. Let us consider the statement at the weekend by Mr. Beaney that about 32,000 acres will be acquired for one reservoir. Therefore, for seven reservoirs about 230,000 acres of land will be necessary. We know that possibly that is not the true position. There is a difference in respect of the Hills area. For the Minister's information, I point out that practically one-third of the Gumeracha council area is owned by the Woods and Forests Department or is used in waterworks reserves.

The Stirling council has in its area waterworks reserves and areas that the department intends to purchase for that purpose. Also, another department is suggesting that an additional national park of about 300 acres should be established in the area. Such a park in the catchment area would attract human beings, who would carry out "the other human activities", which is the term used by the Minister's predecessor, who said they were a problem. No-one has ever defined what these "other activities" are, although there have been all sorts of guesses. People who are trying to make a living from the land they own in this area cannot carry out these activities now, but we will encourage people to go to a national park to see kangaroos and emus scudding about the forests. I am pleased to see that the Minister for Conservation is discussing this matter now with the Minister of Works. It is hard for people who live in this area and who have to put up with this problem to accept this situation, just as it is hard for me to accept it.

This has a great effect on councils. I know that in his own area the Minister has the Woods and Forests Department, which does not pay rates, competing with private enterprise. In the Stirling council area some land in the hills face zone is not permitted to be subdivided. Other land, called country living land, cannot be subdivided into allotments smaller than 10 acres. Under provisions in this legislation and those in the Town Planning Act, large areas of land will not be permitted to be subdivided into areas smaller than 20 acres. In spite of this, the council must supply all the services. Health officers will have to be more active than those in other areas because of the pollution problem, in connection with which they must

work with officers of the Minister's department. Therefore, councils have problems. Their rate revenue will be cut considerably. I ask the Minister to keep bringing these matters to the attention of Cabinet because eventually we must provide for some rate reimbursement to councils affected by legislation of this type. We know that sewerage is extending into the more developed areas of the Stirling council district and into the neighbouring council areas. I believe this is a sound move. Largely, I disagree with the Minister's statement that the freeway encouraged subdivision in the Adelaide Hills. More than anything else, reticulated water encouraged this subdivision.

The Hon. J. D. Corcoran: You don't reckon the freeway had anything to do with it.

Mr. EVANS: Reticulated water was the main factor but the Minister chose not to refer to it, referring instead to the freeway as being the reason. Perhaps he picked this as the easiest reason to think of; perhaps he thought it was the main reason. However, I assure the Minister that long before the freeway was even in the process of being completed, when just the Mount Barker road had been upgraded a little, reticulated water came to the Stirling council area and started the boom there. Previously, people had been afraid of bush fires. In latter years, the freeway has had an effect, and it will have a greater effect in future years in the Mount Barker area outside the catchment area. If catchment areas were not in this district, it would develop at a much faster rate.

Even though this is against the wishes of some people in the area, I have said before that I disagree with the regulations that provide for subdivision into allotments of not less than 20 acres outside of township areas. I cannot see how we can justify cutting up all of the area outside of the township areas in the Hills into 20-acre allotments. I believe that defeats the purpose that we set out to achieve. We would be better off making the township areas a little larger and forbidding subdivision outside of those areas. At present, all we are doing is forcing legitimate farmers out of the area, and I can tell the Minister how this happens. If we allow properties to be cut up into 20-acre allotments, the so-called Rundle Street farmers will buy 20 acres in an area so that they can be termed primary producers for the purposes of taxation laws. They will not worry much about noxious weeds and so on. They will pay a higher price because the price does not matter to them. When valuers assess a 300-acre property for land tax or council rating purposes, they will say, "A 20-acre area next door has been sold for $1,000 an acre, so this farmer's 300 acres will be valued at $1,000 an acre." That is what happens when we have the type of regulation that we have operating at present in this area, and we must change this.

The Hon. J. D. Corcoran: What's the alternative?

Mr. EVANS: I have said that, but the Minister has been busy. The alternative is to prohibit subdivision outside of township areas.

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

Mr. EVANS: Before the dinner adjournment I was saying that, if pollution is the problem it appears it will be in the Hills catchment area, we may have to restrict subdivision so that it can be allowed only in township areas, not outside the defined boundary. If we have this type of restriction and there is no subdivision outside township areas, other matters must be considered, particularly that councils may have to offer a reduced rating for properties outside the township areas.

We may find on investigation and, perhaps, through practice in future that the other human activities are not the problem, that the problem is intense agriculture and the use of fertilizer, whether artificial or natural, and perhaps effluent from septic tanks and the detergents and other nutrients that increase the nutrient content of reservoirs. Then we may be able to allow subdivision in the catchment areas by compelling house owners to put in storage tanks to catch all the effluent. We would have to require that the householder put the effluent into a bulk tank before the reservoir tank was full and that he have the effluent carted by bulk tanker and disposed of outside the catchment area. This may be possible in future.

I assure the Minister that, if he allows 20-acre subdivision to continue, many persons will buy such allotments but not be able to maintain them. Then we will have an increase in noxious weed and vermin and increased bush fire hazards. We must consider providing fire breaks around all Government-owned properties in the Hills areas. The Engineering and Water Supply Department provides adequate fire breaks in most cases that I know of, and the department is to be congratulated on this.

In summing up, I hope that, when the Minister replies to this debate, he will assure the people near the Mount Bold reservoir that the area concerned is 3,200 acres, not 32,000 acres,

and assure the people in the Happy Valley reservoir area that their fire shed and community hall will remain and that no more houses will be demolished within the foreseeable future, while there is still a shortage of houses, and while there is a drain around the reservoir to protect it from any small amount of effluent likely to run away from that area.

In particular, I hope he assures the persons concerned, including the Meadows council, that the department does not intend to acquire any more land at present in the buffer zone of the Happy Valley area. The measures in this Bill are necessary, unfortunate as that is for persons in a large part of the area that I represent. The measures will affect them and their living adversely in many cases. I should like the Minister, through Cabinet, to try to bring some influence to bear so that we may be able to offer persons affected adversely some compensation where this adverse effect can be proved. In the main, I support the Bill.

Mr. GOLDSWORTHY (Kavel): I support most of what has been said by the member for Fisher. We realize the need to protect the metropolitan water supply but, as I represent many residents of the northern Adelaide Hills who are to be affected by this legislation, I consider that one or two points must be kept in mind. It is no understatement when I say that there is considerable disquiet and anxiety among these people: in fact, I suggest that there is alarm as they view the proposals being introduced for pollution control. As has been said, land in the Adelaide Hills is fertile, highly productive, and situated near the major metropolitan markets.

For these reasons fruitgrowing, dairying, vegetable growing, and similar primary industries are flourishing, and have been for many years. However, people are becoming anxious about their future and the way that this proposed legislation will affect it: they are concerned with the general decline in the rural economy and the disadvantages they are suffering in this regard. Also, they are finding it more and more difficult to make satisfactory sales of their products and to maintain their relative position of security in the community. All these measures, which can inhibit their future production, are causing them much anxiety. I know that up to now many of these people have been put to considerable inconvenience and expense in applying control measures.

At least one dairy in my district has been refused a licence to continue operating, and many dairy farms are being required to install fairly expensive equipment for the liquefaction of their waste materials so that it can be pumped on to pastures. No-one denies the fact that for the good of the many people living in the metropolitan area the water supply must be protected, but I believe that the other side of the story must be recognized and told. These measures are devaluing many properties situated in the watershed areas. If we restrict people engaged in primary production in the way they use their properties, we immediately restrict their chance to make a profit, and this is what is happening.

These people are willing to accept their responsibilities, and have set up a committee, which has made investigations. I hope that people concerned with pollution measures realize that they are causing much anxiety and many long-term problems for these residents. I do not think we can quibble at the Minister's introduction of the Bill. His explanation of it was eminently reasonable, but one or two points in that explanation should be borne in mind. In restricting the activities of primary producers in the watersheds we are curtailing both the profitability and productivity of their properties. I endorse the remarks of the member for Fisher, who said that this aspect should be considered in connection with compensating these people in some way for the losses they will certainly sustain.

It should be recognized that the subdivision regulations have resulted in a devaluation of properties in the watersheds. If controls are to be placed on those properties under this Bill they will be further devalued. So, these primary producers are rightly worried about their future. Their families have been engaged in primary production in these areas for many years; it is the only way of life that many of them know. Consequently, this Bill will cause much alarm in these areas. The member for Fisher had a valid point when he referred to the people who come into the watersheds and use them as a playground. If national parks, barbecue sites, picnic grounds, swimming pools, youth hostels and camps are developed in the area, the people using them will significantly contribute to pollution.

Our first responsibility is to the people who for generations have earned their living in the Hills districts and are likely to be severely disadvantaged when the provisions of this Bill are implemented. These people should have top priority, and I believe the Minister is taking a very reasonable attitude. No-one can deny that the people of Chain of Ponds have been severely disadvantaged. If people have lived

in an area all their lives and are suddenly confronted with moving to an environment foreign to them, they will naturally be alarmed. I am pleased that the Minister has publicly stated that the Government will consider establishing a resettlement value in connection with these people, so that they will not be financially disadvantaged. That is eminently reasonable.

If land at Chain of Ponds is devalued, as it surely will be, I do not think we can justifiably ask these people to set up, at great expense to themselves, businesses like those that they have been conducting. It is therefore desirable that a resettlement value should be established, as opposed to the sale value of their properties. All sorts of human problems arise as a result of this Bill, because its terms are very wide.

I have been at meetings where Engineering and Water Supply Department officers have stated that it is intended to maintain the *status* quo. It has been said that existing activities will not be curtailed, except perhaps for the phasing out of piggeries and, I believe, dairies in certain areas. However, the statement made in my presence more than once is that the aim is to retain the *status quo*. It seems to me that no-one is quite sure or can pinpoint exactly where many of these sources of pollution exist. This Bill provides for the situation when a source of pollution is determined, but I believe the legislation is broad: for instance, the definition of a "watercourse", which is as follows:

> "watercourse" means the bed of a river, creek or other channel in which water flows whether ordinarily, intermittently or occasionally and any water therein:

I should think that just about any gully in the Adelaide Hills would constitute a watercourse under this definition, because I think that every gully in the Hills would carry water at some time during the year. This is a wide definition and I think much of the area on the map would be included in it. Later in the Bill, we see a provision relating to a watercourse, namely, new section 57, which states:

> If any person causes the water from any sink, sewer or drain or water from any steam, diesel or other engine, or water otherwise contaminated or any domestic, industrial or agricultural—

and that is especially significant—

> liquid or material of any kind belonging to him, or under his control to run, or be brought into any stream or watercourse within a watershed or into any waterworks wherever situated he shall be liable to a penalty not exceeding two hundred dollars . . .

That provision could be interpreted to cover just about any agricultural activity in which farmers are engaged. For instance, in the horticultural areas spraying is carried out regularly on a 10-day cycle; when it rains the spray material is washed into the soil and could flow into a watercourse. Similarly, in the grazing areas superphosphate is spread by means of broadcasting, and this activity could be prohibited under the Bill, because the superphosphate could be dissolved and carried into a watercourse, thereby possibly contravening the Bill. Therefore, just about any agricultural activity could be challenged and, in fact, prohibited in the future. To give another example, I point out that the droppings of farm animals can be washed into gullies that constitute a watercourse under the Bill. I make that criticism: this is a wide provision which I believe will add to the anxiety of people in the watershed areas who are engaged in rural pursuits.

Although I know there is much dissension and anxiety regarding the subdivision provisions, I think that in the long term the provisions regarding the activities of the people concerned will be more far-reaching. Although we recognize the problem and the difficulty confronting the Government, we cannot neglect the rights of the minority, comprising people who, as I say, for generations have been engaged in some form of primary production in the Hills. If this legislation passes, their property will be devalued. It is possible that severe restrictions will be imposed on nearly every agricultural activity in which they engage.

In those circumstances, there is cause for some fairly serious soul-searching and inquiry before this measure is implemented. I suggest that the legislation embraces practically the whole Adelaide Hills area. In the area in which I live, the Paracombe, Houghton and Inglewood district, people have recently become subject to this type of legislation. In fact, somebody in the Inglewood district, in the watershed of the Little Para reservoir, has been refused a water supply because there is a possibility of a reservoir on the Little Para. So even those areas that previously thought they would be free from this type of control are now being brought under it. Therefore, this is legislation that concerns the whole Adelaide Hills area, including my own district, and extends from Inglewood right up to the Mount Pleasant area, as can be seen from a perusal of the map.

The anxiety is widespread. I hope the Minister will proceed cautiously with the Bill; I advocate caution. The proposals should aim to cause the minimum interference. It

is essential that interference with people's activities be kept to a minimum, that it be minimal in its effect. If the activities of primary producers are to be restricted, compensation must be considered. In these circumstances, I must confess that it is with some disquiet that we approach this Bill, which is broad, all-embracing and open to the interpretation I have given to the definition of a watercourse; it can inhibit the activities of many people. It could restrict just about all the primary-producing activities that rely nowadays on the application of sprays and fertilizers. It is with considerable reservation that I approach this legislation. We should not be justified in rejecting it out of hand but we should seriously study these aspects of it.

Mr. McANANEY (Heysen): In general, I support what the previous speakers have said. A Bill of this nature must be looked at from the point of view of how it will affect the whole of South Australia, which has the serious problem that some of its best land is in the watershed areas. Therefore, some action must be taken to see that pollution does not occur. We must look at the problem from the point of view of not only South Australia but also the people who live in the areas affected, and see what protection they can be given. There are some people who have bought land in the Adelaide Hills with the idea of subdividing it. I do not think we can consider them very much. They are rather like the people who bought Poseidon shares at $250 and finished up with them at $30. It is a risk taken that turns out unfavourably for those involved. We cannot really consider those people to any great extent.

Some people in the Hills who thought they could subdivide their land if they held on to it for that purpose would have some heartburn, but pollution cannot be allowed to continue. Some people have been living in the Hills all their lives and are used to a certain way of life. Every consideration must be given to those people, as was given by Ministers in the past and as is given by the present Minister. Having met some of the officers of the Engineering and Water Supply Department, I do not think they have any special interest in these people. The officers believe they have a job to do and they will do it irrespective of how it affects the ability of people in the area to survive financially as they were able to survive in the past. If the wide powers in the Bill are to apply, we must place much faith in the Minister of the day, hoping that he will take the honest approach to the matter and see that some regard is paid to people who have lived in the area all of their lives.

One of the biggest blunders made so far has been to allow subdivision into 20-acre allotments. No subdivision at all should be allowed in these areas of the Hills other than in the case of a person who wishes to subdivide his property to allow members of his family to live nearby. If the 20-acre allotments are allowed, many areas of the Hills will be cut up and some people will make a profit, but an allotment of 20 acres is not large enough to enable any really intensive industry to be carried out without a great risk of pollution. Some people from Adelaide will buy 20-acre allotments in the Hills so that they can exercise and keep fit on Saturdays and Sundays. Before long, there will be too much work for them, and the allotments will become areas of noxious weeds, which are the biggest problem in the Hills at present. Such people who buy these allotments often do not look after them properly. It was a major mistake to allow subdivision into 20-acre allotments.

Officers of the Engineering and Water Supply Department look at this development as a holding action until they know something about the area; they candidly admit that at this stage they know nothing about whence the pollution is coming. It would have been far better to allow no subdivision at all in these areas, except to examine on its merits each case of a man wishing to provide space for his family to live nearby. I think that the approach in the Hills district by officers of the Engineering and Water Supply Department was not on a very diplomatic basis. On one occasion the Director gave the assurance that councils would be consulted before any zone area in the Hills was defined. About a month after receiving that assurance, I was at a council meeting in the Hills when one of the top officers of the department said that he had never heard of this, and that he would fix the area. Finally, we got co-operation, with the officer consulting the council. What assistance it gave him in determining the area I cannot say: that is immaterial. However, it is most vital that the officers go to the council, listen to its views and discuss these matters, if we are to have control over pollution in the Hills without unduly disturbing people.

A similar approach must be adopted by the department in dealing with farmers. If anyone tells a farmer that he can or cannot do certain things, in the first shock of this

approach he is likely to lose his temper and tell that person to get off his property.

Mr. Keneally: I believe—

Mr. McANANEY: If I went into the honourable member's backyard and told him that I would dig up three or four trees because they were polluting an area he would be most perturbed: that would be the natural reaction. Officers must have a bit of discretion and sense. The people in the Hills are the nicest people I have met, and if they are approached in the right way we will get results. These areas will be defined as township areas. Common effluent drainage or septic tanks will have to be provided. Officers of the department advise on the use of various processes. The Engineer-in-Chief has told me one thing and another engineer has told me something different. One of them said he would spray the effluent out of the pasture. How would he do this in winter time, when water was oozing? However, he told me that seriously.

The problem in the Hills is that there is no certainty or guarantee at present. I have distributed many copies of a pamphlet, comprising about 12 to 15 pages and a map, which states that the people in the Hills area will not be interfered with. Despite that, a person whose property is alongside a water main has told me that the department will not give him an indirect service. Therefore, he claims that the department is interfering with him. It is hard to reconcile his statements with the pamphlet that has been issued.

The department stated that it would not interfere with a piggery in zone 2, but now persons in that zone are not allowed to increase the number of pigs they run. Positive action may have to be taken but I do not know how the department will count how many pigs a person has. I think that a commonsense approach must be taken in zone 2. Some persons run the pigs on bare paddocks, thus creating a problem. Pigs are also run on grass that is left long. I do not think that these farmers will create pollution and, unless the officers can prove otherwise, I do not see why their activities should be affected.

I know that it is difficult to provide in legislation a means of dealing with each case but, in the administration of this measure, when the officers get more knowledge they must treat each problem individually, on its merits. In the past the practice has been not to tell persons in the area concerned that a reservoir is to be built in 20 years' or 30 years' time. These persons go ahead and build such things as sheds and houses and then, when the reservoir is built, difficulties arise over the acquisition of the land and improvements. In the Ashbourne area people have now been told (possibly 20 years or even 40 years ahead) that a dam may be built in that area. I would continue farming, as I have in the past, but the average chap worries about whether he should plant apple trees or what he should do. These people are perpetually worried about the future.

The Government must be positive in its actions: when it decides that a reservoir is to be built in a certain area it should assist a person who wants to leave that area to start somewhere else. This would be just and fair, and the Government could use his land for another purpose. Much land in the Adelaide Hills (and this is not the best land, either) could be better planted with forests, as this would be more economic than would be the use to which it is put now. However, good pasture land around Gumeracha has been planted with forests, and this is wrong; large parts of the catchment area are more or less steep slopes, and the best use to which they could be put would be to plant forests. This aspect of the problem must be examined.

Perhaps rows of pines could stop the pollution generating from a fertile area and flowing into the reservoirs. This is a far-reaching Bill and provides enormous power. We acknowledge the fact that something must be done, but my point is that in this process people who have lived for most of their lives in these areas must not be the losers. I could argue by saying, "No-one in this area has the right to pollute a stream that has been there for many years." Towns in these areas, rather than farmers, create pollution problems, but these towns are not told that they are causing pollution and must control it or be fined $500. Sometimes the council states that it will install a proper effluent system and if it costs too much the Government will assist, and I do not object to that provision. The Government has stated that it will help install these effluent schemes.

In the Bridgewater area, ably represented by the member for Fisher, a pollution problem is being created. The E. & W.S. Department lodges with the Public Works Committee a project to sewer the area that shows the income would be about half the cost, so that this project would be a dead loss to the State. It seems that the State compensates these people for causing pollution. What happens to a man in a rural area who keeps cows? Officers of the E. & W.S. Department have

stated that a cow does not cause as much pollution as does a human being who keeps a dog and a cat in the back yard (or sometimes inside the house): with concrete paths around the house, after a heavy rain whoosh she goes, and these animals cause more pollution than innocent animals that feed in the paddocks and whose droppings seep down through the grass.

Although the Government will help these people who cause the pollution, the primary producers are told to spend thousands of dollars in installing pumps to spray their properties; the Government told the primary producers to do that although it did not have the authority to tell them. Consequently, the primary producers are being placed in a difficult position. The E. & W. S. Department must be honest in its approach to the problem and it must treat fairly everyone affected. As soon as possible a statement must be made giving details of the land to be acquired, when it will be acquired, and where the dams will be. I know that this will be a difficult task. I stand to be corrected by you, Mr. Speaker, if you think I am getting too far from the Bill, but I believe the main from Murray Bridge to Hahndorf was built too soon. The Mannum-Adelaide main has never been used to its full capacity.

The SPEAKER: There is nothing about mains in the Bill.

Mr. McANANEY: The point I was making is connected with mains because the reservoirs will be used to store the water that is pumped through the mains. South Australia's rate of population growth has decreased considerably, and these reservoirs were planned on the basis of an earlier, and greater, rate of population growth. Consequently, the mains have possibly been built well before they are needed. In the interests of people in the metropolitan area some effort must be made to stop pollution, but people living in the Hills areas must be considered. At present no-one has proved that those people are causing pollution; the authorities admit that they do not know where the pollution is coming from. Consequently, each case should be considered on its merits. The people in these areas must be told the intentions of the E. & W.S. Department as soon as possible. Where it is shown that the livelihood of these people will be affected they must be compensated. Since we are financially assisting some people who are causing pollution we must assist all who are doing so.

Dr. EASTICK (Light): This Bill is one of the inevitable consequences of progress. The Minister has said, "Thank goodness that we are 15 to 20 years ahead of the situation existing in the United States of America." I think we all agree that we are fortunate in being able to look objectively at the problem now, rather than trying to close the door after the horse has bolted, as has been attempted in some other countries. In his second reading explanation the Minister said:

> Members will realize that the implementation of a total plan for State-wide water resources management represents both a considerable task as well as one that should only be proceeded with on a staged basis planned to ensure that necessary priorities are met and that unnecessary measures are not introduced.

I think we are fully in accord with this proposal, although if I have a criticism of the Bill it is that possibly the Minister has failed to include provisions dealing with sociological problems that could result from this legislation. Although, bearing in mind the competence of the present Minister and his officers, we need have no fear of these problems arising, we do not know what may happen in the future. Because of the possibility of grave sociological problems arising, I should have hoped that provision would be made to establish a sociological branch in the Minister's department to consider properly any problems that might arise.

I instance the underground water supply in the Virginia and Two Wells area and the associated problems, to which there is no immediate solution. If certain provisions of the Bill were taken to the extreme, they could create hardship. The Minister indicated that one of the present sources of pollution was the increased use of copper sulphate and the chlorination necessary to obtain water of a suitable quality. I wonder whether the problem that exists actually concerns the watersheds or whether it concerns more the material distributed in the main when we obtain water from the Murray River. If the Minister were to visit the Kapunda area, which is supplied with water from the Warren reservoir, he would find that most of the water obtained from that source through the newly completed Swan Reach to Stockwell main looks more like lemon squash than pure water. I am therefore wondering whether, in considering this matter, the Minister has used the relevant criteria. Referring to the reduced travelling time regarding the distance between the metropolitan catchments and the city, the Minister said:

This accessibility has not only given rise to increased urbanization but, together with increased demands for primary products by the expanding metropolitan area, has stimulated animal husbandry and horticultural activities such as pig and poultry raising, dairying, sheep and cattle grazing, market gardening and fruit growing.

With a constantly growing metropolitan area, producers are being forced farther out, and this must result in an increase in the final cost of a commodity marketed in the metropolitan area. So another problem arises. Further, the Minister has indicated the tremendous amount of work being undertaken by various departments within the E. & W.S. Department. I, too, laud the work being done by so many people in the research laboratory, at the Bolivar works, and elsewhere.

I highlight the Minister's action in making moneys available to another department, the Agriculture Department. Moneys made available from the E. & W.S. Department are being used effectively to prove or disprove the value of the effluent from Bolivar. These inter-departmental activities and the initiative shown by the Minister in this case are something we can all be thankful for—and I include the Mines Department, too. It is an area in which co-operation is being effected to the advantage of South Australia. I add my congratulations to the Minister on being a party to this arrangement.

My major worry about the Bill is not so much the effect it will have, judging by the maps that the Minister has presented us with: it is clause 3, the danger clause of the Bill, which enables the Governor from time to time by proclamation to declare any area a future watershed. The whole State is covered by this power given to the Governor. I appreciate it would not necessarily all take effect overnight but it does not help the people who are being asked to leave one situation today to set themselves up in another situation tomorrow, to know that the next day they may be asked to move on. So there is this continuing problem, the resettlement of the resettled persons.

In the area that I represent, this problem applies extensively, according to the Minister's maps, because I have three reservoirs and am adjacent to a fourth. The three in my area are the Warren, the South Para and the Barossa reservoirs, and adjacent, with a stream running directly into it, is the Millbrook reservoir. An area that is contiguous to this area and has often been thought of as a possible further watershed for the purpose of a reservoir is the area associated with the North Para River. It may well be that future investigation will reveal that the fault line is such that it would not be a massive water storage area and that it had certain features that did not lead to the creation of a storage along its length.

In a back corner of the District of Light, one can stand on a hill and almost simultaneously fall into the Millbrook watershed and the South Para watershed; and, if one went in the other direction, one would be in the potential North Para watershed. The North Para interests me considerably, because along the course of the North Para watershed at present are situated some of the biggest wineries in the State. They have a tremendous problem with effluent disposal, which in this case is the by-product of their winemaking activities. There has been much activity for a long time by the persons involved in an endeavour to create what may be called a harmonious situation with the councils and the adjacent landholders. Notwithstanding this, a tremendous area adjacent to those wineries is held over as effluent dams. Occasionally, either through human error or, from time to time, through sheer weight or volume of material, it overflows into the North Para River. Thousands and thousands of dollars has been spent in effecting these dams and maintaining them at the current standard. One can imagine that, if this Bill were administered in the wrong way, these wineries could be required to spend millions and millions of dollars to provide a more effective effluent system because someone decided that this must be done as they were creating a potential hazard to people downstream.

Through the local government authority (and also through its authority in relation to boards of health), in April, 1970, there was convened a meeting of interested parties, especially councils, to discuss problems of the winery effluent systems. Arising from that meeting, a technical subcommittee of the North Para Pollution Advisory Committee was created, after discussions had been held with councils by persons representing the wine industry and the Public Health Department and by Mr. Johnson of the E. & W.S. Department. As a result of that meeting, Mr. Darby of the Public Health Department was charged with the responsibility of bringing down a specific report on the problem of winery effluent. Although about 11 months has elapsed since then, the persons involved and interested in this problem have not received information from Mr. Darby or from

any Government department. Does the Minister know when these interested parties can expect what could be called the Darby report on this problem?

At present the effluent in these dams is released at times of flood. Even this is not a complete solution to the problem, as the Minister will appreciate. Is any member of the Minister's department or of any other department considering ways and means of effectively disposing of this effluent or, if it is partly treated, of the effluent by-product, and how it will be handled? One might criticize the Bill for not having a built-in period of adjustment. If certain of its features were decided to be implemented in three months or six months, it could well be beyond the physical or monetary capacity of the organizations concerned to meet such a deadline. I believe a fairly extensive adjustment period should be built in so that operations which represent a great capital outlay and which employ many people are not put in jeopardy within a short period.

What will be the future development in South Australia in relation to these wineries? At present the establishment of a multi-million dollar winery in an area in the back corner of the District of Light is being considered. Depending on which side of the brow of the hill this winery was established in, it could be in the Millbrook watershed; if it were established 200 or 300 yards on the other side, it could be in the South Para watershed and, if it went the other way, it would be in a potential watershed of the North Para River.

This multi-million dollar project will be to the ultimate benefit of this State and will create work for many persons in the area. Will the State be denied it because it is a potential danger immediately to two watersheds that appear on the map that the Minister has shown us, or will the directors of this organization be worried by the potential problem of establishing now, knowing that they have a limited period in which to conduct their organization?

This is the type of problem which I appreciate that the Minister cannot have answers from the point of view of the future development of the State and the long term, but it is the type of problem that must be answered and considered effectively by the Government. The sociological problems that I have mentioned are many and varied. What of the present situation of a person who has purchased a block of land that was subdivided before the provisions of this Act and the preceding amending legislation would be effective? What of the problem of these persons who, having purchased this land, can no longer sell it, because it is not a proposition for normal subdivisional purposes? If they sell it, they can do so only at a discounted value.

What of the problem of these persons who, because they refuse to sell, determine that they will continue to build? I am fully aware that the Minister has problems at present in regard to persons who build on this subdivisional land knowing full well that they are unable to get water reticulation but who are so deeply involved financially that they cannot go back and must go forward. These persons create problems for the immediate future, because they will have potential disposal problems. What of the kerosene, oil, or other products which they will use and which must be considered in this area?

The redefinition of "waterworks" makes me wonder about the very laudable action of the Munno Para council, which area is partly in the District of Light and partly in the District of Elizabeth. Only three weeks ago the member for Elizabeth attended the opening of a water scheme which has provided an immediate water supply for 20 family units and in which provision has been made for the supply of water to the new One Tree Hill Primary School. That scheme is extremely effective and well received by the persons concerned. It cost only $17,000, only twice the cost of providing the new front bench in this House. It is supplying 20 families with water and will be able to supply a school soon. It is held to be capable of supplying upwards of another 20 houses in the near future.

Is this creditable action by the council likely to come under the control of the Minister's department because of the new definition of "waterworks"? This is a local sociological problem, particularly in regard to the cost involved for the persons concerned and the amount they are paying annually for water that they will receive. That will concern many people in that situation. There are further problems with the zone 1 and zone 2 situation, where a person's property is in both zones. His cattle may run in zone 2 and cross the road to be milked in zone 1, then immediately the stream in zone 1 runs back into zone 2. I appreciate the difficulties about a meandering stream and the difficulties of clearly defining areas and zones. I wonder whether it would not be a better proposition (and certainly more beneficial to the people involved in such schemes) if the tops of

ranges were used as boundaries rather than convenient roadways and creeks. This is a sociological problem creating havoc to people who find that paddock A is in one zone and paddock B is in another. I am sure that the Minister, being aware of this problem, will consider it. Does he not believe that the advance to be made by this Bill would be enhanced by the inclusion of some provision of an effective sociological department within the whole scheme? That is a criticism that I hope is taken as a constructive one, but it is a real criticism of the situation that has developed. Other aspects of the Bill have been discussed by other members and no doubt will be further discussed in Committee. Generally, I support the Bill and hope to hear something from the Minister about the various aspects that have been raised.

Mr. COUMBE (Torrens): Generally, I support the principles of the Bill. Other speakers have canvassed many aspects of it, but I shall confine myself to one or two only. I am aware that the Waterworks Act and the Sewerage Act are being rewritten, but this will probably take about two years to complete. Already this session two holding Bills (of which this is one) have been introduced to maintain the situation while the redraft is continuing. When I was Minister of Works the proposal that is before us today was put to me, and I support this measure. The E. & W.S. Department and the Minister in particular are fortunate in having competent officers employed in that department to advise them about this matter—not only the Engineer-in-Chief but in particular Mr. Lewis (Engineer for Water and Sewage Treatment), who is widely acknowledged in Australia as one of the leading officers in this field.

I vetted the paper and presentation he made in Adelaide, I think in 1969, to the Senate Select Committee when it was sitting here on the question of water pollution. Mr. Lewis dealt with water but there were other aspects considered at that time. His paper was recognized as an excellent one. Mr. Lewis, as the Minister knows, has been President of the South Australian Chapter of the Institution of Engineers, so he is well qualified to speak on this subject, as also was his predecessor, Mr. Murrell. Unfortunately, Adelaide is the only city in Australia that is situated so close to its reservoirs. In other States the reservoirs are well away from the cities. Perhaps the action that the Minister is now proposing should have been taken before this: we may be a bit late today, but it is wise that we do it now. If we had done it years ago, we might have minimized some of the hardships that have occurred to residents in the watershed areas, as indicated on the map that the Minister has provided for the information of members.

I hope that we never reach the position of some of the water supply systems I have seen overseas, particularly those in the United States of America, where water is re-used many times, so that the water one drinks today may have been used three or four times before one drinks it. I hope that the Minister will continue the campaign that I commenced, as the re-use of water in factories is a valuable adjunct to the conservation of water. One or two points cause me concern. New section 9a provides that the Governor may by proclamation declare certain lands and certain zones. I cannot find any right of appeal in the Bill for the owners or lessees of land if they suffer physical or financial hardship as a result of a proclamation. We must remember that it is a proclamation, not a regulation. Whilst the Governor (which means the Government) may revoke, vary or amend any of these declarations, it seems to me that there is no right of appeal for any person affected in the proclaimed area, whether it be a watershed area or a zoned area.

That point should be considered in connection with new section 58, which gives the Minister power to levy fines or serve orders on people to discontinue certain actions. In that clause, too, there is no right of appeal. Whilst Part VIII of the original Act, which deals with miscellany, provides for certain rights of appeal, I cannot see in this Bill any right of appeal for a person who may be affected physically or financially. The Minister may be able to enlighten the House on this important point. I agree with the principle of proclaiming certain areas, but at the same time some provision should be made for compensating anyone who suffers hardship. Clause 7 repeals section 57 of the principal Act and inserts new section 57 in its place. It brings the provision up to date and puts it in more modern verbiage. Section 57 of the principal Act was rarely used, but it was used in some circumstances.

This provision affects the whole State, but I draw attention to the many councils that are concerned with the Torrens River, the only river that runs through the city of Adelaide. Many councils, some represented in this House tonight, rely on the river for draining their floodwaters. New section 57 provides that, if any person causes any water from any sink, sewer or drain to go into a stream, he commits an offence. It may well be that in your

council area, Mr. Speaker, water drains into the Port River, which, I presume, is part of the sea.

Some councils in my district (not only the Adelaide City Council but also the Walkerville and St. Peters councils) discharge much floodwater drainage into the Torrens River. Section 57 of the principal Act never applied to these councils but it rightly applied where obnoxious factory wastes flowed into a river. I presume that under new section 57 councils will still be able to run their drainage water into the Torrens River. If not, I do not know where they will send it. I pose these questions to the Minister, because I know from experience that old section 57 was used with discretion to stop the fouling and pollution of rivers, as happened, for example, in the case of the wineries on the Murray River and in the case of the Onkaparinga River and the upper reaches of the Torrens River. I happened to be the President of the now defunct Gilberton Swimming Club, where the Australian championships were once held: because of pollution occurring upstream, that club is now closed for health reasons. Although I should like the Minister to explain these matters, I support the principle of the Bill.

The Hon. J. D. CORCORAN (Minister of Works): First, I commend Opposition members for the responsible attitude they have adopted to this Bill. I think that every member who has spoken has shown that he is aware of the need for this sort of measure and, although doubts have been expressed about the power provided, I think members generally have accepted the fact that this power is necessary, although they have urged that it be used with discretion. I wish to be the first to say that this Bill was not my idea: in fact, it is the result of an idea of departmental officers who for many years have worked in many different ways before arriving at this decision. The Bill is the culmination of an effort that has extended over a long period, and it is no credit to me or the Government, except that I recognized (and the Government has supported my recognizing) the need to do something about the matter.

As I pointed out in the second reading explanation, although we may be 15 or 20 years ahead of the United States in this matter we believe the time to move is now, but that is only possible because of the previous work undertaken, including the efforts of the honourable member, a former Minister of Works, who has just resumed his seat. I seek leave to continue my remarks.

Leave granted; debate adjourned.

## WORKMEN'S COMPENSATION BILL

In Committee.

(Continued from March 24. Page 4363.)

Clause 2 passed.

Clause 3—"Arrangement of Act."

Mr. MILLHOUSE: I refer here to the first of several amendments that I have, all of which deal with the transfer of the jurisdiction from the Local Court to the Industrial Court. The transfer is made substantially by clause 20, but there are several amendments before then dealing with this topic. I am happy to either make this one a test amendment, if you wish, Mr. Acting Chairman, or wait until we get to clause 20 and simply indicate which of my amendments between now and then depend upon my success in clause 20. Which course shall I adopt?

The ACTING CHAIRMAN (Mr. Ryan): I suggest to the honourable member that, as clause 20 deals with the Industrial Court, he can speak to the merits of his amendment under clause 20 rather than under clause 3, which deals only with the arrangement of the Act. Depending on what happens to clause 20, we can then move back to make a consequential amendment to clause 3. I cannot allow discussion now on the words "Industrial Court"; the discussion on the merits of those words will come under clause 20.

Mr. MILLHOUSE: As we go through the Bill I will simply indicate the amendments that are relevant to that.

Mr. EVANS: I rise on a point of order. Clause 3 is only the beginning of the Bill, and we have had put before us 128 amendments. Will the Minister consider adjourning this matter until tomorrow? We have enough business on the Notice Paper to keep us going until 8 o'clock tomorrow morning, if we want to go through it all. It is an impossible position for backbenchers to be given 128 amendments at 8 o'clock this evening and told to vote on them in Committee a few hours later. It is unjust and undemocratic for any Government, whatever its complexion, to do that.

The ACTING CHAIRMAN: Order! I cannot allow the honourable member to continue. I will ask the Minister whether he is prepared to adjourn the Committee discussion.

I think he understands the text of the honourable member's question. Does the Minister want to reply to the matter raised by the honourable member?

The Hon. D. H. McKEE (Minister of Labour and Industry): Yes. I cannot accede to the honourable member's request. We have not many sitting days left in this session and it is important to get this Bill passed. If the honourable member needs any help, I shall be glad to give it to him.

Clause passed.

Clause 4 passed.

Clause 5—"Pending proceedings to continue."

The Hon. D. H. McKEE moved:

In subclause (1) to strike out "or which could have been commenced"; and to strike out "commenced,"

Mr. EVANS: Will the Minister explain the amendments to the Committee?

The Hon. D. H. McKEE: Yes. The explanation is that the possibility of the old procedure of a hearing before a local court judge being invoked some years after the new Act is in force and the resulting confusion that could result was pointed out by the Law Society. This amendment, together with another provision, ensures that any proceedings not commenced before the new Act comes into force are to be conducted by the Industrial Court.

Amendments carried.

Mr. MILLHOUSE: I move:

In subclause (1) to strike out "may" and insert "shall".

This amendment, together with a subsequent amendment I will move, makes the position as explained by the Minister more certain and clearer.

The Hon. D. H. McKEE: I am prepared to accept that amendment.

Amendment carried.

Mr. MILLHOUSE: I move:

In subclause (2) after "payments" third occurring to insert "but this subsection shall not apply so as to increase the total liability of the employer provided for under subsection (3) of section 18 of the repealed Act".

If honourable members look at subclause (4), they will find these words substantially reproduced. This is a drafting amendment to make a more acceptable whole.

The Hon. D. H. McKEE: I accept the amendment.

Amendment carried.

Mr. MILLHOUSE: I move:

In subclause (4) to strike out "or (*b*) apply so as to increase the total liability of the employer provided for under subsection (3) of section 18 of the repealed Act".

This is a consequential amendment.

Amendment carried; clause as amended passed.

Clause 6—"Application of this Act."

Mr. MILLHOUSE: I do not like this clause, but at the moment I do not have any form as an alternative. Several of us have had discussions with the Minister about all these clauses and, between us, we have let it be known which amendments were to be pressed, which accepted and so on. At this stage, the Minister does not wish to alter this clause, although I hope it will be altered later. I sympathize with the member for Fisher, who—

The ACTING CHAIRMAN: Order! I cannot allow this discussion to enter the debate.

Mr. MILLHOUSE: I was merely going to observe that members who had been present at the discussions had some grip of the amendments but that it was fairly difficult for other members of the Committee who had not had that advantage to be suddenly confronted with 128 amendments. The first phrase in the clause is "Except as expressly provided in this Act". This form of words is beloved by many draftsmen, as it covers them. However, in this case I suggest that it introduces many difficulties, because it is necessary for anyone who wants to construe the clause to look through 133 clauses to see what exceptions to this clause there may be.

This clause refers to an injury, and there are several clauses to which injury is not relevant. I think particularly of clause 58, which has the marginal note "Additional compensation" and which provides new benefits that are not known to the present Act. Would the new benefits in clause 58, by virtue of this clause, apply to injuries which took place before this Bill became an Act? As the clause is drafted, that is not clear to me, because of the phrase "Except as expressly provided in this Act". That should be cleared up. At present I cannot put to the Minister a form of words that clears it up. We have tried to do that but have not succeeded. I hope that the Minister will be open-minded or that he will get his representative in another place to be open-minded, so that we can avoid what is at present an ambiguous clause.

Mr. COUMBE: I agree with the member for Mitcham. In the second reading debate I referred to the need to avoid ambiguity. The only way in which the member for Mitcham has been able to achieve this is by moving to delete the clause, as he has not been able to

come up with an alternative that is acceptable to the Minister.

The ACTING CHAIRMAN: When an amendment is moved and there is no opposition to it, the question "That the amendment be agreed to" will be put. However, when an amendment is moved and there is opposition to it, the question must be put in accordance with Standing Orders. The honourable member has moved to strike out the whole clause.

Mr. Millhouse: With respect, I did not move that: I merely said that I did not like it in its present form.

The ACTING CHAIRMAN: I said that the member for Mitcham had moved to strike out the clause. This is the amendment in the hands of the Committee.

Mr. Millhouse: I did not move that.

The ACTING CHAIRMAN: The honourable member has not moved it, but members have a copy of the amendments to be considered, and that relates to striking out the clause. The only way it can be accepted is that it is in opposition to the clause. I hope that clears up the situation.

The Hon. D. H. McKEE: As there does not seem to be any ambiguity in this clause, I oppose any alteration to it.

The Hon. L. J. KING (Attorney-General): The clause is designed to provide that the provisions of the Act shall apply only to an injury occurring after the commencement of the Act, except where the Act expressly provides to the contrary. The honourable member has suggested that in clauses where the word "injury" is not used there may be difficulty, and has instanced clause 58. That clause provides for compensation under certain heads and is therefore consequent on the occurrence of an injury. Clause 6 provides that the Act is not to apply to an injury that occurred before the passing of the Act, so compensation provided in clause 58 does not apply to such an injury. If someone here or in another place can point out a real difficulty, the Government is willing to keep an open mind and accept any other words to meet the situation. However, I am convinced that there is no difficulty.

Clause passed.

Clause 7—"Interpretation."

Dr. TONKIN: I am told by my legal colleagues that, in foreshadowing an amendment to this clause, I was splitting hairs and being too fussy—an odd criticism from them! Because there are precedents for the definition of "disease" as it stands, I accept their advice and will not proceed with my amendment.

Mr. MILLHOUSE: I move:

In definition of "disease" to strike out "exacerbation, deterioration".

The words that I have moved to strike out do not appear in a subsequent definition and I do not think they are in the present Act. I believe that the words should be struck out in order to achieve uniformity with a subsequent passage in the Bill.

The Hon. D. H. McKEE: I oppose the amendment because it would unduly limit the definition of a disease. The words proposed to be struck out are included in the definition of "disease" in the New South Wales and Queensland Acts and have not caused any difficulties in those States.

Amendment negatived.

The Hon. D. H. McKEE moved:

To insert the following definition of "husband":

> "husband" in relation to a workman who is a female includes a man who is not married to the workman but who is living with the workman on a permanent domestic basis as her *de facto* husband and in relation to such a workman the expression "widower" shall be construed accordingly;

Amendment carried.

Mr. MILLHOUSE: I move:

In the definition of "injury" to strike out "includes" and insert "means".

This amendment corrects a disparity, so I am sure the Minister will accept it.

The Hon. D. H. McKEE: I accept the amendment.

Amendment carried.

The Hon. D. H. McKEE moved:

In definition of "injury" in paragraph (*b*) to strike out "aggravation or acceleration"; after "the" first occurring to insert "aggravation, acceleration, exacerbation, deterioration or"; after "recurrence" second occurring to strike out "aggravation or acceleration"; and after "that" to insert "aggravation, acceleration, exacerbation, deterioration or".

Mr. MILLHOUSE: I am glad the Minister is doing this, even though he would not let me take the relevant words out. He is putting the same words in where they had previously not been, so at least we are getting uniformity, and that takes away part of the objection I had regarding those words.

Amendments carried.

The Hon. D. H. McKEE moved:

In subclause (4) after "became" to insert "totally or partially physically or mentally".

Mr. MILLHOUSE: This really cuts across the amendment I have on file, namely, after "became" to strike out "incapacitated" and insert "disabled from earning full wages in

his usual employment". I fear that the two amendments could not live together.

Mr. Clark: Drop yours.

Mr. MILLHOUSE: That is—

Mr. Clark: Just a suggestion!

Mr. MILLHOUSE: Yes, just a suggestion, which no doubt will be backed up by the force of numbers, irrespective of merit. My objection to this subclause as it stands is that "incapacitated" does not necessarily imply disablement from earning full wages, yet that is what in all fairness it should mean. Unless there is a lack of capacity to earn, there should not be a remedy. If we were to change the wording to "disabled from earning full wages in his usual employment", it would make clear what was meant. At present, there is no necessary association with a loss of earning capacity. Even with the Minister's amendment, that weakness is not cured. Unless the incapacity is associated with a loss of earning power, I do not think we should let the clause stand as it is. I do not like this amendment because it cuts across my amendment, which I think is a desirable one.

The Hon. D. H. McKEE: I oppose the honourable member's amendment, for this reason—

The ACTING CHAIRMAN: Order! At this stage, I cannot allow discussion of an amendment with which the Committee is not dealing.

The Hon. D. H. McKEE: I should like to give the reason why I insist on the amendment and will oppose the amendment to be moved by the member for Mitcham.

Mr. EVANS: If the Minister is moving an amendment and is insisting upon it, surely we should hear the reason why he is insisting.

The Hon. D. H. McKEE: I oppose the member for Mitcham's proposed amendment to insert in lieu of "incapacitated" the words "disabled from earning full wages in his usual employment". That amendment would defeat the object of other parts of the Bill making it incapacity in an economic sense rather than in the physical sense. In the case of scarring or noise-induced hearing loss, the workman may still be able to earn full wages in some occupations, even though he is incapacitated.

The Hon. L. J. KING: I think the member for Mitcham has misconceived the purpose of this clause. It is designed to fix the date, in the case of a disease, on which it is to be deemed to have occurred as an injury. For this purpose, inability to earn is irrelevant. What we are concerned about is the incapacity in the physical and mental sense coming into existence. That fixes the date upon which the injury occurred. If one suffers a physical injury that is not a disease; the date on which the injury is sustained is the date on which the trauma is suffered—on which the accident occurs if you like. It may be that the incapacity to earn will supervene at a later date. Therefore, I suggest that what is relevant to the fixing of a date for an injury is the coming into existence of the physical or mental incapacity, and that economic considerations are not relevant.

Amendment carried.

Mr. MILLHOUSE: In spite of your intervention, Mr. Acting Chairman, we have really dealt with the point. Therefore, it is not worth my moving my amendment now.

The Hon. D. H. McKEE: I move:

After "injury" second occurring to insert "or when that day cannot be ascertained the day on which a legally qualified medical practitioner has certified that the workman was so incapicitated by reason of that injury".

The inclusion of this amendment deals with a possibility that the Law Society pointed out was not covered by the Bill.

Mr. MILLHOUSE: I do not care for the form of the words in the amendment. The amendment appears to show that the certificate of the medical practitioner is conclusive. Once a person has a certificate there can be no argument and no appeal.

The Hon. L. J. King: As to date.

Mr. MILLHOUSE: Yes. The date in the certificate shows whether a case of disease occurred before or after the commencement of the Act. Once the amended Bill starts to operate, the amount of compensation will alter. Assuming that the rate set out in the Bill or some higher rate than that in the present Act will operate, there could be a difference between $12,000 and $15,000. The amendment gives to a medical practitioner power (obligation, if you like) to fix a date; but then it cannot be argued about by anyone, and it is only the onset of a disease that I am talking about. I think that is undesirable. I should like to see some provision made (although I do not think we can fiddle about with this now) whereby the conclusiveness of the certificate is taken away.

The Hon. L. J. KING: The medical certificate is relevant only in a case where the date on which incapacity arises cannot be ascertained. Consequently, it seems to me that the sort of remedy that the honourable member

seeks will be of no value. If a certificate is given, and the workman relies on the certificate, but the employer can show that there was an earlier date on which incapacity supervened and that it was before the coming into operation of the Act, the employer would succeed on that point, as the certificate would have no application. The situation envisaged by the amendment is the situation in which a person has a disease resulting in incapacity but it is impossible for anyone to establish the date on which incapacity occurred. Obviously some means has to be found for fixing the date on which incapacity supervened, and the method selected is the certificate of the doctor. No injustice results, and no right to challenge it in any way would be of any use. The only way this could be challenged would be by showing the true date on which incapacity supervened. If someone can show that date, the certificate of incapacity does not apply.

Amendment carried; clause as amended passed.

Clause 8—"Liability of employers to compensate workmen for injuries."

The Hon. D. H. McKEE moved:

In subclause (2) (*f*) after "day" second occurring to insert "or during any period at which the workman is in attendance at his place of employment during any authorized break in his work".

Mr. EVANS: An amendment should be explained, especially when the Minister moves to amend his own Bill.

The Hon. D. H. McKEE: The Law Society has suggested that the coverage should be expanded to include authorized breaks taken at the place of employment.

Mr. McRAE: I support the amendment. Subclause 2 (*d*) deals with the various meal, tea, or smoking breaks, and it seems only reasonable that the Law Society has suggested that the workman should be covered for these breaks as well.

Mr. COUMBE: The Opposition considers the amendment reasonable and agrees to it.

Mr. EVANS: I express the same view as the member for Torrens, except that, as we have received the amendments only late this afternoon, each one should be explained.

Amendment carried.

Dr. TONKIN: I move to insert the following new subclause:

(5a) Notwithstanding anything in this Act, where in any proceedings under this Act it is proved that a workman—

(*a*) has wilfully made a false or misleading statement or representation to his employer, any representative of his employer, any legally qualified medical practitioner or any medical referee in relation to any injury in respect of which compensation is claimed by him under this Act;

or

(*b*) has wilfully feigned, or falsely represented that he has the signs or symptoms of any such injury,

then no compensation shall be payable under this Act in respect of that injury.

The amendment sets out what I think we all realize is the position. Many strictures are placed on employers, and the workman is assumed always to be acting in good faith. Speaking from experience, I know that that is not always so. In my own practice I have seen, for assessment of injuries, many patients who have been malingering or, to put it mildly, exaggerating their symptoms of an injury.

Mr. Wells: I have seen plenty of employers, too.

Dr. TONKIN: I do not think that is relevant. I am trying to set the matter out carefully to discourage people from taking the first step on the road to malingering or being a complete nuisance not only to the doctor but to everyone concerned, including the court. The amendment may discourage a person from thinking that he can exaggerate or feign symptoms of an injury to collect money to which he is not entitled. These cases do not occur often, but this provision could serve a useful purpose.

Mr. EVANS: Although I support the amendment, I would prefer that a penalty be provided rather than the person not be entitled to compensation. I believe that, at times, people bludge on their workmates: I do not condemn employees, and I have said that employers do the wrong thing, too.

The ACTING CHAIRMAN: Order! I cannot allow an open debate on this question. We are dealing with a specific clause and it is not a second reading debate.

Mr. EVANS: Something should be included to discourage a person from making a false declaration, as is provided under this amendment.

The Hon. D. H. McKEE: I do not condone a person's obtaining compensation as a result of misrepresentation, but I believe the amendment is so wide that it could debar a workman from receiving compensation, although he had made a misleading statement on a matter that in no way could affect his

right to compensation. I oppose the amendment.

The Hon. L. J. KING: This amendment means that a man who may have suffered a most serious injury, with perhaps total and permanent incapacity, but who, either in the stress of the injury or with a desire to ensure his case will not fail, takes the reprehensible action of making a false statement, is totally deprived of his rights. This proposition cannot be supported, because it does not apply in any other branch of the law. If a person obtains compensation by making a false statement he would be liable to prosecution, but it has never been the case in workmen's compensation or in any other branch of the law that a man should lose his rights because he has made a false statement.

Mr. EVANS: I accept the explanations of the Minister and the Attorney-General. Can they say whether, if it was a fine, that would be acceptable?

Mr. McANANEY: Although I am partially satisfied with the explanations given, I stress that the word "wilfully" qualifies the whole provision. Surely there should be a penalty if someone wilfully makes a false claim.

Dr. TONKIN: I appreciate the points made by the Minister and the Attorney-General. I was somewhat reassured when the Attorney-General said that a malingerer would be liable to prosecution, but I believe that there should be some reference to that in the Bill, and it should be made clear to claimants. This matter should be made clear to workmen in order to discourage some of them from taking the first step, which then compounds.

Mr. McRAE: I support the remarks of the Attorney-General. This is very much a question of degree in the practical situation. The member for Bragg acknowledges that his amendment is very broad and goes far beyond the ill he is trying to cure. The difficulty, as a matter of practice, is that there is a very limited number of people who are malingerers in the true sense, but many people suffer from neuroses that may or may not have resulted from an injury or from an injury combined with its legal consequences. I do not know how we can sort these people into two groups—those who tell lies under duress or because of neuroses and those who tell lies willingly. While I acknowledge that there is some merit if one can isolate the correct case in imposing a penalty, I think one has to be extremely careful in drafting.

Mr. McANANEY: Would a penalty be imposed by the Industrial Court or by the Local Court?

The Hon. D. H. McKEE: That matter has to be decided by the Committee and we have not yet reached the relevant clause to be able to discuss it.

Mr. McANANEY: Can the Industrial Court impose a penalty in the case of a person who has wilfully told lies, or must he be tried by the Local Court, even assuming such cases are dealt with by the Industrial Court?

The Hon L. J. KING: If the new provision is not adopted, the situation will be that, if a man commits a criminal offence by obtaining compensation under false pretences, he will be dealt with under the criminal law in the ordinary way. If he committed perjury in the course of his prosecuting a claim, he might be prosecuted for that crime and tried on indictment by judge and jury.

Mr. McRAE: Furthermore, in the most common of all offences in this area, a false and misleading statement is made on a statutory declaration to the employer, and in this case the person concerned is dealt with, once again, in the course of criminal law.

Amendment negatived.

Mr. MILLHOUSE: I move:

In subclause (6) in the definition of "journey" after "undertaken" to insert "or any substantial interruption of that passage for purposes unconnected with the employment or other purpose for which the journey was undertaken"; after "substantial deviation" to insert "or substantial interruption"; and after "the deviation" to insert "or interruption".

It seems desirable that both "interruption" and "deviation" should be included in the definition, "interruption" being included in the definition in the present Act.

The Hon. D. H. McKEE: I accept these amendments.

Amendments carried; clause as amended passed.

Clause 9 passed.

Clause 10—"Applications of Act to injury outside State."

The Hon. D. H. McKEE: I move:

In subclause (1) (*a*) to strike out "journey" and insert "travel".

This is an improvement in drafting suggested by the Law Society.

Mr. COUMBE: The Opposition accepts the amendment.

Amendment carried.

The Hon. D. H. McKEE: I move:

In subclause (2) to strike out "claim" and insert "receive".

This also is a drafting amendment suggested by the Law Society.

Amendment carried; clause as amended passed.

Clauses 11 to 19 passed.

Clause 20—"Jurisdiction of the Industrial Court."

Mr. MILLHOUSE: I move:

To strike out "Industrial".

This is the clause on which I must raise a point of substance with regard to the removal of the jurisdiction of workmen's compensation matters from the Local Court to the Industrial Court. I canvassed this on the second reading stage. I know that this is an article of faith with the Labor Party and that the Minister is not free to discuss and accept amendments as he has been (and I give him full credit for it) in certain other clauses of the Bill. It is a great pity that the Labor Party is committed to this change because it will not, in my view, improve the administration of workmen's compensation in this State. It will mean no improvement at all and at great cost to the State in additional salaries and so on.

Let no member delude himself into thinking that this Bill will simplify workmen's compensation or cut out the legal profession or anything like that. If anything, this Bill complicates the remedies given under the Act. Even though it may increase them, it complicates them. In fact, it means that the legal profession will come more into workmen's compensation than it does now.

The Hon. G. R. Broomhill: You haven't said why.

Mr. MILLHOUSE: The Minister for Conservation, who was presumably previously in charge of the Bill, is taking an interest in it. He should look at clause 52 which will automatically mean that workmen will have to get a solicitor to act for them. At present we have a system that has operated in the State for less than 12 months. In the intermediate courts legislation we provided that matters of workmen's compensation should be dealt with by the new judges of the Local Court instead of by magistrates. Several judges have been appointed, most of them appointees of the present Government. I do not for a moment do other than praise the appointments that have been made to the courts. Many of those appointees having had extensive experience in workmen's compensation matters are experts in this field. We have set up a court and provided that these matters should be heard by the judges. We have appointed men who know their way around this legislation, the result being that the delay in hearing claims has been reduced to about two months; it could be further reduced if it were practicable to get claims before the court in that time but, as it is not, this delay will always occur. The parties and not the court hold up the claims. As the new system is working well, I can see no reason why it should be changed except that the Labor Party has committed itself to the change.

I ask the Minister for a straight-out reply in relation to my next point. The legislation provides for the appointment of an additional Deputy President to the Industrial Court to operate the system envisaged, and he must be paid a salary of about $16,000 a year. He will need a staff, and the court will need additional staff, such as a registrar, to do the administrative work in connection with claims. I estimate that the additional salaries will be at least $30,000 a year and probably more. This is happening at a time when the Government says that, in the interests of economy, it will not create any more new positions. This is an absolute contradiction of that undertaking given by the Treasurer at the beginning of February. Here we have statutory provision for several new and expensive offices and a lack of requirement for it. I do not know how the Government can claim consistency by having an economy drive at the same time as a transfer of this jurisdiction. I ask the Minister to estimate the additional cost of administration in the Industrial Court rather than where it is now being carried out satisfactorily, namely, in the Local Court.

These are substantially our reasons for opposing the change of jurisdiction. I hope that, even at this late stage and despite that the Government Party is committed to this, it will accept the amendment to leave the jurisdiction where it is, in the interests of economy and the present efficiency. If we have more money later, or if the system breaks down and is not as good as it is now, we can make the transfer then. The Government has not told us what concrete benefits there will be from the transfer and the appointment of a new Deputy President. Many rumours are going around about who will be appointed to that position, and, if the hot favourite is appointed, he will be a good appointee but he will not do the job any better than it is being done now. What benefits will we get from

this move, compared with the cost of making it?

The Hon. D. H. McKEE: Every time the Australian Labor Party tries to do anything for the working people, who create the productivity—

Mr. McANANEY: On a point of order, Mr. Acting Chairman, what has the Australian Labor Party got to do with the Bill before the House?

The ACTING CHAIRMAN: I do not know until I hear the Minister explain it. The Minister is replying to remarks made by the member for Mitcham in moving his amendment. Until I have heard the Minister, I cannot rule on the relevance of his remarks.

The Hon. D. H. McKEE: I was about to say that every time we try to introduce legislation to give some relief to the working-class people of this State, it is opposed by the Opposition and costs are referred to.

*Members interjecting*:

The ACTING CHAIRMAN: Order! The Minister will have to relate his remarks to the clause under discussion and the amendment.

The Hon. D. H. McKEE: The member for Mitcham wants to take the jurisdiction away from the Industrial Court.

Mr. Millhouse: It hasn't gone there yet.

The Hon. D. H. McKEE: We expect to put it there, and that is what the Bill sets out to do. The Government considers that the jurisdiction to deal with workmen's compensation matters should be vested in the Industrial Court rather than in the Local and District Criminal Court, as is the case under the present Act. I oppose the amendment for the same reasons as we opposed the same provisions in 1969, when a Bill was before Parliament to amend the Workmen's Compensation Act to provide for all arbitration under the Act to take place before a judge as defined in the Local and District Criminal Courts Act. At that time, the Premier clearly pointed out the need for bringing workmen's compensation under an experienced and specialized jurisdiction, as is now proposed. He explained that the principles of workmen's compensation are the subject of voluminous cases, and that their application requires not only complex technical knowledge but of equal importance a judge in this field should be fully acquainted with industrial problems.

He should be someone with a thorough knowledge of industrial conditions and establishments, so that it is proper and appropriate for such a judge to be a member of the Industrial Court, because such work has a far greater affinity with the ambit of the Industrial Court than with the remainder of the jurisdiction of the Local Court. One of the matters specifically mentioned in the Premier's policy speech was the intention of the Labor Party to enable a speedy settlement of claims. The procedure of the Industrial Court set out in this Bill provides for an informal hearing of workmen's compensation claims that is not available under the present Act, based on experience of a similar system in Victoria which, because of its informality, will allow a speed and ease of settlement of disputed claims that is impossible under the formality of the procedures of the Local Court.

If the parties cannot agree as to liability or amount of compensation, it will be possible for the Industrial Court to put the matter on a "summary list" to be heard speedily and informally, admitting evidence that could not be admitted under rules relating to evidence. This cannot be done while workmen's compensation is under the jurisdiction of the Local Court. Only when this Bill comes into force as an Act, and workmen's compensation is an Industrial Court matter, will such a hearing be possible.

I cannot accept the amendments put forward by the honourable member. It will be to the benefit of both workers and employers for workmen's compensation to be taken out of Local Court jurisdiction, so that the improved and speedy procedures of the Industrial Court may be adopted. I think the honourable member would agree that some cases have been held up for two or three years.

Mr. COUMBE: I compliment the Minister on the way in which he reads a set speech prepared for him: he is a good reader. Earlier, I said I completely supported the speediest possible way of hearing claims.

The Hon. D. H. McKee: Well, sit down!

Mr. COUMBE: I appreciate the Minister's innate courtesy to other members: it comes so naturally to him. Why should the Industrial Court provide a speedier hearing than the present set-up under the Local Court with its specialized judges? The member for Mitcham rightly pointed out the minimum delay that was being caused in the court at present. As he has said, it is not always the court that causes the delay, as often it is caused by other reasons. The Minister has not adequately answered the question of why the court should be changed. Two viewpoints are being heard at present, and I do not think the Minister has given an adequate answer. Some members have said that

all industrial matters should be under the jurisdiction of the Industrial Court. Although I respect that viewpoint, I point out that it is not necessarily correct.

The Hon. D. H. McKEE: When the member for Mitcham was Attorney-General he made the proposal for the new Industrial Court premises. That matter was decided before the present Government came to office. It may not necessarily mean that another judge will be appointed.

Mr. McRAE: The member for Mitcham referred to what he alleged would be the increased cost and the increased difficulty to workers under this Bill. I strongly disagree with what he said. I believe that we do not need lawyers in this jurisdiction at all, and I hope that in a year or two we will change to a system like the Ontario system, where a board levies the employers directly.

Mr. Millhouse: Then you will not support the Minister's amendment?

Mr. McRAE: I am supporting it as a symbol of moderation, which the whole trade union movement has been showing over the last week. However, I do so reluctantly, because I prefer the Ontario system, which wiped out the whole litigation structure and did away altogether with the need for lawyers. That system is much better but, if we are to come to a midway point, a system better than that in the Bill is the New South Wales Workers Compensation Commission or the Victorian Workers Compensation Boards. However, the Government wisely adopted moderation as its keynote. Fundamentally, Government members believe that we should aim for the Ontario system but, as a midway step, we support transferring the jurisdiction to the Industrial Court.

Mr. Coumbe: Would you be a candidate?

Mr. McRAE: No. The benefit of transferring the jurisdiction to the Industrial Court is that it would be a specialist jurisdiction. The member for Mitcham correctly said that many judges appointed to the local and district criminal courts structure are in their own right acknowledged experts on the Workmen's Compensation Act and one in particular, Judge Williams, is probably the best judicial officer in this State in matters affecting workmen's compensation. However, under the existing system we have a rota of six or seven judges who hear workmen's compensation cases in turn. The benefit I see in the new jurisdiction is the benefit of a specialized jurisdiction that will provide consistency of decisions. I recall an appalling situation that existed only four or five years ago when magistrates anywhere could hear workmen's compensation cases, and they gave most ridiculous decisions that cost workers a fortune. We tried to overcome the situation by transferring the jurisdiction to judges in the Adelaide Local Court alone, and they set up a circuit type of arrangement to try to embrace the country areas.

Finally, with the setting up of the intermediate court structure, workmen's compensation jurisdiction was vested in the judges of that court alone. However, I must emphasize that the atmosphere in the Industrial Court is totally different from the adversary system that we find in the local and district criminal courts. The member for Torrens said earlier that he had no great objection to a transfer of jurisdiction to the Industrial Court. I do not quite know his reason for saying that; I guess one of the reasons could well involve this matter of atmosphere. Let us remember that it was the member for Mitcham who, as Attorney-General, pressed so hard for the concept of the intermediate court structure and, as a result of his efforts (and the efforts of the present Attorney-General in continuing the policy), the court structure has now been set up and we have judges who conduct jury trials and work in an atmosphere similar to that of the Supreme Court.

We hope that in time to come the pressure in the Supreme Court can be removed by a transfer of important criminal and civil matters to the intermediate court. I am suggesting that there would be no disadvantage to the court structure as a whole in transferring this jurisdiction from the Local Court; in fact, I believe it would be an advantage. The time taken up with these cases could then be taken up in considering other civil and criminal matters of great importance, and then the Industrial Court, with its admittedly different atmosphere and different methods, could deal with the workmen's compensation claims as they come before it. The member for Mitcham and I well know that the whole atmosphere of the district court is exactly like that of the Supreme Court: there are strict rules of procedure and rules of evidence to follow. That is not envisaged by this Bill in all cases, and I am suggesting that the atmosphere in the Industrial Court, with the proper judicial officer appointed, would be of great benefit to those bringing their cases before it.

Further, this is not inherently a matter that should be dealt with by the normal civil

courts. I consider that workmen's compensation, since it is not a matter depending on culpability in any way, is a matter that can properly be dealt with by a specialist jurisdiction outside the normal court structure. The member for Mitcham made considerable play on the cost of this, and he contrasted the cost of the new system with what he said was the proper working of the current system. I repeat what I said earlier: it is quite true, as the honourable member pointed out, that the workmen's compensation list in the local court has been brought up to within about a two-month delay. I do not dispute that that is a good thing but, to achieve that, I must say, with respect to their honours, that they not only rolled up their sleeves but also took off their shirts and worked in their singlets, pushing aside other matters to make sure that the workmen's compensation matters were brought up to date.

Mr. Millhouse: What other matters did they push aside?

Mr. McRAE: I am suggesting that this cannot go on indefinitely: other matters have to be dealt with in due course, and the giving of priority to workmen's compensation cases cannot go on indefinitely in the way it is going on at present. I suggest that the Government's move here is characterized, first, by moderation, because it has not demanded all it could have demanded and all that presently exists in Victoria, New South Wales and Ontario—all under Liberal or Conservative Governments. It is a half-way step and has the benefits of a specialized jurisdiction in a different atmosphere, where different methods can be adopted.

It may well be that the cost of this appointment, together with the ancillary services of that judicial officer, will be about $25,000 or $30,000, on a reasonable estimate, but by the same token I point out that that cost may well be offset by the additional work that could be done by the intermediate courts. This is an old cry in this area of social services. Even now, insurance companies admit that they are no longer dealing with an area of litigation: they regard it as a sort of social service that they carry out in this area of social service industrial matters. It is an old cry when Liberal members can think of nothing else: they advance the argument of cost. I say that it is a moderate price to pay for a great advantage.

If the member for Mitcham had made a close study of the operations in the other States, he would have seen the advantages and the different atmosphere that are apparent in the Victorian boards and the New South Wales commission; he would have seen judicial officers who are fully and properly qualified, people who are judges of that commission in New South Wales and of those boards in Victoria and who deal with these cases informally. He would also have seen this method fully supported by the legal profession in each of those States, the ease and expedition with which these cases are dealt with, and the different atmosphere that has arisen between the insurance companies, the trade unions and the employees, all of whom are involved.

In Victoria, for example, when I happened to be there on one occasion, there was a matter before Judge Harris, one of the senior judges of the board. He was dealing with a difficult question whether an applicant was suffering from a neurosis and whether his disability was compensable under the Act. Under the summons for direction procedure, he looked at the medical report on each side, and then came to a decision. Both the insurance companies and the trade unions have come to repose their faith in this sort of judicial yet informal system. The whole atmosphere is different; it is one of trust, and there is a greater readiness to settle.

It is this sort of thing that makes me confident that the change in atmosphere leads to speedier settlements. I reject the honourable member's suggestion that the provisions of this Bill will make things more difficult for the workers of this State. That is absolute nonsense. Any practitioner who has represented an applicant knows the difficulty he faces when an insurance company refuses point blank to commence payments or stops them half way through. It is nonsense to suggest that our Act will make the task more difficult for the employees. Our Act will reverse the whole situation, and so it should. When this whole matter is viewed in perspective, this transfer of jurisdiction is no slight upon the judges of the district court, who are people of great ability. It is intended as a real attempt at a moderate solution to a problem which has been with us for a long time and which will not be solved by one Bill. I strongly oppose the amendment.

Mr. MILLHOUSE: It appears that I was right in thinking that we would not get anything from the Government in this connection. We have heard much about this from the member for Playford and the Minister. It is useless trying to refute the arguments that have been put up; I think they are wrong, but I will leave it at that. On the question of

the additional costs that will be incurred here and now because of the change in jurisdiction, I asked the Minister for a straight answer. He did not give me an answer, as he is embarrassed to do so in view of the policy enunciated by the Treasurer that, for the sake of economy, no new positions would be created. The member for Playford was honest enough to admit that my estimate of $30,000 would be around the mark. I cannot agree with him that it will be less: if anything, it will be a good deal more. I want to know from the Minister or from the Minister for Conservation, who was previously the Minister of Labour and Industry, or from the Attorney-General, who seems keen to take part in this debate, the Government's estimate of the additional cost of the system. If they continue to avoid giving an answer, the only conclusion that can be drawn is that I am right, and that they are not prepared to admit that they are deliberately spending money at a time when we should save money and when the Treasurer has said that we will save money.

The Hon. L. J. KING: It seems to me that really there is no additional cost. Basically, the only cost is in relation to the appointment of an additional member of the Industrial Court bench. Any incidental costs would be minor. The basic and important cost will be the cost of an industrial judge.

Mr. Millhouse: What about the Deputy Registrar?

The Hon. L. J. KING: This means that all the work that is transferred to the Industrial Court is taken from the Local Court, which will be relieved of that work. This does not bring additional work into existence requiring additional time to be spent by judicial or administrative officers: it is merely a transfer of the work from one court system to the other. The result is that the court relieved of the work has the time of its judicial and administrative officers available for its own work. If, as I believe to be the position, we require and will require in future six judges in the Local and District Criminal Court to perform the work of that court, without the work of the workmen's compensation jurisdiction, there is no loss at all. The member for Mitcham must not think that because the Local Court is relieved of workmen's compensation work this means that we will have judges and administrative officers of the Local Court sitting around with nothing to do. As the honourable member would know, that is far from the case; six judges in the Local and District Criminal Court are much needed to get the lists in the Local Court up to date and to cope with the inevitably expanding work in the future. By this Bill the administrative officers of that court are relieved of workmen's compensation work.

Mr. Millhouse: Well, will you do as I have asked twice, namely, put a figure on it, or do you say there is no figure?

The Hon. L. J. KING: I say that there is no ascertainable additional cost. Indeed, I think it likely that there is no additional cost, because we are merely transferring work that must be done somewhere, either in the Local Court or in the Industrial Court. One gets an additional cost only if one assumes that we are bringing additional work into existence, but the contrary is the position.

The procedures in this Bill will reduce the work involved in workmen's compensation matters, so the net result of this transfer of jurisdiction will be no additional cost if by additional cost the honourable member means some cost over and above what is necessary to keep the lists up to date in all courts. That is because, if this jurisdiction were left in the Local Court, before long we would be faced with making a choice between allowing Local Court lists to fall into arrears and appointing an additional judge in that court. The result of transferring the jurisdiction will be that we will not have to appoint an additional Local Court judge, and I hope we can look forward to the six judges that we have in that court keeping abreast of the work.

The Committee divided on the amendment:

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

Noes (23)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee (teller), McRae, Payne, Simmons, Slater, Virgo, and Wells.

Pair—Aye—Dr. Tonkin. No—Mr. Dunstan.

Majority of 5 for the Noes.

Amendment thus negatived; clause passed.

Clause 21—"Court constituted of the industrial magistrate."

Mr. MILLHOUSE: Because of the result of the recent division, I do not think it worth while to oppose clauses 21, 22, 23, or 24.

Clause passed.

Clauses 22 and 23 passed.

Clause 24—"No representation by agent."

The Hon. D. H. McKEE: I move:

To strike out "not be represented by an agent" and insert "only be represented by a legal practitioner as defined in the Legal Practitioners Act, 1936, as amended".

This amendment, which was suggested by the Law Society, is acceptable to the Government.

Mr. MILLHOUSE: I warmly support the amendment, in contrast to the member for Playford, who, I understand, supports this system only on sufferance and is looking forward to the day in a year or so when lawyers are cut out of this jurisdiction. I hope that that view is not shared by his senior colleague, the Attorney-General. The remarks of the member for Playford alarm me. I hope that what he has suggested does not happen and I hope that the Labor Party is not persuaded by the honourable member that it should happen. We hear many jokes in this House about lawyers, farmers, and members of other occupations, and I think we all take them in good part and in the spirit in which they are made, but I strongly believe that the assistance of trained legal people in the courts of this country helps the administration of justice and helps individuals to get justice, not the reverse. The reverse occurs when the legal profession is cut out of a jurisdiction either deliberately or in some way by default.

In my view it would be a retrograde step to cut the profession out of the workmen's compensation field. Because of the way in which this Bill has been drawn, I believe it will provide more work for the legal profession, rather than less work. The view of the member for Playford alarms me, as does the ease with which it could be put into effect; it would simply involve an amendment to this clause at some future time, and I do not like the thought that this could or will be done. I support the amendment and I hope that all members will support it. I hope that members opposite will not be influenced by what I consider to be the totally misguided views expressed by the member for Playford.

Mr. McRAE: I support the amendment. While we still have the adversary system in operation, I support the principle of having legal practitioners appear and I do not support the idea of agents appearing. The member for Mitcham may have confused my views on this matter with the views I put forward on changing the entire structure from our present adversary system to the Ontario system. I believe that, while we have a litigious system, legal practitioners should appear, but I also strongly believe that we should wipe out the whole adversary system and replace it with the Ontario system.

Mr. EVANS: I do not know why a person may not be represented by an agent. Surely, it should be a person's right if he so desires to ask anyone in the community to represent him. Why are we compelling people to go to a lawyer? If I have sufficient faith in the member for Glenelg, the member for Mitchell, the member for Mount Gambier, or any other member, why should I be compelled to pay some legal eagle to represent me? It is to the benefit of the legal eagles that this type of legislation be enacted, making it impossible for the average man to select whom he wishes and compelling him to pay perhaps huge sums to be legally represented on an issue when he does not desire legal representation. I think this is typical of much of our present legislation, which makes it impossible for an average man to employ whom he wishes, having to pay huge fees to a lawyer.

The Hon. L. J. KING: After listening to the member for Fisher, I wonder whether I should grow wings and fly like an eagle, or grow fins and swim like a shark! The honourable member says that he should be at liberty, if he wishes, to engage the member for Glenelg, or various other members whom he named, as his agent to appear in court for him. The necessary consequence of that sort of reasoning is that he also should be entitled to employ the member for Glenelg to take out his appendix or to wire his house.

The ACTING CHAIRMAN: Order! The Attorney-General must confine his remarks to the clause.

The Hon. L. J. KING: The clause as drafted did not provide for a lay agent to appear in this jurisdiction: it provided that the litigant may not be represented by an agent, and it followed from that, of course, that he would be represented by a legal practitioner. The amendment is simply an improvement in phraseology: it makes no substantial difference to the clause. The amendment was suggested by the Law Society, and I think it is an improvement. The amendments that have been stated by the Minister and by me to have been suggested by the Law Society were really put forward by a committee appointed by the society to consider the provisions of this Bill. They do not carry with them the endorsement of the Law Society as such.

Mr. Millhouse: Has some different procedure been followed by the Law Society in considering this Bill compared with other Bills?

The Hon. L. J. KING: No. This practice had already been adopted in relation to other Bills. Because the council of the Law Society would not have had an opportunity to consider that committee's report in time for the suggestions to be incorporated in the Bill, the President authorized the committee to communicate its suggestions directly to the Government. No resolution of the council was passed about them. It is appropriate to pay a tribute to those members of the Law Society's committee who spent many hours doing unremunerative work in considering this Bill, to no advantage either to themselves or to the legal profession. Their suggestions have proved most valuable, and many of them have been accepted.

Mr. EVANS: I thank the Attorney-General for telling us that the members of that committee of the Law Society made the recommendations. I agree they should be given credit—credit for protecting their own profession. I do not mind if a man who wishes to have a legal practitioner to represent him engages one; but, if he does not want a legally qualified person to represent him, surely he should be able to choose a man who may not have studied the law fully but is capable of representing him. It is wrong that a person cannot nominate any individual. The Attorney-General gave no reason except that the Law Society committee made this recommendation.

The Hon. L. J. KING: The importance of confining representation to qualified people is obvious: the law owes a duty to the public to see that those who hold themselves out as qualified to represent people in court are qualified, and not only have the qualifications to do it properly but also are subject to the disciplines of their profession so that, if they misbehave themselves, they can be dealt with; and they are people trained in the traditions of advocacy and professionalism, which are the marks of a qualified legal practitioner. To say that a bush lawyer could adequately represent a party in court is misleading. What happens where people are allowed to plead cases without having the necessary training, experience and professional discipline is that the citizen who employs such persons suffers, in the long run, a disastrous loss, namely, the loss of his rights. In this area, as in so many others, the law intervenes to ensure that the only persons who can perform a certain professional service are those with the appropriate professional training and experience. In the case of legal representation and advocacy it is important for the law to ensure that members of the public do not fall into the hands of and find themselves exploited by quacks.

Mr. EVANS: The person concerned may not ask for payment but may represent a person out of goodwill, and he may be capable of performing that duty. If a person chooses to be represented by someone other than a lawyer, surely he knows the risk involved. I believe that no reason has been given why a person cannot choose someone other than a lawyer to represent him. We are protecting the legal profession, which advised the Government to have this provision altered.

Mr. McANANEY: The member for Playford has said that this jurisdiction must be transferred from the Local Court to the Industrial Court, where the atmosphere is much more informal. He also said that the rules of evidence would not now apply. In practice an insurance company would have an agent who was more experienced in these matters than a lawyer, who might possibly have specialized in divorce cases. In view of the long experience he had had, the agent would be better suited to represent the insurance company. The last time I was involved with a lawyer, it took me a day with him to work out whether "may" meant "shall"; I do not think we should have that sort of thing in this jurisdiction.

Amendment carried; clause as amended passed.

Clause 25—"Notice of injury."

The Hon. D. H. McKEE: I move:

In subclause (2) to strike out "the nature of the injury and the day on which the injury occurred and the notice may be expressed in ordinary language" and insert:

"in ordinary language,

(*a*) the nature of the injury;

(*b*) the cause of the injury;

(*c*) the day on which the injury occurred; and

(*d*) the place at which the injury occurred, in so far as those matters lie within the knowledge of the workman."

Again, the amendment has been suggested by the Law Society, which the member for Mitcham has already congratulated on the assistance it has given members of our committee in compiling this legislation. The amendment specifies the requirements that should be given in connection with an injury in so far as they are known to the workman, and it expresses the intention of the clause more clearly.

Amendment carried; clause as amended passed.

Clause 26—"Effect of failure to give notice."

The Hon. D. H. McKEE moved:

In subclause (1) (*a*) to strike out "and before the workman voluntarily left the place of employment"; after paragraph (*b*) to strike out "but" and insert "(2) The"; in paragraph (*c*) to strike out "(*c*) the" and insert "(*a*)"; in paragraph (*c*) to strike out "this subsection" and insert "subsection (1) of this section".

Mr. EVANS: I ask the Minister to explain the amendments.

The Hon. D. H. McKEE: These amendments have been suggested by the Law Society and it is agreed that the words "and before the workman voluntarily left the place of employment" are not necessary.

Mr. McRAE: These amendments are valuable. The member for Fisher will realize that there are many circumstances in which a workman can suffer an injury but not become aware of it until he has voluntarily left his employment. An example is that a man may injure his back but not recognize the consequences until later.

Mr. EVANS: I agree with the amendment, because I know that many injured workmen try to continue at work but find that they cannot do so. The honest worker would suffer without this provision.

Amendments carried.

Mr. MILLHOUSE: I move:

In subclause (1) (*c*) (iii) to strike out "ignorance"; and in subclause (1) (*d*) (ii) to strike out "ignorance".

The word "ignorance" does not appear in the Act at present, and is not necessary and should not be there. Although the Minister's amendment goes some way towards qualifying "ignorance", I prefer to leave the word out.

The Hon. D. H. McKEE: My amendment will spell out what is meant by the use of the word "ignorance" in this clause, and follows a suggestion for clarification by the Law Society. Therefore, I oppose these amendments.

Amendments negatived.

The Hon. D. H. McKEE: I move:

In subclause (1) (*c*) (iii) after "ignorance" to insert "of the workman of the provisions of this Act"; in paragraph (*c*) (iii) to strike out "a" and insert "other"; in paragraph (*d*) to strike out "(*d*) the" and insert "(*b*)"; in paragraph (*d*) to strike out "this subsection" and insert "subsection (1) of this section"; in paragraph (*d*) to strike out "this" and insert "that"; in paragraph (*d*) (ii) after "ignorance" to insert "of the workman of the provisions of this Act"; in paragraph (*d*) (ii) to strike out "a" and insert "other"; in subclause (2) to strike out "(2)" and insert "(3)"; and in subclause (2) to strike out "(*c*) or (*d*) of subsection (1)" and insert "(*a*) or (*b*) of subsection (2)".

The first amendment spells out what is meant by the use of "ignorance", and the remaining amendments are purely drafting amendments.

Amendments carried; clause as amended passed.

Clause 27—"Medical examination prior to compensation."

Mr. MILLHOUSE: I oppose this clause and clause 28, because I foreshadow a new clause 27 on the same subject that is drawn in a more satisfactory form. I am sure the Minister will agree that the new clause I have foreshadowed is an improvement on this clause.

Mr. EVANS: Will the honourable member explain why he opposes this clause?

The Hon. D. H. McKEE: I am willing to accept the suggestion of the member for Mitcham that the clause be negatived with a view to inserting a new clause.

Clause negatived.

Clause 28 negatived.

Clause 29—"Regulations as to such examinations."

Mr. MILLHOUSE: I move:

To strike out "28" and insert "27".

This is a drafting error that I picked up.

The Hon. D. H. McKEE: I accept the amendment.

Amendment carried; clause as amended passed.

Clause 30 passed.

Clause 31—"Reference to medical referee."

Mr. MILLHOUSE moved:

In subclause (1) after "after" to insert "he or his representative has received the report of".

The Hon. D. H. McKEE: I accept the amendment.

Amendment carried; clause as amended passed.

Clause 32—"Reports of medical examinations."

The Hon. D. H. McKEE: I ask the Committee to oppose the clause, so that a new clause may replace it.

Clause negatived.

Clause 33—"Copies of statements given by the workman."

The Hon. D. H. McKEE: I move:

After "shall" to insert "upon a request being made by or on behalf of the workman"; and before "statement" to strike out "every" and insert "any".

The effect of the first amendment is that an employer will only be required to give a workman a copy of a statement he has made on

request by the workman. This is similar to a requirement in New South Wales, was suggested by the Law Society, and is acceptable to the Government. The second amendment is simply a drafting amendment to clarify the intention that an employer is to give a copy of any statement a workman makes. As drafted, it was suggested that, if this statement was incorporated in a further report, the employer might also be requested to produce what, in effect, was just a copy of the original statement.

Amendments carried; clause as amended passed.

Clause 34 passed.

Clause 35—"Registration of agreements."

Mr. MILLHOUSE: I move:

In subclause (3) to strike out "The" and insert "If the Registrar is of the opinion that on the face of it the agreement appears to work injustice to the workman or the employer the".

In my second reading speech, I pointed out that no guide lines were laid down for the Registrar for when there should be a refusal to register an agreement. The purpose of this amendment is to remedy that defect. While the provision is still broad and the Registrar can therefore use a wide discretion, the amendment does at least give him an idea of Parliament's intention. It is, therefore, a desirable amendment.

The Hon. D. H. McKEE: I accept the amendment.

Amendment carried; clause as amended passed.

Clauses 36 to 48 passed.

Clause 49—"Amount of compensation when workman dies leaving dependants."

Mr. MILLHOUSE moved:

In subclause (1) after "leaves" to insert "any"; and in subclause (2) after "leaves" to insert "no dependants wholly dependent on his earnings but leaves".

The Hon. D. H. McKEE: The Government will accept the amendments.

Amendments carried; clause as amended passed.

Clause 50 passed.

Clause 51—"Compensation for incapacity."

Mr. COUMBE: I move:

In subclause (1) to strike out "eighty-five" and insert "eighty".

As members know, in all the mainland States until recently the figure has been 75 per cent of average weekly earnings; in December last, it was raised in New South Wales to 80 per cent, that being the only State where that figure applies. I have deliberately ignored Tasmania, which is not applicable, as a sliding scale applies there. The Government intends to increase the amount of average weekly earnings from 75 per cent to 85 per cent. We should examine what these average weekly earnings represent. During the second reading debate I gave the figures that must be considered in this connection. We are talking about an artificial figure in this case because the average weekly earnings, as produced by the Bureau of Census and Statistics and as based mainly on the male population, include the earnings (plus over-award, overtime, and bonus payments and so on) of not only workers in factories but also salaries of executives and directors' fees, so that the figure is inflated and does not give a true idea of what an artisan working in a factory earns.

In compiling this table, the bureau ignores almost completely self-employed persons and the rural sector of the community, and shop assistants are not greatly represented. The figure is based on payroll tax returns. Regarding weekly payments, the Bill provides for 85 per cent of the average weekly earnings of the worker. The usual practice is to take 85 per cent of the earnings for the preceding 12 months, or for any lesser period for which the workman has been employed. I do not suggest that the figure of about $80 represents a true figure for men working in workshops, where they are likely to suffer an accident. The figure was 75 per cent in all mainland States until November last, when New South Wales amended the figure to 80 per cent. Our figure has been 75 per cent, and I am suggesting a compromise by taking the figure halfway between 75 per cent and 85 per cent, namely, 80 per cent. The Minister, in the second reading debate, referred to a report commonly known as the Conybeare report.

The ACTING CHAIRMAN: Order! I cannot allow the debate to proceed along the lines of a second reading speech. The honourable member must confine his remarks to the clause under discussion.

Mr. COUMBE: I now refer specifically to the report of the New South Wales inquiry into the feasibility of establishing a system for the re-establishment of injured persons, which is available from the Parliamentary Library and commonly referred to as the Conybeare report. His Honour, Judge Conybeare, is Chairman of the Worker's Compensation Commission of New South Wales. In section 9 of his recommendations, he recommends that the figure of 85 per cent should apply, but there is a vital difference between

what is being provided in South Australia and what Judge Conybeare recommended, because he also said that he wanted to delete completely the provision regarding allowances payable in respect of a workman's dependants. That puts an entirely different complexion on the whole matter. We are providing a percentage of the average weekly earnings, with a certain maximum, but a married man can claim a certain amount for his wife and dependent children, with which I completely concur.

In some cases it would be possible for a man on, say, $60 a week (which is an average tradesman's rate, without any over-award or overtime payments), by receiving 85 per cent and having one child dependant, to get more money when he was on workmen's compensation than he would get if he remained at work. This is important, because the Minister has said that he had included in this Bill certain provisions in New South Wales and Victorian legislation. Although Judge Conybeare recommended 85 per cent, his recommendation excluded all dependants' allowances, whereas we provide for them, and rightly so. With the provision of 80 per cent, it would not be difficult for a man receiving workmen's compensation to receive a sum that would be greater than he would receive if he were normally employed. Today, the fitter's rate, which is taken as a yardstick by the Commonwealth Conciliation and Arbitration Commission is $59.40: 85 per cent of that would be $50.49 and 80 per cent would be $47.52. I propose a higher maximum. When the Minister of Local Government, as member for Edwardstown, suggested figures for this rate, they were about the 80 per cent mark.

I suggest that, instead of making the figure 85 per cent, the Minister in charge of this Bill should forget the Conybeare report for a moment and work on 80 per cent, which is the newly adjusted figure in New South Wales, the State with the highest rate in Australia. The Conybeare report was presented in that State. The amending Act, introduced in New South Wales before last Christmas, provided for a dependent wife and dependent children and worked on the 80 per cent figure. We must provide for dependants in this State, whether they be wives or children, and I am sure the Minister would agree with me on that. I suggest that, for the sake of uniformity alone, the Minister should consider this matter. If he insists on 85 per cent, he will find that the whole concept may be destroyed. I am not bringing into this argument the question of cost to the community.

The Hon. D. H. McKee: What would be destroyed?

Mr. COUMBE: I think there would be a reaction against the legislation. Some workmen would get a greater amount under the compensation scheme than they would get if they were working. Furthermore, there would be reactions from employers and the courts. Consequently, the Minister would be wise to accept the amendment. If he later finds that what I have suggested is incorrect, he can introduce an amending Bill. I am making my suggestion to help both the Minister and the workmen of this State. The figure of 80 per cent is a compromise between 85 per cent and the existing 75 per cent.

I have approached this matter as sympathetically and realistically as possible. If honourable members read what I said earlier, they will realize the nature of my approach. Members should recall the criteria I postulated recently in connection with getting a fair deal for everyone concerned. I am the first to suggest amendments that will give a better deal to workers, and some time ago I had the privilege of introducing into this place a Bill that provided the first increase in compensation rates since 1963 for workers. No increase was given by the previous Labor Government. The only increases in rates of workmen's compensation have been given by Liberal Governments. That is an earnest of my endeavour to do something for the workmen and at the same time to help the Government and to provide what I consider to be a workable, reasonable and acceptable figure that we can get through this Parliament.

Members have previously referred to the need to put this Bill in a workable form so that it will be acceptable in the courts. Unfortunately, the hopes of many that this Bill will be easily applied in the courts may not be fulfilled. I do not move the amendment frivolously: I move it sincerely as a worthwhile amendment. I believe I have suggested a reasonable figure for the Minister to consider seriously.

The Hon. D. H. McKEE: I do not doubt the honourable member's sincerity. However, he said that the only privileges in respect of workmen's compensation have been granted by Liberal Governments. With all due respect to the honourable member, I would be ashamed to refer to those measures. The compensation awarded by Liberal Governments was shocking.

Mr. Coumbe: What did you do?

The Hon. D. H. McKEE: What are we doing right now?

Mr. Millhouse: What did you do between 1965 and 1968?

The Hon. D. H. McKEE: We have done plenty, and we are doing it now. I said in my second reading explanation that, regarding monetary measures in this Bill—

The ACTING CHAIRMAN: Order! I cannot allow discussion referring to the second reading.

The Hon. D. H. McKEE: We are dealing with the monetary provisions in this clause and I am afraid that I cannot accept any amendments to them. I could give a long explanation, referring to New South Wales and to other matters raised by the member for Torrens, but I have definitely decided (and so has the Government) that we will not tolerate any amendments to these provisions. I think the honourable member should take into account a certain statement made this morning by one of his colleagues in another place; if he does take it into account, he may have second thoughts about moving this amendment.

Mr. McRAE: I think the member for Torrens in all good faith has misinterpreted clause 51 (1) and (2). If we put aside for a moment the question of whether it should be 80 per cent or 85 per cent, or some other percentage, and look at the two possible situations, the honourable member's concern (indeed, I was concerned also) is that a person can get more on compensation than he may get off compensation. I think that was the honourable member's suggestion but, if he looks at clause 51 (2), he will see that the weekly payment for a workman "having a wife or any member of his family of or over the age of 18 years or a child totally or mainly dependent on his earnings shall not exceed $65 a week or his average weekly earnings during the period aforesaid, whichever is lower".

Therefore, in any event, putting aside the question of what the percentage should be, a workman could not, in my view, get any more on compensation than he could get while at work. I ask the honourable member to reconsider his views on clause 51 (1) and (2) and to see whether I have solved this problem on that matter. However, apart from that difficulty, I should like to make some general comments, bearing in mind that I must refer only to the percentage of average weekly earnings and not deal with the actual sum of money, because that is dealt with in a subsequent amendment. While it is true that 85 per cent is a higher percentage than appears in the other States, the trend in those States is to move the percentage towards average weekly earnings. I cannot see why a workman who has suffered injury should suffer a monetary loss. For too long we have considered it a "divine right" privilege for a workman to be paid any money at all. If a man is injured at work, he should not lose. The consequences of his losing in this period aggravate the injury he has suffered, usually through no fault of his own.

I refer the member for Torrens also to that section of the Conybeare report to which he referred. That report did orient itself on the Ontario system. The judge was suggesting to the New South Wales Government something not completely like the Ontarion system, because he said he did not think there would be sufficient public support; people needed to be educated in that respect. Therefore, he came up with a compromise. When the honourable member read out section 9 of Judge Conybeare's report, he said that the recommendation was 85 per cent of average weekly earnings with no allowance for dependants; but, as the honourable member properly added, it was without any arbitrary maximum. I suggest it is not unreasonable for us on this side (the Government did not base this percentage on the Conybeare report, anyway) to point out that our 85 per cent does have an arbitrary maximum, whereas Judge Conybeare's 85 per cent does not. For that reason, I ask the Committee to oppose the amendment.

Mr. MILLHOUSE: I support the member for Torrens. I accept the member for Playford's explanation about the maximum and am sure the member for Torrens, on reflection after hearing the honourable member, will do likewise. This matter was dealt with in the second reading debate. My view is that, desirable though it is to go to 85 per cent, we as a South Australian community simply cannot afford the expense of doing so. The same is true with regard to the subsequent amendment that the honourable member proposes to move on rates. We must be realistic about this. We are not a wealthy community. In secondary industry, we are in competition with people who are much closer to the main markets in Australia than we are, so we must keep our costs down. Because of the insurance premiums that must be paid by employers, workmen's compensation payments are a factor in costs. We can, of course, argue until the cows come home, but the Government will not give way on it at this point. However, in my view that is the position.

We heard some brave words from the Minister when he said he would brook no interference with the rate. However, I have no doubt that the Government is so anxious to get the Bill through that it will be prepared to compromise somewhere around the level included in the amendment to get agreement with the other place. That can be denied now as it was denied during the second reading debate, but within the next week we will find out whether the Government is prepared to compromise. I believe the Government has deliberately fixed high rates so that it has room to bargain and to get the Bill through at some acceptable level. The member for Torrens has suggested a reasonable level; we may not get it now, but within the next week I think we shall.

Mr. COUMBE: Naturally I am disappointed that the Minister could not agree to my amendment. I was interested in hearing him say he was afraid to accept it. I believe that is true. He has many advisers, legal and otherwise, on his back. I recall that I said that the carpet between his seat and Playford's seat would be worn out, and I have been proved correct this evening.

The ACTING CHAIRMAN: Order! The honourable member must refer correctly to other members in the Chamber.

Mr. Langley: You said—

Mr. COUMBE: Members of this Party are capable of speaking for themselves, which is more than I can say for the member for Unley, who cannot even read out some of the questions that are sometimes given to him to ask.

Mr. Langley: Your turn will come.

Mr. COUMBE: Yes; members must give and take. I am disappointed at the Minister's attitude to what I considered was a reasonable compromise.

[*Midnight*]

Mr. EVANS: I support the amendment and, at the same time, agree with the member for Playford. I do not believe that a person should lose any monetary benefits that he would enjoy if he was going to work. However, surely the member for Playford realizes that if a person is at home he is not involved in the expense of travelling to work. At least that sum could be deducted from the compensation.

Mrs. Byrne: What about medical expenses?

Mr. EVANS: In most cases that is covered either by hospital benefits or by insurance covering the person injured. In some cases I think there would be a profit. The rates contained in this legislation will cost industry a large sum. I do not consider that a workman should lose, but I do not think he should gain, either. The cost of his travel and other expenses that would be involved if he went to his employment daily should be considered. The amendment is reasonable and, I consider, eventually will be the figure accepted in this Chamber.

Mr. McRAE: I point out to the member for Fisher that we are dealing with the amendment dealing with percentages only.

Mr. Evans: It is related to the next.

Mr. McRAE: Yes, except that in only one case could the workman break even with his average weekly earnings. In the other cases it will be 85 per cent of average weekly earnings, or $65, whichever is the lesser, so the remarks by the member for Fisher could apply in only one case. Even in that case, whilst travelling expenses are not incurred, where a person received exactly the average weekly earnings he would still have other financial problems in that period, not to mention his pain and suffering and the mental strain that his family must bear.

The Committee divided on the amendment:

Ayes (19)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe (teller), Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse, Nankivell, and Rodda, Mrs. Steele, Messrs. Venning and Wardle.

Noes (22)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee (teller), McRae, Payne, Simmons, Slater, and Wells.

Pair—Aye—Dr. Tonkin. No—Mr. Dunstan.

Majority of 3 for the Noes.

Amendment thus negatived.

Mr. COUMBE: I move:

In subclause (2) to strike out "sixty-five" and insert "fifty".

This amendment refers to the maximum weekly amount payable. We consider the percentage of the average weekly earnings, set a maximum, and take the lesser of the two amounts. The present amount is $40: it had been $32.50 since about 1963 until 1969, when I introduced a Bill to increase it to $40. The Minister now proposes an increase of 62½ per cent for a married man and 59.3 per cent for a single man. The average weekly earnings have increased by about 2¼ per cent since 1969. In the same period the living wage increased by 9.5 per

cent and the fitter's rate, which is the yardstick, increased by 6 per cent to $59.40, as a result of the recent court award. The Bill proposes an increase of 62½ per cent in the maximum workmen's compensation rate, and I suggest that that is completely out of focus. I have suggested an increase of 25 per cent, which is more than double the biggest increase I have mentioned.

The conspectus on workmen's compensation for Australia and New Guinea shows that $50 is well above the figure for any other State. The new figures for Victoria and New South Wales cannot be found in the conspectus, but I shall quote the figures for those States. On December 22, 1970, the Victorian Act was amended. The weekly rate for total incapacity is the aggregate of $26, $8 for a dependent wife and $3 for each dependent child; that aggregate is not to exceed $41 or the worker's average weekly earnings, whichever is the lesser amount. The New South Wales Act was amended on November 24, 1970. The weekly payment for total incapacity is 80 per cent of the weekly wage, which percentage had been increased from 75 per cent, with a maximum of $32.50, which had been increased from $26. To the figure of $32.50 must be added $9 in respect of a dependent wife and $4 in respect of each dependent child.

These maximum figures are lower than is provided either in my amendment or in the clause as drafted. In Victoria and New South Wales a man would have to have many children to get even the $50 that I am suggesting. My argument is reinforced by a statement made in 1969 by the Minister of Roads and Transport, who, as the then member for Edwardstown, said that the sum should have some relationship to the fitter's rate (that we should forget the average weekly earnings or maximum and equate this in some way to the fitter's rate). The Minister moved an amendment to provide for $47.50. At that time, the fitter's rate was $56. It is now $59.40, and he is saying the sum should be $65. He has done a complete *volte-face*.

The Hon. G. R. Broomhill: No, he was trying to get a bit more out of the Government.

Mr. COUMBE: Well, he would not get it out of the Government; he would be getting it out of the employing section of industry.

The Hon. G. R. Broomhill: You know how he got on, anyway.

Mr. COUMBE: I am perfectly aware of how he got on. The Minister now changes his tune completely: whereas in 1969 he was saying he wanted about 80 per cent of the fitter's rate to be provided, he now supports a Government move to provide about $5 more than the fitter's rate.

The Hon. G. R. Broomhill: He would still say this was not really high enough.

Mr. COUMBE: I am sure the Minister is such a reasonable man at all times that, if he had the opportunity, he would ask for 120 per cent. I believe this amendment will materially assist the workers in our community who are receiving the $40 rate, which I am the first to say is far too low. The Hall Government did not regard the 1969 Bill as the end of workmen's compensation: had that Government run its full term, other amendments would have been introduced.

The Hon. D. H. McKEE: I oppose the amendment. The honourable member has referred to increases that have been granted over the last few years, but there have been many increases in prices also. This amendment is an attempt to take away from the worker what he was earning before the accident. When a man has had an accident and is recuperating, his need is greater. Honourable members in another place have indicated that they will support this provision, so the honourable member is flogging a dead horse.

Mr. McRAE: The member for Torrens will not be achieving for the low wage earner what he is seeking by his amendment to achieve. His calculations based on the national wage case and on the minimum wage provisions are correct in terms of percentages, but it is difficult to apply those percentages to the maximum figure applying here without acknowledging that that maximum figure was correctly set. In the case of the living wage and the minimum wage, there has been a consistent period of adjustment over some years; so at least there is some basis there for comparing each year's figures with the previous year's. However, here we have an arbitrary comparison between two different kinds of concept and a maximum rate that most people would agree was not fair in the first place. Also, in previous years Parliament has attempted to fix the maximum rate of workmen's compensation in line with the living wage or the minimum wage set by the arbitration commission; but we have now been faced with a problem of the wage drift.

The member for Torrens will know, from his experience as a Minister, that the commission's award rates are not a true guide to the average rate in the community. Over-award payments, bonus payments and incentive payments have taken away the basis for a comparison

between the living wage, as established by the commission or the State Industrial Commission, and the maximum figure in this legislation. If the average weekly earning is about $79.40 and the honourable member takes 85 per cent of that figure, he will find that it is about $65. Even allowing for the various inflationary aspects that he pointed to as increasing the true average weekly earnings, those things are offset because we have come down below that $79 to the figure of $65. The $79 does not include the 6 per cent national wage increase. If we took into account that 6 per cent increase and overtime based on that increase, we would end up with a figure of current average weekly earnings of about $85 a week. The honourable member had some regard to rates in other States in making his calculation. I hazard a guess that he started off with the New South Wales rate of $32.50, added $9 for the dependent wife and, taking the concept of a family consisting of a man, his wife and two children, added another $8, representing $4 for each child (giving a total of $49.50), and he then added a bonus of 50c to make $50.

Mr. Coumbe: I did it the other way around: it was 25c over.

Mr. McRAE: In Victoria and New South Wales there is no arbitrary maximum on the total sum of weekly payments, so that there is a discretion in the court to continue the total sum of weekly payments above the maximum, whatever it might be. That is an offsetting factor of great importance. For example, I know of one case in Victoria where the court continued payments over the maximum of $9,000, so that in fact the workman eventually received $40,000. The maximum here can be only $9,000.

I acknowledge that premiums must increase as a result of this measure. However, industry in other States has managed to meet this commitment. This matter is of such fundamental importance that there is no reason why industry here cannot meet the increase. There is every opportunity for industry to cut down its commitment by increasing industrial safety.

The Committee divided on the amendment:

Ayes (19)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe (teller), Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse, Nankivell, and Rodda, Mrs. Steele, Messrs. Venning and Wardle.

Noes (22)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee (teller), McRae, Payne, Simmons, Slater, and Wells.

Pair—Aye—Dr. Tonkin. No—Mr. Dunstan.

Majority of 3 for the Noes.

Amendment thus negatived.

Mr. COUMBE: I move:

In subclause (3) to strike out "forty-three" and insert "thirty-four".

This amendment deals with the rate for a single man. The present rate is $27, which is far too low. My amendment provides for an increase of 26½ per cent compared to 25 per cent for a married man.

The Hon. D. H. McKEE: This is a monetary measure. We have not seen fit to accept the previous amendments moved by the member for Torrens and I oppose this amendment also.

Amendment negatived; clause passed.

Clause 52—"Prohibition on ceasing weekly payments."

Mr. MILLHOUSE: I do not like this clause in its present form, and the Minister does not like it either, because he intends to move to insert a new clause. I hope he supports me in my opposition to the clause as at present drawn so that he can insert his new clause. I ask the Committee to vote against this clause.

The Hon. D. H. McKEE: I agree with what the honourable member has said.

Clause negatived.

Clause 53—"Weekly payments."

The Hon. D. H. McKEE moved:

In subclause (1) after "(1)" to strike out "The" and insert "Except as provided in this section the".

Mr. MILLHOUSE: I do not like this clause, because it is entirely unjust. It obliges employers to commence weekly payments within a fortnight after a workman has provided evidence of his incapacity, whatever that may be. That is wrong and unacceptable. A fortnight does not give sufficient time for a full and adequate investigation of allegations of injury. It often takes three or four weeks to undertake these investigations, and even after these have been completed it may be necessary to seek a legal opinion.

Mr. Groth: While all this is going on the injured person is at a disadvantage.

Mr. MILLHOUSE: That may be so, but that is one of the disadvantages of having an accident. We cannot cure one evil with a greater evil. After the investigations have been carried out it is often necessary to seek a legal opinion as to whether compensation is payable or not. A fortnight is just not long enough.

The ACTING CHAIRMAN: Order! There is too much noise.

Mr. MILLHOUSE: For those reasons we would do well to strike out subclause (1) altogether. It is unjust and impracticable.

Amendment carried.

The Hon. D. H. McKEE moved:

In subclause (1) after "incapacity" first occurring to insert "which evidence shall be in the form of a certificate from a legally qualified medical practitioner".

Mr. MILLHOUSE: I wanted to strike out subclause (1) altogether, but at least the Minister is coming halfway. For the sake of the member for Fisher, I wish to explain that at present all a workman has to do is provide evidence, whether good, bad or indifferent. A conversation with an employer would be evidence. However, the Minister's amendment now provides that the evidence must take the form of a medical certificate. So, at least the workman must persuade a medical practitioner that there is something wrong with that workman. That is the form of evidence he must present to an employer. That is an improvement.

Amendment carried.

The Hon. D. H. McKEE moved to insert the following new subclauses:

(1a) An employer who disputes his liability to pay compensation under this Act may within the period of two weeks referred to in subsection (1) of this section take out an application to the court for an order that that subsection shall not apply and such application shall be heard and determined as a proceeding in the summary list and the application of that subsection shall be suspended, pending the results of that hearing and determination.

(1b) Upon the hearing of the application referred to in subsection (1a) of this section the court may—

(*a*) dismiss or adjourn the application upon such terms as it thinks fit and if it dismisses the application it shall make such order as to the modification of the application of subsection (1) of this section as it thinks fit and thereupon subsection (1) of this section shall apply and have effect accordingly;

or

(*b*) if it considers that a genuine dispute exists concerning the liability of the employer to pay compensation under this Act, order that subsection (1) of this section shall not apply and thereupon that subsection shall not apply.

(1c) The fact that an application referred to in subsection (1b) of this section has been dismissed shall not be taken into account by the court in any other proceedings under this Act.

(1d) Section 40 of this Act shall not apply to a proceeding referred to in subsection (2) of this section.

Mr. EVANS: Can the Minister explain the reason for this amendment?

Mr. MILLHOUSE: The effect of this amendment, which I support, is to cut down, to some extent, the other objection I had to clause 53 (1), because it means that within 14 days, at the end of which the employer has to start payments, he can apply for the court to decide whether or not the payments should begin. In other words, this is a way in which he can get out of the obligation imposed on him under clause 53 (1). It will lead (and this is what I had in mind when I spoke earlier and was challenged by the Minister for Conservation) to a proliferation of legal proceedings; it must, if one looks at new subclause (1b), because it will be necessary for the workman to be represented at law, if the employer exercises the rights that we are giving him in this amendment. Many cases that do not come before the court at present will come before the court by virtue of these provisions. However, it is, to some extent anyway, meeting my objection by giving an employer an opportunity to invoke the aid of the court rather than tamely having to submit to payments.

The Hon. D. H. McKEE: The member for Mitcham's explanation is correct. The amendment includes the procedure that can be adopted if an employer disputes liability. The Law Society has pointed out that the clause as drafted conflicts with clause 39, and suggests that there should be some prompt summary procedures for determining such disputes.

Amendment carried.

The Hon. D. H. McKEE moved:

In subclause (2) to strike out "(2)" and insert "53a(1)"; and after "payment" to insert "unless in any proceedings for the recovery of the amount it appears to the court that payment of the weekly payments to the workman was obtained by fraud or misrepresentation on the part of the workman".

Amendments carried.

Mr. MILLHOUSE: I move to insert the following new subclause:

(2) Where during any period in respect of which weekly payments are payable to the workman pursuant to this Act, a workman receives or is entitled to receive pursuant to his contract of service with his employer or pursuant to any award a payment for a public holiday, the relevant weekly payment adjusted pursuant to subsection (1) of this section shall be reduced by the amount of that payment".

The purpose of this amendment, which I am sure is acceptable to the Minister, is to prevent

the possibility of double payment to a workman, both compensation and payment for a public holiday.

The Hon. D. H. McKEE: I accept this amendment.

Amendment carried; clause as amended passed.

Clauses 54 to 57 passed.

Clause 58—"Additional compensation."

The Hon. D. H. McKEE: I move:

In subclause (1) after "incurred" to insert "as a result of his injury"; after "nursing services" to insert "constant attendance services"; to strike out "as are reasonably necessary as a result of his injury" and insert "where that damage was associated with his injury"; and in subclause (2) to insert the following definition:

> "constant services" means the service not being nursing services of a person in any case where the injury is of such a nature that the workman must have the constant personal attendances of another person;

These amendments are designed to include "constant attendance services" in this clause in a manner similar to the inclusion of nursing services. Also, they include drafting amendments suggested by the Law Society.

Amendments carried.

The Hon. D. H. McKEE moved:

In subclause (3) after "nursing services" to insert "constant attendance services"; and in subclause (4) after "nursing services" to strike out "or" and insert "constant attendance services,".

Amendments carried; clause as amended passed.

Clause 59—"Constant attendance allowance."

The Hon. D. H. McKEE: I ask the Committee to vote against this clause, which is no longer necessary, following the amendments to the previous clause.

Clause negatived.

Clauses 60 to 63 passed.

Clause 64—"Computation of average weekly earnings when workman under twenty-one or improver is permanently incapacitated."

The Hon. D. H. McKEE moved:

To strike out "forty-five dollars and ninety cents per week (or such other amount as may be prescribed)" and insert "the amount of the minimum wage for the time being included in any award pursuant to section 37a of the Industrial Code, 1967, as amended".

Mr. EVANS: Again, I consider that an explanation from the Minister is desirable.

The Hon. D. H. McKEE: The Government has accepted the objections of the Law Society to amending the amount in this clause by regulations. The amendment gives effect to the original intention, which I dealt with in my second reading explanation. If the honourable member looks at that explanation, he will see it there.

Amendment carried; clause as amended passed.

Clause 65—"Absences from employment not to affect certain leave."

The Hon. D. H. McKEE: I move:

In paragraph (*b*) after "agreement" to insert "under any such law".

This is a drafting amendment, for the sake of clarity.

Amendment carried; clause as amended passed.

Clause 66 passed.

Clause 67—"Partial incapacity to be treated as total."

Mr. MILLHOUSE: I move:

In paragraph (*b*) after "failed" to insert "to take all reasonable steps".

So far as I know, the provision in this clause is new and it obliges an employer to find a job for a workman. Employers often do this now, but this provision obliges them to do so, otherwise the workman goes on full compensation. I consider that unreasonable. We could go so far as to say that an employer must take all reasonable steps to find him employment, but to make it absolute is going much too far. If an employer does everything he can to find a job but is genuinely unable to do so, it is wrong that the employee should be able to take advantage of what may be economic circumstances to go on full compensation. If General Motors-Holden's retrenched about 200 men and among them were several who had been given employment pursuant to this clause, they could immediately go on to full compensation. This situation is absurd.

Mr. COUMBE: The small businessman must be considered seriously in regard to this aspect. Several industries are suffering from a decline in orders at present, and it is possible that in a small factory an employer could not find employment for a person in this category. Under this amendment the matter could be referred to the court. It seems that the union principle of last on first off would go by the board when retrenchments occurred, and this provision might cause hardship to many employers owning small businesses. I am concerned for these people, because this provision could pose real problems for them.

The Hon. D. H. McKEE: I oppose this amendment. If the employer had taken all reasonable steps to find the employee suitable employment and was unable to employ the

injured workman on his return, where else would the employee find employment? The man might be in such a state of health that he was practically unemployable; he might be a partial invalid. I think the obligation should be on the employer.

Mr. Coumbe: What if the employer was prepared to make some arrangement with another employer?

The Hon. D. H. McKEE: That would fulfil the obligation, for he would have taken reasonable steps to find the workman employment.

Mr. Millhouse: That is what I want to provide for.

The Hon. D. H. McKEE: The effect of the amendment would be that, if the employer, after taking reasonable steps to provide employment, claimed that he could not give or obtain such employment, he would have no further obligation. I therefore oppose the amendment.

The Hon. L. J. KING: If the amendment were carried it would put the workman in a worse position than the position he is in under the existing Act. It would mean that, if the employer failed to employ the partially incapacitated workman but took reasonable steps to find him employment and was unable to find him employment, the workman would then lose his right to be treated as totally incapacitated. Under section 24a of the present Act, if the workman takes reasonable steps and is unable to find employment, he is regarded as totally incapacitated. That provision is not reproduced in this Bill. What is done is to transfer responsibility for obtaining employment for the partially incapacitated workman from the workman to the employer, and that is a perfectly reasonable proposition.

In reply to the member for Torrens, who put the difficulty of the small businessman who might not have the range of employment to place a workman, I point out that the obligation is fulfilled not only by the employer himself providing employment but by his causing employment to be provided by another. In practice, this obligation will fall not on the small employer at all but on his insurer. It will mean that insurance companies, if they wish to minimize their liabilities under the legislation, will have to gear themselves to finding employment for partially incapacitated workmen who have a capacity to work in some employment but not in the employment in which they were originally employed. This can only be socially beneficial. It can only benefit the community if insurance companies are required to place incapacitated men in work they can do. This is the practical effect of the clause, and it is a considerable social advance.

Dr. EASTICK: The discussion on this clause has revolved around an employer who is employing many men. I wish to raise the question of the employer who is responsible for only one, two or three employees. Much of the argument advanced by the Minister and the Attorney-General is not pertinent to that kind of employer.

The Hon. L. J. King: They are bound to insure.

Dr. EASTICK: I know that, but it is possible that a person employing only one or two people may be unable to accept back into employment an employee who is not in totally good health. Without allowing the latitude that has been suggested by the member for Mitcham, the position of a person who could benefit by receiving the opportunity of part-time employment will be jeopardized; he may have to stay at home to recover further so that he can return to effective employment in the organization, to which I have referred, that employs only one or two people. I support the amendment.

The Hon. D. N. BROOKMAN: Can the Minister say how the employer would know when a workman was so far recovered from an injury that he could be given some work? It seems to me that an employer is entirely in the hands of the employee in this regard. I think the Bill should provide some machinery whereby the employer knows when the employee is fit for work.

The Hon. D. H. McKee: He would get that information from the medical officer, wouldn't he?

The Hon. D. N. BROOKMAN: I should like the Minister to explain that to me. How does the employer know, if the employee does not bother to tell him?

The Hon. D. H. McKEE: He has a right to have the employee medically examined from time to time and to call for certificates from the doctor, and that is what occurs now.

Mr. HARRISON: I think the clause as it stands is a good provision, for it will remove much confusion that exists in industry today in the organizations of both large and small employers. A man who may have injured himself at work receives a certificate from his doctor to return on light duties but, when he returns, the employer says. "There is no such thing as light duty in this establishment."

so the person concerned hawks his labour around to various establishments, trying to get a job. He eventually reports back to the insurance company with a signed statement from various organizations that he has tried to seek employment, and only then will the insurance company put him back on compensation.

By the same token, an employee may be injured and may go to see his own doctor, who provides a certificate for a certain period, so that the employee can remain away from work because of the disability suffered. However, the employer may be knocking on the employee's door next morning, offering him a job sitting down doing nothing, for one purpose only: to establish a reduced accident rate in the hope of receiving a plaque. I know from personal experience that one establishment received a plaque because of the least amount of time lost through accidents, even though people were working with their arms in slings and were getting about on crutches when they should have been at home. The present clause clarifies the situation, and I support it.

The Committee divided on the amendment:

Ayes (19)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse (teller), Nankivell, and Rodda, Mrs. Steele, Messrs. Venning and Wardle.

Noes (22)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee (teller), McRae, Payne, Simmons, Slater and Wells.

Pair—Aye—Dr. Tonkin. No—Mr. Dunstan.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Clause 68 passed.

Clause 69—"Fixed rates of compensation for certain injuries."

The Hon. D. H. McKEE: I move:

In subclause (1) to strike out "Notwithstanding anything in this Act the" and insert "The".

This is consequential on my next amendment to this clause.

Amendment carried.

Mr. MILLHOUSE moved:

To strike out subclause (2) and insert the following new subclause:

(2) Nothing in this section or section 70 of this Act shall limit the amount of compensation payable for any injury referred to in either of those sections during any period of incapacity resulting from that injury occurring before an assessment of compensation is made pursuant to this section and the amount of compensation payable pursuant to this section shall be payable in addition to any weekly payment payable in respect of that incapacity.

The Hon. D. H. McKEE: The Government accepts the amendment.

Amendment carried.

The Hon. D. H. McKEE: I move to insert the following new subclauses:

(7a) Notwithstanding anything in subsection (1) of this section the amount of compensation payable under this section in respect of a relevant injury shall be the difference between the amount otherwise payable under this section and the amount of compensation that has been paid under this section or under section 26 of the repealed Act in respect of the prior injury.

(7b) In subsection (7a) of this section—

"prior injury" means any injury or disease in respect of which compensation has been payable under this section or section 26 of the repealed Act:

"relevant injury" means an injury or disease that is an aggravation, acceleration, exacerbation, deterioration or rucurrence of a prior injury."

These new subclauses are to replace a subsequent clause in the Bill, the drafting of which was subject to some comment by the Law Society. These subclauses give effect in a much simpler way to the matter now contained in clause 73 that I will later move be left out.

Mr. MILLHOUSE: The "relevant injury" is, in fact, a second injury and need not have arisen out of or in the course of employment but is to be compensable. This seems to be bad and against the policy of the Act.

Amendment carried.

Mr. MILLHOUSE: I move:

In subclause (6) after "any" second occurring to insert "external and removable".

This is to make clear that anything put inside a person is not excluded.

Amendment carried.

Dr. TONKIN: I move:

In subclause (6) after "appliance" to insert "but where a workman has suffered an injury to his eye the percentage of the full and efficient use of that eye lost by the workman shall be determined by reference to the vision of that eye as corrected except where a refractive error of the eye has been produced or changed by the injury when the percentage of the full and efficient use of that eye lost by the workman shall be determined by reference to the corrected vision or uncorrected vision whichever reference discloses the greater loss".

The assessment of visual disability based on uncorrected vision is inaccurate, unscientific

and, when applied to the Workmen's Compensation Act, may penalize the worker or the insurer. First let me explain what is meant by "corrected" and "uncorrected" vision. Defective sight can be the result of a disease or injury that has affected the eye-ball itself, so that it cannot work properly. On the other hand, a healthy eye may have defective vision because it is simply out of focus. The wearing of spectacles will correct this error of focus (or refractive error, as it is known), and whilst wearing the glasses the subject may see quite normally. Corrected vision is the sight whilst glasses are worn. Uncorrected vision is the level of sight without the aid of glasses.

A person who is short-sighted, but otherwise has healthy eyes, may have a visual level of only, say, 10 per cent without glasses, and 100 per cent with glasses. If such a worker suffers an injury which leaves him with a scar on the cornea of his eye, through which he is unable to see well, his vision without spectacles before and after the accident may be 10 per cent, whilst his vision with glasses before the accident was 100 per cent, but may now be only 40 per cent. If such a worker is assessed on his uncorrected vision as required by the Bill, he will be granted no compensation, while he has in fact suffered a 60 per cent loss of sight and no glasses will enable him to catch up this 60 per cent.

I have moved this amendment so that we do not miss out any disability caused by injuries such as this which show up only on corrected vision. On the other hand, in cases where the injury has resulted in the need to wear spectacles or have some form of correction, this is covered by the second part. Although the wording of my explanation is technical, I know the Minister will be pleased to accept my amendment, as it gives the best possible provision for the workman.

The Hon. D. H. McKEE: I accept the amendment.

Amendment carried.

Dr. TONKIN: I move:

In the table to strike out:

| | |
|---|---|
| General Injuries— | |
| Total and incurable loss of mental powers involving inability to work | 100 |
| Total and incurable paralysis of the limbs or of mental powers | 100 |

and insert:

| | |
|---|---|
| Permanent and incurable loss of mental capacity resulting in total inability to work | 100 |
| Total and incurable paralysis of the limbs | 100 |

The amendment tidies up the medical wording in the clause. The terms "mental powers" and "total and incurable paralysis of mental powers" went out of use long ago.

The Hon. D. H. McKEE: The amendment is acceptable to the Government.

Amendment carried.

Dr. TONKIN: I move:

In the table to strike out:

| | |
|---|---|
| Eye Injuries— | |
| Total loss of sight of both eyes | 100 |
| Total loss of sight of an eye the other being blind or absent | 100 |
| Total loss of the sight of one eye and serious diminution of sight of the other | 90 |
| Total loss of sight of an eye | 50 |
| Loss of binocular vision | 40 |

and insert:

| | |
|---|---|
| Total loss of sight of both eyes | 100 |
| Total loss of sight of one eye | 50 |
| Total loss of sight of one eye, the vision in the other eye being less than 6/60 Snellens type with correction or absent | 100 |

Total loss of sight of one eye will involve loss of binocular vision, anyway. The World Health Organization defines blindness as less than 6/60 vision, with correction. Any workman with only one useful eye would have to be found a special job because, if he lost the sight of that eye, he would have a 100 per cent disability.

The Hon. D. H. McKEE: I accept the amendment.

Mr. McRAE: I support the amendment. Its effect, along with that of other amendments to the table, is to put the matter in a reasonable perspective so that we can look at the table and see the injuries set out in accordance with their gravity. We can look at them and rest assured that the percentage of the total amounts allocated to the injuries is in accordance with modern thinking. Also, as a result of the honourable member's efforts in this area of loss of sight, which has always been a difficult matter, we now have a precise definition.

Amendment carried.

Dr. TONKIN: I move:

In the table after "Loss of middle finger" to strike out "17" and insert "20"; and after "Loss of ring finger" to strike out "15" and insert "20".

The major disability through loss of the middle and ring fingers is the gap in the grasp and, of course, in forced pinching movements. The figure should be much nearer the 25 per cent provided for loss of the forefinger.

The Hon. D. H. McKEE: I accept the amendments.

Amendments carried; clause as amended passed.

Clause 70—"Injuries not mentioned in the table."

Mr. MILLHOUSE: I move:

In subclause (1) to strike out "whether or not the workman is likely to suffer incapacity for work by reason of that injury" and insert "and that injury is likely to result in either permanent total incapacity for work or permanent partial incapacity for work".

I do not like this clause much. The phrase "whether or not the workman is likely to suffer incapacity for work by reason of that injury" means, in effect, that any disability, even though it causes no loss of earnings, will be compensable. I do not believe that that is right or that the Government intends that it should be so compensable.

The Hon. D. H. McKEE: I oppose the amendment.

Mr. Millhouse: Why?

The Hon. D. H. McKEE: This relates to a matter with which the Committee has dealt earlier and, if carried, the amendment would defeat the objects of the clause.

Mr. Millhouse: That's meaningless, you know.

The Hon. D. H. McKEE: It is not meaningless. I have said it defeats the purpose of the clause.

Mr. Millhouse: How?

The Hon. D. H. McKEE: Several matters must be considered. It may involve a workman who in an injury at work suffers, for example, severe bodily or facial scarring or disfigurement. When the workman recovers, he or she may not be incapacitated for work. The effect of the amendment would be to debar such a person from receiving any lump sum payment for the permanent damage caused by the injury. We would be right back where we have been for many years, and many problems would be created.

Mr. BECKER: As I see it, this clause would cover the position where a workman suffers internal injuries, such as the loss of a lung, this injury being suffered by a bank officer during a hold-up. I support the clause.

Amendment negatived.

Mr. MILLHOUSE: Will the Minister be good enough to accept my amendment to subclause (4)? This really is a good amendment.

The Hon. D. H. McKEE: I am afraid not. I move:

In subclause (1) to strike out "accordingly" and insert "in all respects as if the injury were set out in the table and the percentage fixed by the court were set out in the table opposite the description of the injury".

This amendment was prepared at the suggestion of the Law Society to clarify the intention of this provision.

Amendment carried.

The Hon. D. H. McKEE: I move:

In subclause (2) to strike out "under" and insert "in the manner prescribed by".

This is a drafting amendment.

Amendment carried; clause as amended passed.

Clause 71 passed.

Clause 72—"Lump sum in redemption of weekly payments."

Mr. MILLHOUSE moved:

In subclause (1) to strike out "or other compensation".

The Hon. D. H. McKEE: I must oppose this amendment because it would have the effect of limiting the right of the workman to redeem compensation under the Act.

Mr. MILLHOUSE: I do not agree that it should be possible to redeem other things. That is why I have moved the amendment.

Amendment negatived.

Mr. MILLHOUSE moved:

In subclause (1) to strike out "disability" and insert "incapacity".

The Hon. D. H. McKEE: I accept the amendment.

Amendment carried; clause as amended passed.

Clause 73—"Prior injuries."

The Hon. D. H. McKEE: I ask the Committee to negative the clause. This is consequential on the inclusion of the new subclause in clause 69 that the Committee has accepted.

Clause negatived.

Clause 74—"Noise induced hearing loss."

The Hon. D. H. McKEE: I move:

In subclause (1) to strike out "this section" second occurring and insert "section 69 of this Act".

This amendment is to correct a drafting error.

Amendment carried; clause as amended passed.

Clause 75—"Compensation for noise induced hearing loss."

The Hon. D. H. McKEE: I move:

To strike out "referred to in section 73" and insert "as defined in subsection (7*b*) of section 69".

This is consequential on a previous amendment.

Amendment carried; clause as amended passed.

Clause 76—"Investment payment in case of death."

Mr. MILLHOUSE: I have consequential amendments to this and following clauses but, as the Attorney-General has informed me that they would look silly on their own, I will not proceed with them.

Clause passed.

Clauses 77 to 82 passed.

Clause 83—"Liability independently of this Act."

Mr. MILLHOUSE: I move:

In subclause (2), after "received" to insert "or is entitled to receive".

I am sorry that this clause does not provide, as the Act now provides, for notice to be given if proceedings outside the Act are to be taken. At present all that one has to do is take common law action within three years, in terms of the clause. Under the present Act, one must give notice within, I think, six months and take action within 12 months, which allows the insurance company to make inquiry as may be necessary.

Amendment carried; clause as amended passed.

Clauses 84 to 90 passed.

Clause 91—"Diseases contracted by gradual process."

Mr. MILLHOUSE: I move:

In subclause (1) after "due" second occurring to insert "but if it is proved that the workman, having been informed of the consequences of his action, wilfully and falsely represented himself (in writing) as not having previously suffered from the particular injury, compensation in respect of that injury shall not be payable under this Act."

The effect of the amendment is to provide that, if a workman asks for a job and says that he has never had an illness whereas, in fact, he has had an illness, certain consequences adverse to him follow.

Amendment carried; clause as amended passed.

Clauses 92 to 94 passed.

Clause 95—"Certain diseases deemed to be due to nature of employment unless contrary certified."

The Hon. D. H. McKEE moved:

After "95" to insert "(1)"; and to insert:

"(2) Where a workman contracts silicosis as defined in section 98 of this Act and that workman is not entitled to compensation under Part IX of this Act, subsection (1) of this section shall apply and have effect to and in relation to that workman as if the silicosis as so defined appeared in the first column of the second schedule to this Act and the passage 'any process involving exposure to silica dust' appeared in the second column of that schedule opposite that definition."

Amendments carried; clause as amended passed.

Clause 96 passed.

Clause 97—"Claims under other provisions of Act not affected."

Mr. MILLHOUSE: As drawn, this clause is undesirably wide. I would have preferred the clause to provide:

This Part shall not be construed as limiting or restricting the right of a workman to recover compensation under this Act for an injury that is not a disease of such a nature as to be contracted by gradual process.

Is the Minister amenable to my suggestion?

The Hon. D. H. McKee: No.

Clause passed.

Clauses 98 to 123 passed.

Clause 124—"Compulsory insurance."

Mr. MILLHOUSE: I move to insert the following new subclause:

(2a) An insurer who is by reason of subsection (2) of this section liable under a policy of insurance may, in addition to any other remedy he may have, receive from the employer liable to pay compensation and if two or more employers were so liable from those employers jointly and severally—

(*a*) such sums as the insurer has paid in payment, settlement or compromise of a claim or judgment against the employer; and

(*b*) any costs or expenses incurred by the insurer in relation to the payment, settlement or compromise.

The effect of the amendment is to give an insurer a right of indemnity against an employer who has taken out a policy but has in some way breached that policy.

The Hon. L. J. KING: The Government will accept the amendment.

Amendment carried; clause as amended passed.

Remaining clauses (125 to 133) passed.

New clause 5a—"Jurisdiction of court in certain proceedings."

The Hon. D. H. McKEE: I move to insert the following new clause:

5a (1) Any proceedings that could have been commenced under the repealed Act immediately before the commencement of this Act but had not been so commenced may be commenced, continued and completed in all respects but subject to this section as if this Act had not been enacted.

(2) For the purposes of any proceedings referred to in subsection (1) of this section the court shall have and may exercise in all respects the jurisdiction conferred on the local court or a judge thereof by the repealed Act, and for those purposes the local court or a

judge thereof shall not have or exercise that jurisdiction.

(3) For the purpose of giving full effect to this section the court may by order give directions as it thinks necessary or desirable in respect of any matter or thing in relation to the procedure to be adopted in the conduct of proceedings referred to in subsection (1) of this section and such directions shall have effect as if they were enacted in this Act.

This provision clarifies the position concerning proceedings under the present Act which are not commenced before the new legislation comes into force. The Government considers that all new cases commenced after the Act comes into force should be heard by the Industrial Court, not the Local Court.

New clause inserted.

New clause 27—"Periodical medical examination during period of compensation."

Mr. MILLHOUSE: I move to insert the following new clause:

27. (1) Where a workman—

(*a*) has suffered an injury that may give rise to a claim for compensation under this Act;

(*b*) has given notice of an injury under this Act;

or

(*c*) is receiving weekly payments under this Act

that workman shall, if so required by the employer, from time to time submit himself for examination by a legally qualified medical practitioner provided and paid for by the employer, and if the workman refuses to submit himself to such examination, or in any way obstructs the same, his right to weekly payments or other compensation under this Act shall be suspended until that examination has taken place.

(2) The employer shall reimburse the workman the amount of any costs or out of pocket expenses reasonably incurred by the workman for the purpose of submitting himself to any medical examination referred to in subsection (1) of this section.

This is the new clause relating to medical examination, and it is much superior to the original.

The Hon. D. H. McKEE: The Government accepts the new clause.

New clause inserted.

New clause 32—"Reports of any medical examination."

The Hon. D. H. McKEE: I move to insert the following new clause:

32. Where a workman is required to submit himself to an examination under this Act, the employer shall at the request of the workman or at the request of any representative of the workman, forthwith supply or cause to be supplied to the workman or the representative—

(*a*) a copy of every report furnished to the employer or his representative by the medical practitioner who conducted the examination; and

(*b*) a statement in writing of all the facts, conclusions and opinions of the medical practitioner relating to the condition of the workman which have been communicated by the medical practitioner to the employer or to his representative.

Penalty: One hundred dollars.

The original clause was redrafted following suggestions by the Law Society to clarify the intention.

New clause inserted.

New clause 52—"Unlawful discontinuance of weekly payments."

The Hon. D. H. McKEE moved to insert the following new clause:

52. (1) Weekly payments provided for by this Part shall not be discontinued or diminished without the consent of the workman except where the workman has returned to work or a medical practitioner who has examined the workman has certified that the workman has wholly or partially recovered or that the incapacity is no longer a result of the injury and a copy of the certificate (which shall set out the grounds of the opinion of the medical practitioner) together with at least twenty-one clear days prior notice of the intention of the employer to discontinue the weekly payment or to diminish it by such amount as is stated in the notice has been served by the employer upon the workman and unless within that period of twenty-one days the workman has not made an application to the Court under subsection (2) of this section.

(2) A workman who disputes the right of his employer to discontinue or diminish the weekly payments referred to in subsection (1) of this section may within the period of twenty-one days referred to in that subsection take out an application to the Court for an order that the weekly payments shall not be discontinued or diminished and such application shall be heard and determined as a proceeding in the summary list.

(3) Upon the hearing of an application referred to in subsection (2) of this section the Court may—

(*a*) adjourn the application on such terms as it thinks fit;

(*b*) dismiss the application in which case the weekly payments may be discontinued or, as the case may be, diminished; or

(*c*) make such order as to the continuance of the weekly payments as it thinks fit.

(4) Section 40 of this Act shall not apply to a proceeding referred to in subsection (2) of this section.

(5) If any weekly payments are discontinued or diminished otherwise than in accordance with this section the employer shall be guilty of an offence and liable upon conviction to a penalty not exceeding two hundred dollars.

(6) A conviction for an offence that is a contravention of subsection (5) of this section shall not affect any liability for the making of weekly payments pursuant to this Part.

Mr. MILLHOUSE: Although I do not oppose the new clause, I suggest to the Minister that, before "medical practitioner" twice occurring, "legally qualified" be inserted, simply because they are always referred to as legally qualified medical practitioners; that is the expression used throughout the Bill. However, those words have been omitted here. They would really be drafting amendments. While not opposing this clause, I point out that again it is a clause that will multiply legal proceedings.

The Hon. G. R. Broomhill: No.

Mr. MILLHOUSE: The Minister for Conservation shakes his head sapiently but I am certain that that will be the effect, because a workman who disputes the right of his employer to discontinue his weekly payments will have to go to court and be represented. I say that only because of the interjections of the Minister for Conservation.

The Hon. G. R. Broomhill: It is quite the contrary.

Mr. MILLHOUSE: I do not see how a workman in that position can avoid going to court every time.

The Hon. D. H. McKEE: Following what the member for Mitcham has suggested, I move:

In new subclause (1) before "medical practitioner" twice occurring to insert "legally qualified".

Amendment carried.

Mr. MILLHOUSE: Can I be assurred that in new subclause (5) the penalty is "not exceeding two hundred dollars" and not "five hundred dollars"?

The Hon. D. H. McKEE: Yes; "two hundred dollars" is written in.

New clause as amended inserted.

New clause 123a.

The Hon. D. H. McKEE moved to insert the following new clause:

123a. Where for the purpose of making a claim for compensation under this Act a workman or a representative of the workman requests a person to supply any information, as lies within his knowledge, as to the identity of an employer or former employer of the workman, that person shall not refuse or fail forthwith to supply that information to the workman or his representative.

Penalty: One hundred dollars.

New clause inserted.

First schedule passed.

Second schedule.

Mr. EVANS: I move:

To strike out "Asthma or asthmatic attacks" and the description of the process set out opposite those words.

The member for Bragg, who is indisposed, asked me to move these amendments. In the other cases in the schedule, such as lead poisoning, mercury poisoning, phosphorus poisoning, and so on, the disease can be the direct result of the materials being used in the industry. However, there may be causes of asthma or asthmatic conditions that have nothing to do with an industry.

The Hon. D. H. McKEE: Before the member for Bragg left he indicated that he did not wish to proceed with this amendment.

Mr. EVANS: If that is the case, the Committee can vote against it. The member for Bragg has put a cross next to this on his list, but I have misinterpreted the cross.

Amendment negatived.

Mr. EVANS: I move:

In the description of "Q" fever to strike out *"rickettsia burnet"* and insert *"Coxiella burneti"*.

My colleague has told me that the amended form is the modern term for the disease and he understands that the Minister will accept this change of description.

The Hon. D. H. McKEE: The amendment is acceptable.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendments; Committee's report adopted.

The Hon. D. H. McKEE (Minister of Labour and Industry) moved:

*That this Bill be now read a third time.*

Mr. MILLHOUSE (Mitcham): I do not want to speak for long, because it is quite early and the Minister's officers are looking tired. I do not want to keep them out of bed. However, I should like to say one or two things about the Bill. First (and perhaps you, Mr. Speaker, would agree with me when I say this, contrary to the assertions of Ministers and the Government) this Bill, when passed, even though it has been improved in Committee, does make workmen's compensation far more complicated and makes the processes far more legalistic than they were before. However, only time will tell whether I am right in saying that or whether the Government is right in its boast that it has not only increased

benefits under the Act but has also streamlined the procedure. I consider that the opposite is the fact, but only time will tell who is right.

More important, I consider that, during the detailed consideration of the Bill, the Government has been quite reasonable in its approach to amendments. The two-hour conference held late yesterday afternoon, at which we were able to thrash out amendments and get some idea which ones would be acceptable and which would not, was very helpful. Because of the multiplicity of amendments, this is one of the most complicated Bills that I can remember dealing with, and there has been much give and take. I make this point because this is the Minister's first Bill and I should like to compliment him on the way in which he has approached it. It is in stark contrast to some of the things said by the Minister outside the House and by trade unionists that they would brook no alterations to it. In fact, the Minister has done that, and I wonder whether his friends and supporters outside would be pleased if they knew how comparatively reasonable and flexible he has been, in view of his public utterances and those of his front-bench colleagues and trade unionists.

However, we have had the benefit of this, and I think that, although the Bill still has great drawbacks, it is better as it goes out of Committee than it was when it went into Committee. I do not believe that this State can properly afford the scales of compensation laid down in the Bill. However, we must hope that I am wrong and that it will not do any positive harm to industry in this State through reducing its capacity to compete. These are the only things that need be said at this stage. I do not oppose the third reading.

Mr. EVANS (Fisher): This is my chance to say something about the eventual outcome of this Bill. We were warned not to interfere with or alter it, but many of the 128 amendments were successful, and the Bill is now in a more modified form than it was when it was introduced. This situation proves that the statement about not interfering with the Bill was wrong. The effect on industry is that it will have a greater burden to carry. We have to compete with other States, and I hope the burden is not such that it will be a deterrent to new industries starting in this State. I agree with the member for Mitcham that perhaps the Workmen's Compensation Act has been made more complicated and legalistic, but one could hardly expect anything else when this was, virtually, a Law Society Bill. The explanation of practically every suggested amendment of the Minister contained some reference to the Law Society, so one could hardly expect anything else.

I am disappointed that a mockery was made of Parliament this evening when this Bill was steamrollered through the House. In many cases the member for Mitcham and the Minister were not willing to give explanations: they had to be asked consistently to explain why they had moved amendments. I believe that members were given little time in which to peruse the proposed amendments, and this action made a mockery of this Chamber. The people concerned know that this is the case. Those members of the committee to which the member for Mitcham referred had the benefit and the privilege of having discussed this matter and of knowing the basis for the amendments. I say that, as the Bill has come out of Committee, many Parliamentarians would not know what real effect the amendments will have. Perhaps those who discussed the matter at the committee meeting would not know, either. I do not oppose the Bill as it has come out of Committee, but I object to the type of action taken this evening by the Government in introducing this measure, which has a big effect on people we all represent (the workers) and stating that it must go through this evening whether we like it or not. That is what has happened.

Perhaps I should apologize to the staff who have had to work this evening because explanations had to be sought. However, if we do not do that we might just as well not be here. Two people could discuss the matter with a few other people and decide on the best thing, but that is not the best form of Parliamentary procedure. I hope the Bill is further amended in the future.

Bill read a third time and passed.

## ADJOURNMENT

At 3.40 a.m. the House adjourned until Wednesday, March 31, at 2 p.m.