HOUSE OF ASSEMBLY

Thursday, November 15, 1973

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

ASSENT TO BELLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Companies Act Amendment,
Electoral Act Amendment (Commissioner),
Monarto Development Commission.

CLASSIFICATION OF PUBLICATIONS 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.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard.*

POLICE

In reply to Mr. WARDLE (November 1).

The Hon. D. A. DUNSTAN: The Deputy Commissioner of Police has reported that within a distance of 15 miles (24.13 km) from the General Post Office no charge is made for performances of the Police Band or members of the mounted cadre, unless penalty payments are involved. Where an organization requests a visit to an area outside a distance of 15 miles from the G.P.O. the department requests reimbursement for (1) mileage by departmental vehicles (bus or horse float); (2) penalty payments (for time worked outside ordinary hours—except the Police Band, which takes time out in lieu of overtime); and (3) travelling expenses (meals and accommodation). This is the policy that has operated since the inception of the Police Officers Award of 1966.

MONARTO

In reply to Mr. DEAN BROWN (September 26).

The Hon. D. A. DUNSTAN: The following studies have been undertaken in relation to Monarto.

Monarto research projects: Murray New Town site selection report, October 1972; preliminary soil and land form survey, July 1973; the Development Corporation for Murray and its relationship with local government, February 1973—(*a*) the relationship of the Development Corporation to the Planning and Development Act, January 1973, (*b*) the Chairman for the development authority, January 1973; (*c*) proposed powers for the Development Corporation for Murray, January 1973; and (*d*) an appeal system, March 1973; the relationship of the Building Act to the development of Monarto, May 14, 1973; land tenure, January 1973. Supplementary report: comments on expanded terms of reference of Commonwealth Commission of Inquiry into Land Tenure, September 1973; industrial and commercial incentives, January 1973; Murray New Town incentives, January 1973; Public Service employment at Murray, May 1973, social planning for Monarto (report forthcoming); and Murray New Town transport study—preliminary report, August 31, 1972.

Monarto consequential studies: Monarto climate survey—being undertaken; construction materials and foundation conditions, July 1973; sewerage treatment and effluent disposal, August 1973; report on the study of measures necessary to control surface water run-off, August 1973; Monarto recreation amenity lake—being undertaken; regional recreation facilities (report forthcoming); and historic buildings (report forthcoming).

In reply to Mr. WARDLE (November 14).

The Hon. D. J. HOPGOOD: There seems to be some misunderstanding of the Government's policy by the landowners at Monarto, even though it has been explained to them directly and through the local press. In September, 1972, the General Manager at a public meeting at Monarto explained that some landowners would be able to stay for up to several years, as the land would not be required until the city had developed in size. At present I cannot predict which areas this will apply to, as the planning consultants are still working on this part of the project. Some areas will be required quickly, particularly those needed for the tree nursery, but others not for some time. The need, or lack of need, for land in the short and long term does not have any relationship to the acquisition programme. The Government's intention is to acquire the land as soon as possible, partly for reasons I outlined yesterday, that is, to enable us to present as strong a case as possible to the Commonwealth Government. Also early acquisition of all the land will enable equitable values to be made.

The fears referred to by the honourable member that everyone will be moving in a few months obviously relate to a misunderstanding of the acquisition notices. The recipients have forgotten the explanation made to them by the General Manager in September and repeated in *The Bridge Observer* on November 7, that any land acquired but not needed immediately would be available, subject to negotiation, for leasing back to the current owners. In summary, the Government is issuing notices of intention to acquire land for reasons given earlier, but, apart from the eastern areas required for the tree nursery, the existing occupiers are invited to discuss lease-back arrangements with the General Manager.

PETRO-CHEMICAL PLANT

In reply to Mr. BLACKER (October 17).

The Hon. D. A. DUNSTAN: The Director of Industrial Development has reported that while there are no known petro-chemical plants employing exactly the same collection of processes and manufacturing exactly the same combination of chemicals, it can be safely said that similar complexes to the one proposed for Redcliffs are now fairly common all over the world. Caustic soda/chlorine plants employing diaphragm-cell technology are not new and not confined to Dow Chemical Company or Imperial Chemical Industries Australia Limited. The same can be said in respect of ethylene and ethylene dichloride plants. Most petro-chemical plants are situated on estuarine and coastal locations; however, some are also found on inland sites.

I.C.I. operates a large ethylene, polythene, caustic-chlorine complex in Wilton, England. This plant is located on the Tees River and is probably even larger than the one proposed for Redcliffs. It produces about 500 000 tons (508 000 t) of polythene a year, as well as a variety of other products some of which are not mentioned above. The company also operates a small diaphragm-cell chlorine plant in conjunction with their soda ash plant at Port Adelaide.

A large caustic-chlorine diaphragm-cell plant is operated by Dow at Stade on the Elbe River estuary, near Hamburg. Another big complex, producing caustic soda, chlorine, styrene, and other chemicals is located on Tittabawasse River in the United States. This complex is connected by

pipeline to an ethylene plant 17 miles (27.36 km) away and both plants are located on the same river system that feeds into Lake Huron. All the plants referred to apparently work safely and are being upgraded to minimize the effect on the environment. The Redcliffs complex will be similar in many respects: however, the technology will be much more advanced, particularly in regard to effluent treatment.

BOLIVAR WATER

In reply to Dr. EASTICK (October 11).

The Hon. J. D. CORCORAN: An officer from the Agriculture Department has been carrying out an intense investigation into the market gardening industry in the northern Adelaide Plains. Questions asked covered cropping statistics, sources of irrigation water, its amount and methods of application, and the transport and marketing at local level and in other States. Questions relating to sources of income and operating costs were dropped from the questionnaire during the course of the survey. The investigation has particular reference to the underground water supply and usage, and any reference to the use of effluent water would be incidental to the main issue.

WHEAT

In reply to Mr. BLACKER (October 30).

The Hon. J. D. CORCORAN: The Minister of Agriculture states that he is not aware of the detailed financial arrangements under which sales of wheat to Egypt were negotiated. This, of course, is a matter for determination by the Australian Government and the Australian Wheat Board. The Minister is, however, aware of public statements made by the Minister for Primary Industry explaining the situation. It seems clear from those reports that the Wheat Board, having agreed with the Egyptian authorities on the conditions attaching to payments for the sale of the wheat, subsequently purported to vary those terms when hostilities broke out between Egypt and Israel. The Minister believes it was at that point that the Australian Government invoked its powers under legislation to direct the board to adhere to its original agreement with Egypt concerning the sale.

The Minister points out that the Egyptian authorities have given assurances that they can and will meet their financial obligations under the terms of the sale, and that, in the unlikely event of payment being delayed, they would pay the agreed rate of interest on any balance outstanding. In any case, the Minister has stated that the Australian Government will guarantee 75 per cent of the money at risk, and the board the remainder. Therefore, it seems to me that the growers' interests have been protected. It is important to view the whole transaction in the context of the potential value of Egypt as a continuing customer of Australia for wheat, and to appreciate the need for complete reliability in our dealings with our regular oversea customers.

FIRE SERVICES

In reply to Mr. RUSSACK (November 8).

The Hon. J. D. CORCORAN: The Minister of Agriculture states that the Director of Emergency Fire Services (Mr. F. L. Kerr) has had discussions with the architect in the Public Buildings Department assigned to the work of preparing plans and specifications of the proposed headquarters complex of the country fire service organization. As the honourable member has indicated, a central and convenient site at Keswick has already been selected as the location of the headquarters, and the necessary land has been purchased.

Mr. Kerr has recently submitted a comprehensive report to the Public Buildings Department, setting out in some detail his views on the immediate and longer-term requirements for the headquarters, to guide the architectural staff in the preparation of the plans. The honourable member will appreciate, I am sure, that a prerequisite to the reorganization of country fire services, and the establishment of the headquarters, is the passing of amending legislation by Parliament. Some preliminary work has already been done on the drafting of amendments, and this task will be proceeded with as quickly as possible.

DRUGS

In reply to Mr. MILLHOUSE (October 3).

The Hon. L. J. KING: The Chief Secretary states that the article attributed to a staff reporter in the *Advertiser* newspaper on October 2, 1973, was read by the Drug Squad. This type of article is not new and indeed, some two years ago, similar articles were written by the same newspaper. Police inquiries, including inquiries at the newspaper office, did not establish the source of the information. "David" fits into a class of offender known to exist in the drug scene, and the methods of operation attributed to him are in fact "old hat" and are well known to members of the Drug Squad. There are many "Davids". Their *modus operandi* is general knowledge in the drug scene and to squad members.

The article ostensibly refers to peddling of drugs in the outer northern suburbs extending to Elizabeth. The Drug Squad frequently has had information of drugs being used and sold in at least seven wellknown hotels in that direction. Capitalizing on the information, however, has been the difficulty. There are many reasons why, not the least being the possession by members of the community of knowledge of offences and offenders but the lack of real public spiritedness to pass on the evidence to police. The Drug Squad continually pursues inquiries wherever information suggests drug abuse is occurring. The claim that a consignment of drugs was expected might well have been true. Since that article was published, but not because of it, the Drug Squad has made successful raids on known distribution points and seized a large quantity of marihuana. It might well be that portion of "David's" consignment was involved.

MURRAY RIVER

In reply to Mr. ARNOLD (November 6).

The Hon. G. T. VIRGO: Highways Department engineers are aware that the approach road to the Morgan ferry may be restricting movement of floodwaters, and the department is keeping a close watch on the high river conditions. The road in question is under the care and control of the District Council of Morgan and, at the appropriate time, the Highways Department will take the matter up with the council.

TRAIN PASSENGERS

In reply to Mr. DEAN BROWN (October 3 and November 6).

The Hon. G. T. VIRGO: When passengers misbehave or disturb the comfort of other passengers on a train, it is normal policy to warn them. If misbehaviour continues, further action is taken, having regard to the circumstances and seriousness of the offence. This action could be any of the following (1) issue of further stern warning if it is considered that the passenger will respond; (2) put the passenger off the train; and (3) arrange for police to attend the train at a station ahead. Circumstances then dictate whether charges are brought against the offenders,

and this latter course is dependent on passengers laying a specific complaint against a specific person or persons. There was trouble on the Overland which departed from Adelaide on Friday, September 28, 1973. Upon arrival at Murray Bridge the train porter requested that the police be in attendance when the train arrived at Tailem Bend. This request followed alleged misbehaviour of passengers who were drinking in the club car and in another car. The offending passengers were rowdy, using offensive language, and smoking in a non-smoking area.

The train was delayed for nine minutes at Tailem Bend whilst police passed through the train observing and speaking to passengers. The police then told the train staff to contact Bordertown police if any more trouble occurred. Further general rowdiness led to complaints from other passengers *en route* to Bordertown and, on arrival at Bordertown, the train staff requested the attendance of the Bordertown police. However, after a delay of 12 minutes it was found that police could not attend for another 20 minutes, so it was decided to dispatch the Overland and request police attendance at Kaniva.

The Victorian Railways were told of the situation, and arrangements were made for police from Nhill and Kaniva to meet the train at Kaniva where a further delay of 55 minutes occurred whilst police officers made inquiries. I understand that names were obtained by the police but no further action was taken, as the passengers who apparently complained would not assist in the inquiries, and the conducting staff could not name or point out specific offenders. The police are reluctant to take action against offenders unless other passengers are prepared to assist in the inquiry and lay a complaint. The allegation that prepared food was mishandled was not substantiated By and large, most sporting clubs conduct themselves with due decorum, but there are clubs that cause disturbances, such as in this case. The Railways Department is investigating means of curtailing such disturbances.

CONTEMPT

The SPEAKER: In response to the question asked in the House yesterday about whether an article in the *News* of the same day was a contempt of this House, I have examined the matter of the alleged remarks by the honourable member for Hanson and the publication thereof and I quote, as a general observation on statements made by members outside the House, the following extract from a report of the House of Commons Committee of Privileges in 1963-64;

> The law of Parliamentary privilege should not, except in the clearest case, be invoked so as to inhibit or discourage the formation and free expression of opinion outside the House by members equally with other citizens in relation to the conduct of the affairs of the State. Your committee and the House are not concerned with setting standards for political controversy or for the propriety, accuracy or taste of speeches made on public platforms outside Parliament.

As it is provided by the Constitution Act that the privileges, powers and immunities of the House of Assembly are the same as those of the House of Commons as at the date in 1856 of the proclamation in South Australia of the Royal assent to our Constitution Act, I consider that in view of the foregoing the matter raised by the honourable member for Elizabeth does not constitute a breach of privilege.

PUBLIC HOLIDAYS

Dr. EASTICK: I direct my question to the Deputy Premier, as it involves a matter of policy. What effect will the granting of a holiday on Monday, December 31, have on the overall leave entitlement of the South Australian work force, especially in respect of Commonwealth employees, State employees and industry generally? It has been revealed today that a special holiday will be granted on December 31.

The Hon. G. T. Virgo: You hate the workers getting anything, don't you?

The SPEAKER: Order!

Dr. EASTICK: There is no hate in it whatsoever, and it does the Minister no credit to interject in that way. Commonwealth employees (I am thinking of Postmaster-General's Department employees and those in similar services) are normally required to work on days that are not generally observed throughout the Commonwealth as public holidays. Over a period, State white collar workers have had a leave entitlement covering the period between Christmas and the new year, the entitlement to the grace days occurring in this period being removed when the period of annual leave was increased. In addition, industry generally has determined holidays for the work force on the basis of the number of holidays set out on the South Australian calendar.

The Hon. J. D. CORCORAN: True, the Government intends to proclaim December 31 a public holiday. This follows a representation made this morning by the United Trades and Labor Council to the Minister of Labour and Industry and me, at which deputation it was proposed that December 24 be proclaimed a public holiday. I pointed out that this could lead to much unhappiness and dissatisfaction among the public in relation to Christmas shopping and that already proclamations had been issued by the Government to allow late night shopping on the evening of December 24. I also pointed out to the deputation that the Government, without any representations having been made to it, had proclaimed Saturday, December 29, a holiday. However, after some discussion, I agreed to put a proposal to Cabinet, and this has resulted in the revocation of the proclamation of December 29 as a public holiday and in December 31 being proclaimed a public holiday in lieu thereof. People under State awards will automatically be granted a holiday, and the representatives of people who work under Commonwealth awards will have to apply to the court to have that day granted as a public holiday for those people.

Mr. BECKER: Can the Deputy Premier assure the House that Proclamation Day on December 28 will continue to be declared a public holiday? I understand that occasionally suggestions have been made that the Christmas holidays in this State should be uniform with those in other States. As I represent an area in which Proclamation Day as a public holiday is appreciated, I ask the Deputy Premier whether he can give the House the assurance I seek.

The Hon. J. D. CORCORAN: Yes, I can. It has never been suggested to the Government that this holiday should be altered, and the Government has certainly never considered the matter. I can give the assurance that the honourable member seeks: that this Government has no intention of making a change with regard to the Proclamation Day holiday on December 28. I might add that, in deciding on a holiday for December 31, we have followed the action taken by the New South Wales, Victorian, and Western Australian Governments.

PARLIAMENT HOUSE RENOVATIONS

The SPEAKER: I think it is only fair to notify honourable members that many discussions have taken place with Public Buildings Department officers recently in connection with the inconvenience being caused to members

and its effect on the operations of the House in general. It has been pointed out recently that it may be necessary to cause a slight inconvenience to the House for a matter of five, 10 or 15 minutes each sitting day, so that work may proceed for the balance of that day. We were informed that noise would be made only where absolutely necessary and that it might cause some inconvenience but that, if the workmen finished at 2 o'clock sharp, it would mean a considerable loss of time. The Public Buildings Department has assured the President and me that, if the work in progress becomes too much of an inconvenience, and if requested, it will immediately cease. This slight inconvenience could save many hours of lost time in regard to the important job of renovating the House, and we do not want the work to be put to a disadvantage.

OIL SUPPLIES

Mr. COUMBE: Because of the restrictions imposed on the export of crude oil from Middle East countries and the increased cost per barrel of oil, has the Deputy Premier any information, or will he obtain a report concerning the availability of future oil supplies and the cost factor as it affects South Australia? In asking this question, 1 seek clarification in, respect of future activities in this State. Because of the serious position obtaining in Middle East countries and because of the possible dislocation that could apply to South Australian industry, I believe that such information should be obtained, even though South Australia does not get all its crude oil from the Middle East.

The Hon. J. D. CORCORAN: I do not have the figures on hand that the honourable member has requested, but I will try to ascertain what those figures are and obtain a comment on what the likely effect of restrictions imposed on the export of fuel oils from the Middle East will mean in the long term to this State.

STANDING ORDERS

Mr. HALL: Can the Deputy Premier say whether the Government intends to alter or seek to have altered the Standing Orders of both Houses of Parliament to facilitate the type of reform mooted in the Commonwealth Parliament, where Ministers of both Houses are to be able to attend the other House to explain questions to the members of those Houses? It has been reported that the Commonwealth Government intends to seek an alteration to the Standing Orders applying in the Commonwealth Parliament so that Ministers from the Lower House may attend sittings of the Upper House, and *vice versa.* Although little work may be done in the South Australian Upper House, it would be advantageous if Ministers could attend there and explain certain measures and procedures of the Government to members there. Further, it could be of some advantage if Ministers from the Upper House attended here. I believe the question is self-explanatory, because it is a matter of whether the Government intends to do this and whether it has the support of members for its intention.

The SPEAKER: Order! Questions such as the one the honourable member for Goyder raises should be directed to the Speaker. The Government is not the authorizing body in respect Of the Standing Orders of the House of Assembly: the House of Assembly itself elects members of the House to the Standing Orders Committee. Alterations to Standing Orders must be considered by the Standing Orders Committee. If the Government desires to have Standing Orders altered, it must make representations to the committee. It is not within the Government's power to alter Standing Orders. However, as the honourable member has raised the matter, I will take it up with the Government.

Mr. HALL: With respect, Mr. Speaker—

The SPEAKER: Order! The honourable member for Goyder has asked the question. I explained to him that the subject of the question was not under the jurisdiction of the Deputy Premier. I answered the question because it should have been directed to me as a representative on the Standing Orders Committee. The honourable member cannot then get up and argue about an answer I have given,

Mr. HALL: I rise on a point of order, Mr. Speaker. I take it that you will allow me to do that. My point of order is that I have directed a question to the Deputy Premier. If you will examine the *Hansard* report, you will find that I sought to know whether the Government would seek such an alteration. As I understand that the Government has members on the committee to which you have referred, it seems legitimate for me to ask the question and logical that you should allow it.

The SPEAKER: I will uphold the point of order on the basis of what the honourable member has just said. I point out that any alteration to Standing Orders must be considered by the Standing Orders Committee. In view of what the honourable member has now said, which is different from what he said in asking his original question, I will now allow to be referred to the Deputy Premier the question whether the Government intends to make representations to the appropriate authority.

The Hon. J. D. CORCORAN: I was going to suggest that I would refer the question to you, Mr. Speaker. The Government has not considered the matter at all.

BALING WIRE

Mr. ALLEN: Will the Minister of Works ask the Minister of Agriculture to take action to have made available to primary producers in this State a more adequate supply of hay baling wire? My attention has been drawn to the present acute shortage of baling, wire. Although most producers now use baling twine (and I know of no shortage of this product at present), a few producers, particularly in areas where irrigated lucerne is grown, prefer to use baling wire, of which there is an acute shortage.

The Hon. J. D. CORCORAN: I shall be happy to refer the honourable member's request to my colleague to see what can be done, and I will let the honourable member know about it.

SITONA WEEVIL

Mr. RUSSACK: Will the Minister of Works ask the Minister of Agriculture what progress is being made with research into the control of the pest insect sitona weevil? During recent years, this pest has caused much damage in rural areas and to primary industry It attacks green growth, such as lucerne and clover, doing much damage to the nodules of clover. Apart from the devastation caused to primary industries, in domestic areas the insect attacks lawns, creating a nuisance in rural townships. I understand that, during the last few days, the infestation of this insect has reached plague proportions in the northern Yorke Peninsula area. As the years go by, the attacks of these insects are increasing. I foresee a further danger should these insects move to other areas of the State, such as the South-East.

The Hon. J. D. CORCORAN: I will ask my colleague for a report and bring it down for the honourable member.

MURRAY RIVER FLOODING

Mr. WARDLE: The Minister of Works assured me yesterday that he would have some information for me

today on the Murray River levels. I shall be pleased if he will now give me that reply.

The Hon. J. D. CORCORAN: I am happy to provide this for the honourable member. Comparative levels were as follow:

	River levels at 9 a.m. Thursday, November 15, 1973	Predicted peak level
Swan Reach	R.L. 122.85	R.L.123.10
Mannum	R.L. 114.40	R.L 114.90
Mypolonga	R.L. 112.95	R.L. 113.80
Murray Bridge	R.L. 112.30	R.L. 113.20
Monteith	R.L. 112.00	R.L. 112.20
Jervois	R.L. 111.60	R.L. 112.00
Goolwa barrage	R.L. 108.90	—
Tauwitchere barrage	R.L. 109.70	—

The peak at Murray Bridge is expected in about one week's time. No allowance has been made in the predicted peaks for wind effects which can alter the levels in the lower reaches of the river appreciably. The strong winds over the last weekend and Monday caused the levels at some of the stations named above to exceed the predicted peak level for a short period but today is very calm and the readings at 9 a.m. should be true readings. The full moon high tides at the Goolwa barrage were R.L. 110.00 Tuesday, R.L. 109.50 Wednesday and R.L. 109.00 this morning.

RURAL ASSISTANCE

Mr. ARNOLD: Does the Government really believe that the relevant Acts provide emergency assistance for rural people in necessitous circumstances, caused by rain, frost, hail or floodings, etc? In recent months the Government has been asked many questions about assistance for people affected in this way. On all occasions we have received the same reply from the Minister: that the provision is made under the Primary Producers Emergency Assistance Act or the Rural Industry Assistance (Special Provisions) Act, but when these people apply, most of the applications are rejected because the property no longer is a viable unit. If it were a viable unit, the primary producer would not need emergency assistance from the Government. Recently I wrote to the Minister of Lands on behalf of a constituent (I will give the Minister his name), asking that his rejected application be further considered. He has suffered in the past two years from the effects of severe rain damage, and from frost damage this spring. The Minister replied that my constituent's financial position was such that he could not meet the test of eligibility and the committee had no alternative but to recommend that his application be declined. As this seems to happen all the time, I ask the Deputy Premier whether he really believes that the present Acts provide for the improvement of the conditions to remedy which they were originally passed.

The Hon. J. D. CORCORAN: It depends on what the honourable member means when he says "for which they were originally passed". He said that if a unit was viable the property owner would not need emergency assistance, but I cannot agree with that. A viable unit, because of a natural calamity occurring, could well need assistance, but the unit would have to be viable to the extent that it could repay, over a period of years, the loan and any interest incurred. If it cannot do that, it cannot be considered to be viable. The people on the property at the time may not be able to obtain finance through the normal lending sources to carry on. The Act was designed to assist in those cases. People must first be in necessitous circumstances and must have checked all available sources of finance before the Government can assist them, because the Government does not intend, in these matters, to set up in opposition to stock firms and trading banks. That is just not the intention. Those people who cannot and will not be assisted by stock firms or trading banks but are in necessitous circumstances and have a problem are the people who can be assisted by way of loans under these Acts. The State has not unlimited resources to make grants or do things of that kind.

The other thing that inhibits the State in relation to the Acts it administers in connection with the position mentioned by the honourable member is the policy of the Commonwealth Government. That Government has laid down in the past that the State Government must spend $1 500 000 on anything of this kind before the Commonwealth Government will make money available to the State on a "no interest" basis, so the State must use $1 500 000 of its own funds at normal interest rates (it does not get this money for nothing) before it can take advantage of this arrangement. The Commonwealth Government also lays down certain criteria that the State must follow when making grants or lending money in the case of hardship caused by a natural calamity. In relation to this matter, the State Government intends to write to the Commonwealth Government. In fact, following a deputation introduced by the member for Goyder, we have decided that an approach should be made to the Commonwealth Government to find out whether it is willing to relax the policies or criteria that it has laid down for making available funds to people in difficult circumstances. The most recent case was in relation to the tomato glasshouses at Virginia. Doubtless, there is need for sympathetic consideration of many of the cases involved there.

The Government does not want to set itself up in opposition to the stock firms and trading banks. It can help only people who are in necessitous circumstances, and many of them are in those circumstances because the property or block they were working was on the borderline anyway before the calamity struck them. This makes the decision extremely difficult. I may tell the honourable member and other honourable members that, when I was Minister of Lands, much heart-burning occurred because we could not assist the people we should like to have assisted. However, I point out that, if we were able to assist all those people, probably we would get into difficulties, because the burden would be so great that the State could not bear it. I will tell the honourable member what is the outcome of our approaches to the Commonwealth Government and whether that Government is willing to relax the criteria laid down in this regard. These approaches are being prepared now.

LOCAL PRODUCTS

Mr. GOLDSWORTHY: Will the Minister of Works find out what can be done to see that local products are used wherever possible when work is undertaken under contracts for Government departments and other Government undertakings? From time to time it comes to our attention that building work and similar projects, such as school buildings, are undertaken for the Government and, whilst local products such as bricks are available, no opportunity is given to local industry to tender for the contracts. I have one specific case in mind at present. I think the Minister agrees that it is desirable to encourage local industries in country towns where it is possible to do so.

The Hon. J. D. Corcoran: You don't mean items produced in other parts of the State?

Mr. GOLDSWORTHY: I mean in country towns. In the case I have in mind, local bricks could be used for a project in the town concerned.

The Hon. J. D. CORCORAN: I will certainly consider this matter. If the honourable member gives me information about the specific example, I will have it checked, because it may not have been thought that, in the tender call, we should specify that local bricks be used. Further, that matter may not have been checked to find out whether the local product would compete. I agree that what the honourable member suggested should be done if possible.

CHEST CLINIC BUILDING

Dr. TONKIN: Will the Minister of Works say what final decision has been made about the use to be made of the Ruthven Mansions site in Pulteney Street? I think members would have watched the progress of the new chest clinic building in North Terrace with much interest in its completion. We are all aware of the shocking stale that the old Ruthven Mansions building has been in until now. I understand it is beyond repair and will have to be demolished. For that reason, I ask what use will be made of the site when the chest clinic moves into the new premises.

The Hon. J. D. CORCORAN: I agree with the honourable member. It will be a happy day when the chest clinic can move into the new building. The Government has considered the future not only of the present site of Ruthven Mansions but also of the Foys building site. The future of those sites must be decided now. We have considered the Ruthven Mansions site from the point of view of its use as a dental training facility associated with Adelaide University and we are also examining the feasibility of the university's using the site, because the university, as the honourable member knows, is restricted in regard to areas ready for redevelopment, unless existing buildings are demolished. At present there is controversy about interfering with Elder Hall. I have a small departmental committee examining the future of both sites, and those two matters are being examined. I am not certain yet what the final outcome will be, and as far as I can go at present is to say that the matter is under active consideration.

LEAVING EXAMINATION

Mr. DEAN BROWN: In the absence of the Minister of Education, will the Deputy Premier give an assurance that a public examination of Leaving standard will be available for those students who wish to sit for an external examination? This morning's *Advertiser,* on page 3, contains a small news item headed "End of Leaving". In that rather minute statement it is announced to South Australia that the Leaving examination as we know it will be abolished and replaced by internal examinations within the schools. Last evening's *News* contains an excellent report prepared by the member for Kavel, stating clearly that, after that honourable member's tour overseas, he appreciates that other countries are maintaining the external examination system. He goes on to outline the many advantages of such a system. External qualifications are important to any student, particularly if that student is relying on them to obtain employment. The abolition of the Leaving examination will compel people to go on and complete Matriculation rather than end their school studies.

The SPEAKER: Order! The honourable member may not comment in giving an explanation or asking a question.

Mr. DEAN BROWN: I am sorry. I should explain—

The SPEAKER: The honourable member may not comment on the explanation.

Mr. DEAN BROWN: I was referring to the discussion between the Minister of Education and me on October 11, and the argument was put forward then—

The SPEAKER: Order! In explaining a question, an honourable member may not comment or advance arguments. He is entitled to give a brief explanation, so that the question is made clear, but he cannot enter into an argument or discussion when making an explanation.

Mr. DEAN BROWN: Thank you, Mr. Speaker. I would not wish to debate the issue. I ask whether the Minister will consider this matter so that people can use an external examination as a standard when trying to obtain a job. This morning, I had a telephone conversation with a constituent who was concerned about abolishing the examination and about the timing of this announcement, which has been made just before the Leaving examination is held. This person was also concerned about the means by which this information was released. On October 11, the Minister gave an assurance that he would indicate the precise recommendations when they had been determined, but I certainly do not believe that this is a precise recommendation.

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

The Hon. J. D. CORCORAN: The question went on for so long that I have forgotten what it was. Last evening when I was going home I heard a radio programme dealing with the same problem. I think the person concerned had been in touch with the honourable member the day before and had stirred him into some action.

Mr. Dean Brown: Be serious about it!

The Hon. J. D. CORCORAN: I am serious; I heard that programme only last evening. However, I will have the matter checked and let the honourable member know.

EXHAUST FUMES

Mr. MATHWIN: Will the Minister of Environment and Conservation say at what stage the Government will introduce legislation to control further the emission of carbon monoxide fumes from motor vehicles? It was stated, when a measure was introduced controlling this limit to 4.5 per cent when an engine was idling, that a more stringent control would apply as from January 1, 1974. If that is so, will the Minister be introducing the appropriate legislation this session and, if he will be, will he say precisely when?

The Hon. G. R. BROOMHILL: This subject matter is directly under the jurisdiction of the Minister of Transport, because an advisory committee consisting of the various Ministers of Transport sets the design rules throughout Australia regarding vehicle emissions. I recall that a standard was set, and I think the honourable member is correct when he talks in terms of a reduced standard applying as from January 1 next year. However, I will refer this matter to the Minister of Transport and ask him for precise information on it.

INDUSTRIAL LEGISLATION

Mr. MAX BROWN: Can the Minister of Labour and Industry say whether both the Australian and the South Australian Labor Governments have tried since they have been in office to repeal the vicious stand-down clauses of the various Commonwealth and State awards? If they have, what support or otherwise has been forthcoming from the Opposition Parties? At present, well over 1 600 employees at the Whyalla shipyard have ceased work

because of the action of Broken Hill Proprietary Company Limited of immediately standing down members of other unions when members of the Painters and Dockers Union stopped work in support of their sacked member. I understand it has been reported that after a while the company may be willing to re-employ the dismissed worker because of his excellent work record (very kind-hearted of the company, to say the least). I believe that stand-down provisions used by employers in this way are vicious, causing and provoking industrial unrest.

The Hon. D. H. McKEE: It is not for the want of trying on the part of both this Government and the Australian Government that this unsatisfactory system has not been removed. Each of these Governments has introduced legislation to repeal lock-out and other penal provisions. However, the Legislative Council in this State, which is well known to the people as being a Liberal-dominated House, has on each occasion in question rejected the legislation, just as legislation has been rejected by Liberal Party, Country Party, and Democratic Labor Party members who, as a coalition, dominate the Senate. It seems that these obnoxious and outdated penal provisions represent a major plank in the L.C.L. platform; indeed, this has been borne out over recent weeks by the wholesale gaoling of trade unionists in New South Wales, an action which I believe is designed to maintain a state of industrial unrest so that certain people may retain office in that State. There is no doubt that these provisions represent a major plank of L.C.L. policy.

BUILDING MATERIALS

Mr. EVANS: Will the Minister of Development and Mines, who is in charge of housing, say what action the Government intends to lake to end the shortage of building materials in this State? At present in South Australia there is a waiting time of up to four months for certain types of building brick; there is a waiting time of three months for mesh for foundations, up to six weeks for building rods for foundations, and up to two months for cement roofing tiles, although terracotta tiles are available within a reasonable lime. There is a delay of six weeks or more in obtaining timber, and buying nails is more difficult than winning the lottery! This shortage is costing the average house purchaser a fantastic amount and in some areas extra payments are being made to try to obtain materials; indeed, I believe that this is one of the cost factors involved in our building industry today. Will the Minister say what action the Government will take to overcome the shocking shortage of building materials in this State?

The Hon. D. J. HOPGOOD: The Government is very much concerned that we should do all we can to assist the producers of these various materials, but I point out to the honourable member, that many of these shortages originate from circumstances beyond the control not only of this State but also of the country. If we look, for example, at the shortage of timber, it is well known that one of the problems we have especially in relation to timber materials obtained from the west coast of the United States of America is that there is a building boom in the U.S.A., and much of the timber is going on to the domestic market. I believe it is also true that about 12 months ago a considerable amount of industrial unrest in the logging camps over there reduced production. Furthermore, much of the produce is being snapped up by the Japanese, who are adventurous enough to go in and purchase a forest while it is still in the early stages of growth. This places timber supplies in jeopardy. For as long as the demand situation continues as it is continuing at present, the efforts of the Government can only be of marginal assistance to the whole situation. Of course, I am hoping that people will do the right thing at the forthcoming referendum and that this will have some effect on the inflation occurring in this country.

Mr. EVANS: Can the Minister say what action the Government is taking to obtain forests in oversea countries in order to guarantee future timber supplies for the housing industry in South Australia? The Minister has explained today that one reason for the shortage of timber in this State is that the Japanese have used their initiative and acquired forests in other countries in order to guarantee their timber supplies. I realize that Governments have money problems, but I suggest that the Stale Government ask the Commonwealth Government to acquire forests in oversea countries in order to guarantee supplies for the building industry in this State and throughout Australia. It seems that this will be the only way we can guarantee that young couples will be able to obtain houses in future. If the South Australian Government does not have the necessary money, will the Minister discuss this matter with the Commonwealth Government to ascertain whether it can acquire forests overseas?

The Hon. D. J. HOPGOOD: Yes.

GRAND JUNCTION ROAD

Mrs. BYRNE: Will the Minister of Transport obtain a report on the Highways Department's plans for the continued reconstruction and widening of Grand Junction Road from its intersection with North-East Road at the Holden Hill roundabout to its intersection with Lower North-East Road, Ansley Hill?

The Hon. G. T. VIRGO: I shall be pleased to get that information.

HEARSES

Dr. EASTICK: Is the Minister of Transport aware of the current difficulty in registering certain reconstructed motor vehicles? Hearses are built in South Australia under licence, and the rear glass panel, which cannot be made in Sydney and which is made in Adelaide under licence from the Sydney manufacturer, does not have the required stamp to comply with the requirement of the Australian Transport Advisory Council. This technical fault prevents these vehicles from being registered in South Australia. I have been told that this matter has been discussed at a national level and that registration requirements have been determined on a national basis. Further, the inability to meet this technical requirement is holding back a South Australian industry that has a limited but essential market. If the Minister is aware of this situation, has he taken action to remedy it?

The Hon. G. T. VIRGO: I appreciate the concern of the Leader: especially after some events this week, he may have a great use for some of these vehicles. The situation is not quite as the Leader has explained it. I have been made aware of this matter, because the Leader started to ring up officers of my department this morning in an attempt to get information. He was given every courtesy that was possible—

Dr. Eastick: And I acknowledge it.

The SPEAKER: Order!

The Hon. G. T. VIRGO: Of course, those officers merely told me that the Leader had sought their help and that they were trying to give it. However, the Leader has not sought my help until now, but I shall be happy to obtain the information for him. The situation applying

to these vehicles is not the result of a technical hitch, as the Leader suggests it is. The Australian Transport Advisory Council for years (not only over the period during which I have been a member but during the previous years when the Hon. Murray Hill was a member, when the Hon. Frank Kneebone was a member, and before that) has conducted a determined effort on the part of most Ministers to obtain the highest possible degree of road safety for motor vehicles. To suggest that non-compliance with one of these design rules involves nothing more than a technicality is stretching the situation considerably.

Dr. Eastick: That wasn't quite what I said.

The SPEAKER: Order!

The Hon. G. T. VIRGO: The requirements placed within the design rules are, in the opinion of the Australian Transport Advisory Council, factors that are absolutely essential for the benefit of road users and for road safety generally. I should not like at any stage to have any of these requirements regarded merely as technicalities which do not have to be complied with. I will obtain the information the Leader seeks and let him know because, from looking at members opposite, I know that some of them may well need the services of a hearse in the not too distant future.

KINDERGARTEN COLLEGE

Mr. COUMBE: In the regrettable absence of the Minister of Education, can the Deputy Premier say whether the Government intends to introduce a Bill to constitute the Kindergarten Teachers College, which is located at North Adelaide in my district, as a college of advanced education? Does the Government intend to introduce an enabling Bill before the end of this calendar year?

The Hon. J. D. CORCORAN: The Minister of Education will be back before Parliament rises, but I am not sure whether the Bill to which the Deputy Leader has referred will be introduced. As there have been discussions on it, I will find out and let him know.

WHEAT QUOTAS

Mr. VENNING: Will the Minister of Works ask the Minister of Agriculture when it is expected that legislation will be introduced in respect of wheat quotas? I have been told that this will take place. However, because the harvest is now being reaped I ask when it is likely that this legislation will be introduced and in which House it will be introduced.

The Hon. J. D. CORCORAN: If the honourable member checks the Notice Paper of another place he will find that notice of a motion was given yesterday by the Minister of Agriculture, and he will be explaining the Bill today in another place.

RUN-OFF WATER

Mr. ARNOLD: Can the Minister of Transport say whether the Highways Department as a matter of everyday policy will try, after heavy rains, to divert from roads run-off water collecting near houses? There are many bitumen-sealed roads in my district, and it has repeatedly been brought to my attention that residents living at the lower point of a long dip in the road face problems after heavy rains, as a result of run-off water from the road flooding their houses. Will the department, if it is approached, help by diverting water away from houses?

The Hon. G. T. VIRGO: It would have been much more helpful if the honourable member had given me the actual location to which he is referring.

Mr. Arnold: It is the River area, at Berri.

The Hon. G. T. VIRGO: That is a fairly large area. If the honourable member will give me a specific instance, I shall have the Highways Department consider it and, if there is a problem, the department will be asked to solve it. However, the problem would have to be as a result of the activities of the department. It accepts responsibility for the run-off of water caused by its works, but it does not accept (nor could it be expected to accept) responsibility for run-off water from all other areas in the surrounding district. It will be best if the honourable member gives me details of a specific case (or cases, if he knows or more than one) and I shall be pleased to consider the problem.

MEDICAL REGISTRATION

Dr. TONKIN: Will the Attorney-General ask the Minister of Health to initiate inquiries into the possibility of obtaining reciprocal medical registration rights between South Australia and American States and Canadian Provinces? With the announcement by the University of New South Wales that the medical course is to be reduced from six to five years, there has come the comment that the emphasis will be on community medicine. This, as I understand it, is to be the policy of the new medical school at Flinders University. The question of reciprocal registration between States in Australia will have to be considered, although I have no doubt that the standard will still be sufficiently high. At the same time, however, it would seem that a re-evaluation of standards generally could be made and the inquiry could be widened in an effort to obtain reciprocal registration between South Australia, particularly, and the United States and the Provinces in North America. The United States and Canada now provide one of the major avenues for post-graduate specialist study to graduates of Australian universities.

The Hon. L. J. KING: I will refer the matter to my colleague.

KANGAROO ISLAND FERRY

Mr. CHAPMAN: Will the Minister of Transport give me a progress report on the findings of the survey team understood to be studying the coastal detail at and about the port sites proposed to be used in future for the sea-ferry linking Kangaroo Island with the mainland, and can the Minister say how much is expected to be spent on such survey work for 1973-74?

The Hon. G. T. VIRGO: I shall be pleased to obtain that information for the honourable member but, in relation to the latter part of his question, I think he will find those details published in the financial papers that have been introduced in the House, scrutinized, and passed.

SCHOOL IMPROVEMENTS

Mr. GOLDSWORTHY: Can the Minister of Works say what facilities exist at present to undertake improvements to schools and school properties? I asked a question yesterday concerning delays in work being undertaken because suitable contracts could not be let for some fairly minor projects and also for some more extensive projects. Some months ago it was suggested that, where contracts could not be let satisfactorily, the work could be done by a Government facility. Although this is not always desirable, if there is no other way of doing it this would be the way to do it. Can the Minister say how this sort of work can be. undertaken, and whether he considers an expansion of such a facility would be desirable?

The Hon. J. D. CORCORAN: First, I think it is desirable wherever we can to do the work with Government employees. The day-labour force of the Public Buildings

Department does an excellent job: the job does not take them any longer, and they do a far more tradesman-like job in many cases than that done by contractors.

Mr. Mathwin: It sometimes takes a fair while.

The Hon. J. D. CORCORAN: It depends on the area: if it is a remote area, it is difficult to move day labour into that area, but in the case of the district of the member for Kavel, which is not so far from Adelaide, it may be possible to send a gang into that area to do the work to which he referred yesterday. As I pointed out some time ago (and I think I brought down a report), improvements have been made concerning minor works of the department and arrangements for all improvements have not yet been completed. As the honourable member is aware, it takes some time to completely reorganize the function of a departmental branch, but considerable improvement has been made in the area of responsibility administered by headmasters of schools, and the amount has been increased that can be spent at one time on emergency works, although that is not what the honourable member is referring to. I will consider the problem the honourable member posed yesterday and ascertain whether we can substitute a day-labour force in an area in which contractors are not available. True, this would be difficult to do in remote areas, but we have sometimes called for tenders, which in themselves create delay, only to find that we cannot get anyone to take the call. However frustrating this may be, it is a fact of life. I cannot build up a day-labour force for which I cannot guarantee constant employment. We must cater for the high peaks of the work involved by means of contracts, and we have to maintain a steady balance. Another factor affecting the situation is the availability of funds: when available finance fluctuates we must try to maintain the work force because it is the policy of the Government not to retrench members of the day-labour force unless it is absolutely necessary. However, I will examine this matter and let the honourable member know the result.

MONARTO

Mr. WARDLE: Will the Minister of Development and Mines supply me with information concerning the sales of all properties within and outside the designated area of Monarto, and will the Minister indicate which properties outside the area have an attributable value?

The Hon. D. J. HOPGOOD: I will obtain what information I can for the honourable member.

GOVERNMENT CARS

Mr. DEAN BROWN: Can the Minister of Transport say whether the South Australian Government is now purchasing Victorian-built motor cars for its V.I.P. Ministerial fleet and, if it is, why the Government is buying these motor vehicles rather than South Australian-built vehicles, so disadvantaging the failing South Australian secondary industry further?

The Hon. G. T. VIRGO: The honourable member never ceases to amaze everyone. He is a member of a political Party that for years and years purchased for Ministers cars imported from America.

Mr. Dean Brown: That shows the Party has changed.

The SPEAKER: Order!

Mr. Dean Brown: You're not—

The SPEAKER: Order!

The Hon. G. T. VIRGO: The Government is currently purchasing some Ford LTD cars which are, in the opinion of those using them, the most suitable vehicle for the job to be undertaken. In most cases, they are replacing Dodges that were imported from America, so we will now be using an Australian-built motor car. The reason we are using the Ford—

Mr. Dean Brown: What you—

The SPEAKER: Order! If the honourable member for Davenport persistently interjects while the honourable Minister is replying, I will refuse to allow the honourable Minister to continue his reply.

The Hon. G. T. VIRGO: As I have explained, we are using the Ford LTD as a replacement for the imported Dodge vehicle. From the South Australian manufacturing plants of General Motors-Holden's and Chrysler Australia Limited there is not available a car which, in the opinion of those persons using the cars, is suitable. It is as simple as that.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

URBAN LAND (PRICE CONTROL) BILL

The Legislative Council intimated that it insisted on its amendments to which the House of Assembly had disagreed.

Consideration in Committee.

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

That the House of Assembly insist on its disagreement to the Legislative Council's 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. Eastick, Evans, Hopgood, King, and Slater.

Later:

A message was received from the Legislative Council agreeing to a conference to be held in the Legislative Council committee room at 2 p.m. on Tuesday, November 20.

The Hon. L. J. KING moved:

That Standing Orders be so far suspended as to enable the conference to be held during the adjournment of the House and that the managers report the result thereof forthwith at the next sitting of the House.

Motion carried.

REYNELLA OVAL (VESTING) BILL

The Hon. D. J. HOPGOOD (Minister of Development and Mines) obtained leave and introduced a Bill for an Act to vest certain land in the District Council of Noarlunga. Read a first time.

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

That this Bill be now read a second time.

This whole exercise began when I was approached, as member for Mawson, by certain of my constituents who had run into difficulties with regard to an administrative transfer of this land (an attempt which was being made under the Local Government Act) from a trust to the Noarlunga council. The parties had run into the problem that the Crown Solicitor had given the opinion that such an administrative manoeuvre would destroy the original trust. When these people approached me, I gave the opinion that the only other move open to us was by Act of Parliament, which I initiated at that time as a back-bench member. I refer to that because I believe it is the prime function of Parliamentarians to act as legislators. We spend much of our time on what can sometimes be called social welfare work, which I guess is our attempt

to affect the way in which the various Acts are administered. We sometimes forget that we also have the responsibility to act as legislators and to legislate in the interests of our constituents.

In 1914, a trust was formed to assume control over certain lands in the Reynella area which later became known as the Reynella Oval. The original trustees have passed on but other trustees have been appointed in their stead. With the development of the Reynella area, it has proved impossible for the trustees to develop the oval in a manner that would provide adequate facilities for the people of the area, notwithstanding the fact that an association was incorporated under the Associations Incorporation Act (having the name "Reynella Community Oval Incorporated") to assist in this task. Accordingly, it is the desire of the trustees that the land comprised in the oval be vested in the District Council of Noarlunga, which is willing to accept the land. In fact, in 1971 it was proposed that proceedings would be taken in the Supreme Court to authorize this vesting. However, an examination of the question by the Crown Solicitor suggested that certain legal difficulties would prevent such a vesting by order of the Supreme Court, and accordingly these proceedings were abandoned.

This Bill proposes that the land in question will, by force of an Act of this House, vest in the District Council of Noarlunga to be used as a sporting and recreation reserve. All the parties to the transaction agree that this approach would be the best solution to the problem. Clauses 1 and 2 are formal. Clause 3 provides certain definitions for the purposes of the Bill. Clause 4, in terms, vests the land, comprised in the oval, in the council.

Clause 5 ensures that certain rights of action by or against the trustees are preserved, notwithstanding the vesting. Should any such rights exist the District Council of Noarlunga will be required to stand in the place of the trustees. It is not thought likely that any such actions are possible, but a provision of this nature seems to be desirable from an abundance of caution. Clause 6 requires the council to deal with the land for the benefit of the inhabitants of this area and, in terms, applies Part XXII of the Local Government Act to that land. Clause 7 ensures that the appropriate alterations will be made to certificates of title issued in respect of the land so as to reflect the vesting. This Bill is a hybrid Bill and will, in the ordinary course of events, be referred to a Select Committee of this House.

Mr. EVANS (Fisher): As the Bill is to go to a Select Committee, I wish to say only a few words about it. From the Minister's second reading explanation, it can be seen that in 1914 a group of people at Reynella formed a trust to develop a community oval to serve people living in that area. At that time, there were many groups of citizens who accepted the responsibility of supplying by voluntary effort sporting and recreational facilities for the community. We have now reached the stage where our society is more affluent and, we are told, more responsible. Younger groups particularly are said to be more responsible, the age of majority having been lowered. Despite this, a greater demand is placed on councils because individuals in the community who play sport and enjoy recreational facilities are not willing to contribute a voluntary effort in any way.

I want to place on record my appreciation of work done in the past by our pioneers. I became a member of this place as a result of circumstances similar to this, when a previous Liberal and Country League Government took action to take away from a community club its recreational facilities because of a technical opinion given by the Crown Solicitor. If it had not been for that decision, I would not have become a member of this place which, in my opinion, does not improve the character of individuals. I have some feeling about this type of legislation. I believe the people of Reynella will end up with a better oval than they have had in the past and better recreational facilities, as councils are now being fed much more money to provide these services. However, in the long term the people will pay the bill in increased taxes, and they will complain about paying them. This situation arises only because people are too lazy to put in the voluntary effort, even though they have more idle time now than ever before.

I believe that it is a pity that this stage has been reached. I should have hoped that when we had more idle time to spend away from work we would put in more effort to improve facilities for ourselves and our children. Knowing that the Bill is to go to a Select Committee, I support the second reading and look forward to the report of the committee and the next stage of the Bill.

Bill read a second time and referred to a Select Committee consisting of Messrs. Chapman, Evans, Hopgood, Simmons, and Slater; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on November 22.

STATUTES AMENDMENT (SOUTH AUSTRALIAN HOUSING TRUST AND HOUSING IMPROVEMENT) BILL

The Hon. D. J. HOPGOOD (Minister of Development and Mines) obtained leave and introduced a Bill for an Act to amend the South Australian Housing Trust Act, 1936-1971, and the Housing Improvement Act, 1940-1971. Read a first time.

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

That this Bill be now read a second time.

I ask leave to have the second reading explanation incorporated in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

It proposes to amend the South Australian Housing Trust Act and the Housing Improvement Act so as to correct anomalies and inconsistencies that are contained in those Acts and to remove certain provisions that are no longer relevant. This opportunity is also taken to confer on the South Australian Housing Trust the power (which is already possessed by other statutory authorities) to invest in the South Australian Housing Trust Fund its moneys that are surplus to its immediate requirements, in any manner approved by the Treasurer. The main purpose of the Bill, however, is to facilitate the preparation of both Acts for consolidation and inclusion in the new edition of the consolidated public general Acts of South Australia.

The Bill consists of three Parts. Part I (which consists of clause 1) is formal. Part II (which consists of clauses 2 to 20) contains amendments to the South Australian Housing Trust Act, and Part III (which consists of clauses 21 to 23) contains amendments to the Housing Improvement Act. Clause 2 is also a formal provision. Clause 3 amends section 5 of the South Australian Housing Trust Act which deals with the constitution of the trust. Although the trust is constituted under this section of a Chairman and five other members, it is differently constituted under the Housing Improvement Act for the purposes of that Act. To remove this inconsistency, clause 3 amends section 5 of the South Australian Housing Trust Act by inserting at the commencement of that section the words

"Except as provided in the Housing Improvement Act, 1940, as amended, and subject to that Act,".

Clause 4 (*a*) merely converts the expression "twenty shillings in the pound" to "one hundred cents in the dollar". Clause 4 (*b*) amends section 8 (2) (*e*) of the principal Act (which deals with cases in which the office of a member will become vacant) by adding a reference to a district criminal court as a court in which an offence is triable on information. Clause 5 (*a*) amends section 12 of the principal Act by striking out the maximum amount of all fees and salaries payable to members of the trust, as that maximum has for some years been exceeded by regulations made under the Statutory Salaries and Fees Act.

Clause 5 (*b*) inserts in section 12 a new subsection (1a), which provides in effect that, until a determination is made by the Governor in pursuance of subsection (1) of that section, the relevant fees and salaries of the members of the trust fixed by regulation under the Statutory Salaries and Fees Act or under the Housing Improvement Act, and in force immediately before that determination takes effect, are to be paid to those members. Clause 6 strikes out from section 13 of the principal Act some obsolete and superseded references to certain Acts and enactments and substitutes up-to-date and consequential references in their place.

Clauses 7 (*a*) and 7 (*b*) up-date subsection (1) of section 13a. Clause 7 (*c*) strikes out from section 13a of the principal Act subsection (2), which deals with Part III of the schedule which, being now obsolete, is in turn being repealed by clause 20 (*m*) of this Bill. Clause 8 up-dates the reference to the Public Service Act in section 14a of the principal Act. Clause 9 amends section 20 by removing the reference to group A houses which now has no significance, as group B houses have never been built by the trust. It also removes the fixed rate of interest at which money may be borrowed by the trust and in its place substitutes "such rate of interest as the Treasurer may from time to time authorize".

Clause 10 up-dates a reference to the Housing Improvement Act in section 20a of the principal Act. Clause 11 repeals section 22, which no longer serves any purpose. That section provided for the building of group A and group B houses. Subsection (2) of the section provided that group A houses were to be paid for from moneys in Housing Trust Fund No. 1 and group B houses from moneys in Housing Trust Fund No. 2. Group B houses have never been built, and the funds held by the trust have been amalgamated since 1948 by virtue of section 24a of the principal Act in a fund called the South Australian Housing Trust Fund, so the distinction between group A and group B houses and between the Housing Trust Fund No. 1 and the Housing Trust Fund No. 2 is no longer relevant.

Clause 12 makes a number of consequential amendments to section 23 of the principal Act. Clause 13 repeals section 24, which is no longer relevant to the administration of the Act. Clauses 14 (*a*) and 14 (*c*) merely up-date references to the Housing Improvement Act. Clause 14 (*b*) is consequential on the removal of all refences in the Act to the Housing Trust Fund No. 1. Clause 14 (*d*) adds to section 24a a new subsection (4), which confers on the South Australian Housing Trust power to invest in any manner approved by the Treasurer the moneys in the South Australian Housing Trust Fund which are surplus to immediate requirements under the South Australian Housing Trust Act and the Housing Improvement Act. The income from those investments is to be paid into and form part of that fund.

Clause 15 repeals section 25, which fixed the average cost of a house on a most unrealistic basis. Clause 16 removes from section 26 the restriction that prohibits the trust from letting houses for periods in excess of five years. Clause 17 strikes out from section 27 certain provisions that do not now apply and are no longer relevant to the administration of the Act. Clause 18 repeals sections 28, 28a, 28b, 30 and 31 of the principal Act. These sections are no longer applicable or relevant to the administration of the Act.

Clause 19 converts an amount expressed in the old currency to decimal currency. Clause 20 amends the schedule to the principal Act by up-dating all references to the Superannuation Act, 1926, which had been repealed by the Superannuation Act, 1969, and by striking out provisions that are no longer applicable or relevant to the administration of the Act. Clause 21 is a formal provision.

Clause 22 removes from section 6 (1) of the Housing Improvement Act the proviso to paragraph (*d*), which fixes $3 000 a year as the total amount to be fixed as fees and salaries of members of the trust. This total has already been exceeded by regulations made under the Statutory Salaries and Fees Act, 1947, and that proviso is therefore no longer applicable or consistent with those regulations. Clause 23 removes from section 7 (1) of the Housing Improvement Act the proviso to paragraph (*f*), which also fixes $3 000 a year as the total amount of salaries and fees of members of the body corporate to be constituted under that section. This amount is now unrealistic and is no longer relevant.

Mr. EVANS secured the adjournment of the debate.

PSYCHOLOGICAL PRACTICES BILL

Order of the Day (Government Business) No. 1: Report of Select Committee to be brought up.

The Hon. D. J. HOPGOOD (Minister of Development and Mines) moved:

That the time for bringing up the report of the Select Committee on the Bill be extended until Tuesday, March 5, 1974.

Motion carried.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL

In Committee.

(Continued from November 13. Page 1745.)

Clauses 2 and 3 passed.

Clause 4—"Interpretation."

Mr. COUMBE: I move:

To strike out paragraph (*b*).

This amendment will strike out the new definition of "injury". I believe the definition in the 1971 Act should prevail. My reasons for moving this amendment were given in the second reading debate, but I will reiterate some of the major points. If paragraph (*b*) remains, in future "injury" will be defined as "a disease" or "the aggravation, acceleration, exacerbation, deterioration or recurrence of any pre-existing injury or disease". The Government seeks to strike out from the present Act words which are tremendously important, because they tie the matter directly with the workman's employment. Those words are "contracted by the workman in the course of his employment whether at or away from his place of employment and to which the employment was a contributing factor". I emphasize the words "whether at or away from his place of employment". In relation to the aggravation of an injury, the following words are sought to

be struck out, "to which the employment was a contributing factor", and these are the important and vital words. Also to be struck out are the words "for the purpose of this definition the employment of a workman shall be taken to include any journey, attendance or temporary absence referred to in subsection (2) of section 9 of this Act".

I believe the words to be struck out by this Bill are vital to the whole concept of workmen's compensation. The Government, by this move, turns completely around the whole concept of workmen's compensation as we understand it and as applying in many other States. I object on three main grounds. First, the definition in the 1971 Act has stood the test of time, it is similar to those in many of the other States, and I do not know of any genuine workman who has been disadvantaged or denied justice. I ask the Minister to cite such a case, if he can, when he replies. The 1971 provision has stood the test of time, and it has been liberally interpreted by the courts. By not including any qualification regarding a disease, and by removing any need for any causal relationship with the employment to be established, the Bill is unworkable and extends the cover afforded by Statute far beyond the justifiable and fair responsibility that should be on employers.

As the member for Davenport has said, the Bill affords almost a 24-hour cover. The differences between conditions that are compensable and those that are not will be extremely difficult to define. We want the Act to be streamlined, but the clause as it stands will lead to frustrations, delays, confusion and expense to all concerned and may endanger the spirit of the Act. Also, it could operate to the disadvantage of the workman.

Dr. TONKIN: I should have thought that, after the second reading debate, it would be obvious to the Minister that an unworkable system will arise if a disease is covered without any qualification. If the Government wants to introduce a full-time sickness and accident cover, it should say so and take that action openly. The crux of the matter is: when does a disease commence? It cannot be said that a disease commenced at, say, 5.35 a.m. on a Monday morning. It is easier to work out when a pregnancy commenced than to work out when someone contracted influenza. In fact, I am not sure that pregnancy does not come within the provisions of this Bill!

The Hon. D. H. McKee: It's not an industrial accident.

Dr. TONKIN: If someone reported pregnancy and said that it had occurred while she was at work or on the way to or from work, it could come under this clause. We are covering every disease. Provided a person reports sick with the disease at work, presumably that person is eligible for compensation. The Minister's proposal deserves to be laughed out of the Chamber. A family of children may suffer from chicken pox. The same virus that causes chicken pox can, and frequently does, cause shingles in adults. The incubation time for measles and shingles is about 14 or 16 days, but the infectious period in the case of children with chicken pox is while the lesion is weeping, and contagion can occur then. During about three or four days, a person can contract chicken pox. I cannot see that anyone who contracts a disease at home should be entitled to compensation at work, when work has nothing to do with it. I shall be reassured if the Minister can convince me that the provision in the Bill is not intended to mean what I have said it means; I shall be even more assured if he can suggest something that means what we want it to mean.

Mr. MATHWIN: I support the amendment. It is impossible to interpret the definition of "disease", and under the present provision there will be many appeals, placing the worker in dire straits because he will have to await the outcome of his appeal. The provision must be fair to all sections, whereas at present it is not fair to the employer, and in the long run I do not think it will be fair to the worker himself. The existing provision in the Act is adequate, the workman being covered from the time he leaves home to when he arrives at work, performs his duties, and eventually returns right to his front gate. I am concerned about the retrospectivity provided in the Bill. In some cases an X-ray has shown a deformity that has been present since the adult was a child. Such considerations as this make retrospectivity a difficult proposition.

Mr. DEAN BROWN: If this clause is passed, sick leave will be a thing of the past in South Australian industry because, under clause 4 and a subsequent clause, no person in his right mind would take sick leave when he could take compensation. This Bill puts workmen's compensation into the realm of the unknown and creates uncertainty. Insurance companies will have to increase premiums by 100 per cent. Insurance executives have told me that they expect insurance premiums to increase by at least 100 per cent. Such protection as this will contribute to an increase in premiums. The Minister should respect the medical opinion of the member for Bragg and realize the shortcomings of this clause. I believe the Minister will concede the points raised by the member for Torrens and the member for Bragg. He should look at the clause in this new light and accept the provisions in the existing legislation, which has worked so well.

The Hon. D. H. McKEE (Minister of Labour and Industry): I oppose the amendment. The honourable member seems to be going to extremes in respect of what this Bill really means. Certainly, it means full cover for people who have suffered injuries at work and who suffer from industrial diseases. The new definition of "injury" which the amendment seeks to delete from the Bill has been included because the present definition limits the injuries in respect of which compensation can be paid. The statement by the member for Davenport was utterly irresponsible. If the honourable member respects doctors, he would realize that they are responsible for issuing certificates to employees. We have had numerous requests from the trade unions and the court, especially from the judges of the court who are highly respected people in this field. They have said that the present definition of "injury" is not working satisfactorily, so we have inserted this provision in the Bill. For those reasons I oppose the amendment.

Mr. COUMBE: I had hoped to hear from the Minister a reasonable explanation of his opposition to my amendment, but I have been disappointed. The Minister referred to judges of the court, but he ignored the arguments put by members on this side. The Minister surely can be expected to advance a reasonable argument in rebuttal of the arguments put forward by this side. I believe that the Act is correct as it now stands. The amendment will produce delays in court to the detriment of the worker.

Dr. TONKIN: The Minister is in a dilemma. I believe the new provision has been devised, as the Minister said, to deal with cases of injury arising at work. How does one assign a causal relationship between employment and a coronary? Does it have to be a temporal relationship? I believe there must be a causal and a temporal relationship. By and large, these difficulties which occur every

so often mean that the benefits to be obtained by changing the legislation in this way, allowing for periodic difficulties, will be far outweighed by the tremendous difficulties that will arise by virtue of the common diseases.

Influenza and upper respiratory infections are extremely common causes exacerbating a condition. The provision in the Bill means that the person getting the flu goes through an incubation period, returns to work, and then collapses at work because he is not capable of working. Under clause 4 he is entitled to compensation. The Minister has in no way dealt with this criticism. There may be a way out of this difficulty, and I want to try to find it. There may be wording that can cover coronary diseases and such things as back injuries, and there could be a way of getting over the present difficulty. This proposal could lead to much difficulty because the words "arising out of or in the course of" may cause many problems in this regard. If a person goes down with influenza at work, he will be eligible for compensation. I suggest that the Minister report progress in order to seek advice on this matter of diseases. If he will not seek advice, I have no option but to support the amendment as strongly as I can, because that is the only responsible thing to do.

Mr. DEAN BROWN: The Minister said several judges explained to him that the definition in the principal Act was not suitable, because it causes uncertainty. Did the same judges recommend the definition now included in the Bill, and can the Minister indicate the names of these people?

The Committee divided on the amendment:

Ayes (17)—Messrs. Allen, Arnold, Becker, Blacker, Dean Brown, Chapman, Coumbe (teller), Eastick, Goldsworthy, Gunn, Mathwin, McAnaney, Nankivell, Russack, Tonkin, Venning, and Wardle.

Noes (22)—Messrs. Broomhill and Max Brown, Mrs. Byrne, Messrs. Corcoran, Crimes, Duncan, Groth, Harrison, Hopgood, Jennings, Keneally, King, Langley, McKee (teller), McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Pairs—Ayes—Messrs. Evans and Rodda. Noes—Messrs. Dunstan and Hudson.

Majority of 5 for the Noes.

Amendment thus negatived.

Mr. CHAPMAN: I move to insert the following new paragraph:

(*ea*) by inserting after the definition of "member of family" the following definition—"ordinary pay" in relation to a workman means remuneration for the workman's normal weekly hours calculated at his ordinary time rale of pay and where a workman is provided with free board or lodging by his employer includes the cash value of that board or lodging as provided by the industrial award or agreement under which he is paid or if such value is not provided by any award, as provided by the terms of his employment and includes any allowance paid in lieu of sick, annual or long service leave, and any payment by way of regular overtime, but does not include any other premium loading or allowance of any other kind.

Several subsequent clauses will be affected when this amendment is favourably considered. A fair and adequate workmen's compensation is not only desirable but also necessary for the welfare of every workman and his family whilst he is off from his work injured, causing partial or total incapacity. When attempting to protect the interests of the workman, it must be borne in mind that the interests of the employer are also at all times to be fairly and responsibly considered. I have been told that tariff insurance companies conduct more than 80 per cent of the insurance business in South Australia, and 52 per cent of workmen's compensation payments are paid in the form of weekly compensation or lump-sum payments in lieu thereof. The other 48 per cent falls into about 10 separate categories, including payments for death, maims, doctors' fees, dental fees, hospital charges, ambulance charges, common law claims, and so on.

Recently, when checking the effects of the Bill, I spoke to Mr. Hopewell, of the Fire and Accident Underwriters Association, of 46 Currie Street, Adelaide, who said that, if the Government's Bill were carried in its present form, workmen's compensation insurance premiums could be expected to increase across the board by at least 100 per cent. I am satisfied that the estimates given along these lines by other members on this side have now been substantiated by someone directly involved with insurance companies. It is therefore reasonable to watch this aspect because, in the main, employers will attempt to pass on to the community at large all increased premiums.

The existing formula by which weekly compensation is derived and paid is unfair and inadequate. However, with our wide field of industrial workers and, accordingly, their wide range of awards, it is extremely important to adopt a sound and simple formula for the purpose of calculating workmen's compensation in future. As a| basis and foundation for that formula, I have chosen to define "ordinary pay". We recall and appreciate the commitment the Government has to the public, particularly with regard to the Premier's statement in his policy speech before the last election that workmen's compensation would ultimately represent a worker's normal wage.

I respectfully remind members that *Roget's Thesaurus* and the Oxford and Chambers dictionaries state that "normal" means "ordinary", and vice versa. Having established the basis, I believe it is important to encompass in the formula all. other relevant points that will ultimately return to the worker his ordinary net income while he is injured and incapacitated, having due regard to the fact that he should not at any Lime encounter financial embarrassment as a result of injury or sickness caused by his employment.

At the same time, a workman's return from compensation should never be more financially attractive while he is injured than his net pay would have been during the ordinary course of his employment. For that reason, in no circumstances must premium loadings, travelling and camping allowances, and so on, be taken into account when deciding the compensation payable while the workman is injured and away from work. In my amendment, I refer to board and lodging because certain awards provide alternative keep arrangements for employees who choose to reside on the site of the industry. For the protection of that industry and in cases where board and lodging is a component of this award, the workman must retain the cash value of this as part of his ordinary pay. I have also referred in the amendment to sick leave, long service leave and annual leave. At no time should an injured employee have his pay, while he is sick or on annual or long service leave, placed in jeopardy as a result of injury received in his employment. The provision for payment in lieu thereof must be preserved.

I have recently considered the matter of regular overtime. Until yesterday, I was not willing in any circumstances to have overtime included in the calculations of a man's ordinary pay when determining the workman's compensation to be paid to him. However, I have now included regular overtime as a part of ordinary pay. Let it be clearly understood that regular overtime (and I believe this has been defined recently by Commissioner Leane) is overtime, which is recognized by the parties

concerned, in certain specific forms of employment. It is overtime performed by employees on a strictly regular basis, and in no way should this be confused with intermittent or isolated overtime involvements by other employees.

The industrial relationship between employers and employees is subject to much improvement in the interests of Australian industry. Workmen's compensation is not and should never be a political football. This occasion presents a classic opportunity for this Parliament to demonstrate a responsible stand in the interests of the nation's industrial harmony and the economy. I realize that mine is a test amendment, preparing the way for another amendment. For the reasons I have outlined and in an effort to protect employers and employees while providing a fair and adequate workmen's compensation formula, I ask members to support the amendment. As I believe that the Minister has demonstrated a responsible and reasonable attitude during the debate on this matter, I look forward to his support of my definition of "ordinary pay".

The Hon. D. H. McKEE: Our commitment is to the average weekly wage. Although this amendment is only to add a definition, its purpose is to limit the weekly amount of compensation payable, while a workman is temporarily incapacitated, by excluding all loadings and penalty rates. I must therefore oppose it.

Mr. ARNOLD: I am surprised that the Minister has taken the stand he has on this amendment, because I believe that the member for Alexandra has submitted a soundly based and well reasoned argument. This Government is always saying that it has a mandate for this and that, and the Government has a mandate in respect of ordinary or normal wages. That was the expressed statement in the Premier's policy speech, but now the Government wants to alter that statement completely. I should have thought that the Premier's pre-election statement would be embodied in the Bill, but that is not so, and I am greatly disappointed at this irresponsible action of the Government.

Mr. MATHWIN: I support the amendment. I have a pamphlet containing a log of claims from the building construction workers. One of the aspects of the pamphlet is full pay on workmen's compensation—not average pay. Therefore, the building workers, who are a fairly militant group, are asking only for full pay.

Mr. RUSSACK: I support the amendment and the comments of previous speakers on it, especially the member for Alexandra. When presenting legislation such as this, the Government should take a lead. Only last month a nursing sister, employed at a Government hospital on night duty, had a car accident and then had to refund money when she was placed back on ordinary time, even though she was on night duty at the time of the accident. She was reduced to the lower rate of pay even though she was in a Government hospital.

Regarding the payment of long service leave in the private sector, in accordance with legislation supported by a Labor Government long service leave is payable after seven years, although in the Railways Department an employee is not eligible for long service leave until he has served for 10 years.

Mr. GOLDSWORTHY: This is an eminently fair and reasonable amendment. With this amendment, the Bill would mean a great improvement in workmen's compensation for injured workmen. The only thing excluded by the amendment is the payment over and above the workman's normal wage. He should not be entitled to such over-award payments if he were at home sick. I see no logical grounds for opposition to the amendment.

The Committee divided on the amendment:

Ayes (17)—Messrs. Allen, Arnold, Becker, Blacker, Dean Brown, Chapman (teller), Coumbe, Eastick, Goldsworthy, Gunn, Mathwin, McAnaney, Nankivell, Russack, Tonkin, Venning, and Wardle.

Noes (22)—Messrs. Broomhill and Max Brown, Mrs. Byrne, Messrs. Corcoran, Crimes, Duncan, Groth, Harrison, Hopgood, Jennings, Keneally, King, Langley, McKee (teller), McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Pairs—Ayes—Messrs. Evans and Rodda. Noes—Messrs. Dunstan and Hudson.

Majority of 5 for the Noes.

Amendment thus negatived.

Mr. COUMBE: I move:

In paragraph (*g*), after the definition of "the repealed Act", to insert "and".

This is a test case and, if this amendment is carried, I will move to strike out paragraph (*i*), which deals with subcontractors, whom the Bill deems to be workmen. This is a completely new concept and cuts across a long-established principle. The Bill extends the employer's responsibility beyond what is fair and reasonable. For the first time, individual persons, whether they like it or not, will be employers and, if they have someone working around the house, they will have to take out workmen's compensation insurance policies. We know the Government's hatred of the subcontracting system, and the Government has included the provisions because of that hatred. It takes in a new class of worker and this could have a dire effect on industries. In addition, many people will not know of the liability imposed and will be involved in additional expense. I refer particularly to the small persons.

Mr. CHAPMAN: I support the amendment. Every law has a design and carefully prepared basic intent, and I do not accept the idea that the Workmen's Compensation Act was introduced to protect the interests of people other than workers. I do not support workmen's compensation cover for contractors or subcontractors, because they can protect themselves in their own right.

Mr. GUNN: I support the amendment, as the existing clause will completely destroy the fundamental master-servant concept that has always been involved in workmen's compensation legislation. In the last few years there has been a tendency in many industries to turn to the contracting and subcontracting system, because this has proved to be the most efficient and economical way of getting work done. A person on a farm should not be responsible for workmen's compensation in regard to a father and son who had come on to his property, say, to carry out fencing work or to construct a dam. Surely a person who goes into business on his own accepts the responsibility of looking after himself. The Labor Party is trying to enforce compulsory unionism. I know that I am getting wide of the mark, and I do not want to transgress Standing Orders.

The CHAIRMAN: Order! The honourable member for Eyre answers his own remarks. The Labor Party and unions have nothing to do with this clause, and I ask the honourable member to confine his remarks to the amendment and the clause.

Mr. GUNN: If the amendment is carried, it will preclude the moving of foreshadowed amendments. This debate has so far proceeded on a high plane and with

an air of compromise, so I hope the Minister will accept the amendment.

The Hon. D. H. McKEE: We are after the person who is employed by a subcontractor (the piece worker). I oppose the deletion of the existing provision in the Bill which has been included to enable regulations to be made so that contractors who personally perform work can be deemed to be workmen for the purposes of the Act. I intend to move an amendment to this new subsection which I hope will be acceptable to the Opposition.

Mr. MATHWIN: I support the amendment. I know many subcontractors, all of whom cover themselves through insurance and, if they have anyone working for them, they must insure that person against injury, etc. I believe that the existing legislation is sufficient.

Mr. CHAPMAN: In respect of this clause, will the Minister say what is his interpretation of "subcontractor"?

The Hon. D. H. McKEE: I thought I clearly explained that but, as I have said, I intend to move an amendment which I think will be accepted by members and which I believe will enable regulations to be introduced defining the type of person we are seeking to cover.

Mr. EVANS: If I were building a house and employed subcontractors, such as a bricklayer and a tiler, under the Bill I would be classed as an employer and would have to insure those people. The Minister has said that he will introduce regulations to define a subcontractor who he considers should be exempt. I am concerned because this is one industry that can ill afford a massive increase in cost. The member for Elizabeth has been heard to say that we could eliminate subcontractors, but I do not believe we should do anything that will tend to eliminate them. Their services have kept down the cost of housing. These people are content to work their own hours and to work as hard as they wish, without being tied, to a boss, and at the same time they have the option of working as day workers. There is the opportunity in this State to do day work at present, but these people desire to be subcontractors. However, if they are not permitted to be subcontractors, the building industry will suffer. How will the Minister classify which workmen will be subcontractors and which will be employees?

Mr. CHAPMAN: I am disappointed at the Minister's failure to explain what is meant by a subcontractor. I believe he is hiding behind the proposed regulations. The word "and" (the subject of the amendment) represents "a" for arrogance, "n" for naivete, and "d" for the dictatorial attitude with which the Government is bulldozing this Bill through.

Amendment negatived.

The Hon. D. H. McKEE moved:

In new subsection (1a) to strike out "and the amount paid or that would have" and insert:

> and for the purposes of ascertaining the average weekly earnings of that contractor or each of those contractors the weekly earnings of that contractor or each of those contractors shall be deemed to be the rate of pay provided for by the industrial award or agreement, if any, applicable to a person employed or engaged in the same class of employment performed by the contractor or contractors in respect of the average number of hours worked by that contractor or contractors during the period in relation to which the average weekly earnings of the contractor or the contractors are to be ascertained and in any case where there is no such industrial award or agreement applicable, the average weekly earnings of the contractor to each of the contractors shall be ascertained in a manner determined by the court.

Mr. COUMBE: In all fairness, the Committee is entitled to an explanation of the Minister's amendment. He has not said why he is moving it. I see what the Minister is trying to achieve. Having had my amendment defeated on the numbers, I accept this amendment reluctantly as an alternative: it is better than nothing. The operative words are "rate of pay provided for by the industrial award or agreement". Those words are the nub of the whole matter. They mean that this provision will apply to various categories. The Minister wishes to rely on the proposed regulations but I would have preferred these categories to be included in the legislation so that members could see what was intended.

Mr. CHAPMAN: I support the comments of the member for Torrens. This is a classic example of regulations being used to implement the Government's wishes. I refer to the words "average weekly earnings of that contractor". Over what period are these to be calculated? Will it be over, say, a period when five contracts are involved, bearing in mind that these five contracts may have covered all types of work with different awards applying? These different types of work come under different categories. This is a complex situation. What does the Minister mean when he says "the contractor shall be paid on his average weekly earnings"? What is the period in respect of the calculation of average weekly earnings when multiple types of work under various awards are involved?

The Hon. D. H. McKEE: The payment of average weekly earnings is one of our main commitments in respect of this legislation. We have tried to include subcontractors, piece-workers, and others who will receive an average weekly earning rate applicable under the award in the industry in which the man works. The workmen's compensation for a bricklayer would be assessed for that person working for a weekly wage or for a daily rate. If the average rate of pay for a bricklayer was $100 a week, that would be his average weekly earnings; a subcontractor could be earning $300 a week but in his case compensation would be based on the wage applicable to the industry in which he was engaged.

Mr. CHAPMAN: If a man takes up employment with an employer claiming to be a subcontractor in any trade, whether or not he has had experience in that trade, and becomes injured, can he claim the average weekly earnings applicable to that trade? Is this legislation so loose as to allow that to occur?

The Hon. D. H. McKEE: I doubt that, if he was an individual who wanted subcontracting work, he would accept that type of work unless he was earning $300 to $400 a week, in the present circumstances. We are looking at the person employed by the subcontractor. Individual persons who drift from one small job to another would be difficult to cover.

Mr. Chapman: Of course. That is why you must tie it up.

The Hon. D. H. McKEE: Where a man was employed by a principal employer, that employer would be obligated to cover him by workmen's compensation and he would get what the court considered was a fair and reasonable average weekly earning.

Mr. CHAPMAN: Surely it is not suggested that in each individual case we are dependent on the court. It has nothing to do with the court. This Bill is designed to allow—

The Hon. D. H. McKee: Are you telling me that you as an employee would not challenge the matter in the court? Come off it!

Mr. CHAPMAN: It is important that this legislation be clear and plain so that the employer and employee can understand it. The Minister is now suggesting that some

complicated case that may be difficult to deal with can be handled by regulation. The whole object of preparing legislation to amend an Act is to improve it. This clause provides an open coverage for any employee in any circumstances, and it only complicates this Bill. I am disappointed that the Minister, who has his own knowledge, the knowledge of the front bench, and the knowledge of the departments, has not produced a better way to improve this legislation. He is complicating it to a point where I do not believe he understands it himself.

Mr. MATHWIN: I oppose the amendment; it will not work. I cannot see how regulations can be made, according to this amendment. Some subcontractors do odd jobs for school committees and similar organizations, and it would be impossible to provide for them in regulations. It would be most difficult to calculate weekly earnings of people doing odd jobs. Employees of subcontractors are covered anyway.

Amendment carried.

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

In new subsection (1a) to strike out "been payable to the contractor or to each of the contractors in respect of that work, less the amount of any expenditure incurred or that would have been incurred by the contractor or each of the contractors in the performance of that work, shall be deemed to be the earnings of that workman or each of those workmen in the work."

This is consequential on the previous amendment.

Amendment carried; clause as amended passed.

Clause 5—"Compensation for death or incapacity in certain circumstances."

Mr. COUMBE: I oppose this clause, because the Minister will not get the effect he wants by including it in the legislation. Under the provisions of the 1971 Act, death or incapacity resulting from a work injury is compensable, and that Act provided the linkage that the Minister is now seeking to insert. The words "results from" have received extremely liberal interpretations from courts in recent years, and workmen have benefited from these interpretations. Therefore, this clause is unnecessary, because courts should determine the link between the work injury and any subsequent incapacity or death. If there is no such link, why should compensation be payable? By this provision we are creating uncertainty in a situation in which, under the principal Act, the matter is fairly defined. The existing provision is better for all concerned, particularly the workman.

The Hon. D. H. McKEE: The purpose of this clause is to enable a workman who now does not have any claim to make a claim—

Mr. Venning: Unfairly.

The Hon. D. H. McKEE: I expect that sort of interjection from the honourable member, because he is always anti-worker. It gives a workman a right of action where it can be established that an injury at work was the cause of a recurrence that subsequently resulted in his death or permanent incapacity. Under present legislation the workman's wife and family have no claim. Therefore, I ask the Committee to retain this clause.

The Committee divided on the clause:

Ayes (22)—Messrs. Broomhill and Max Brown, Mrs. Byrne, Messrs. Corcoran, Crimes, Duncan, Groth, Harrison, Hopgood, Jennings, Keneally, King, Langley, McKee (teller), McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Noes (19)—Messrs. Allen, Arnold, Becker, Blacker, Dean Brown, Chapman, Coumbe (teller), Eastick, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse, Nankivell, Russack, Tonkin, Venning, and Wardle.

Pairs—Ayes—Messrs. Dunstan and Hudson. Noes—Messrs. Evans and Rodda.

Majority of 3 for the Ayes.

Clause thus passed.

Clauses 6 to 9 passed.

Clause 10—"Penalty amount for late payment under a registered agreement."

Mr. COUMBE: I move:

In new section 37a (1), after "agreement" third occurring, to insert "unless the court directs otherwise"; and to insert the following new subsection:

(2a) Where the court is satisfied that failure to pay the lump sum referred to in subsection (1) of this section within the period of fourteen days as required by that subsection was not occasioned by the wilful delay or neglect of the employer or his insurer the court may direct that the penalty amount otherwise payable pursuant to that subsection shall not be so payable and this section shall have effect accordingly.

These amendments deal with the wilful delay of an employer with regard to a lump-sum payment. The provision I want to insert will provide a defence to an employer if the delay was caused by his sheer inadvertence.

The Hon. D. H. McKEE: I oppose these amendments. The purpose of this clause is to solve problems that have been faced by injured workmen because employers have delayed in making payments which they have previously agreed to make. As there does not appear to be any necessity for the amendments, I ask the Committee to vote against them.

Amendments negatived; clause passed.

Clauses 11 to 13 passed.

Clause 14—"Certain appeals to be heard by Full Industrial Court."

Mr. COUMBE: This provision refers to appeals in cases where an injury occurred before the commencement of the legislation. Can the Minister clarify what it means?

The Hon. D. H. McKEE: It is purely procedural. Where the recurrence of an injury causes incapacity or death, compensation will be recoverable under this provision.

Clause passed.

Clause 15 passed.

Clause 16—"Amount of compensation when workman dies leaving dependants."

Mr. GUNN: Under this provision, in the event of the death of an employee, a dependant may be granted $25 000. Would that sum be included as part of the estate, thus attracting State succession duties or Commonwealth estate duties?

The Hon. D. H. McKEE: No.

Mr. COUMBE: I move:

After paragraph (*e*) to strike out "and"; and to insert the following new paragraph:

(*g*) by inserting immediately after subsection (7) the following subsection:

(8) Where—

(*a*) the death of a workman referred to in subsection (1) of this section occurred before the commencement of the Workmen's Compensation Act Amendment Act, 1973, the preceding provisions shall apply and have effect as if that Act had not been enacted; and

(*b*) the death of a workman referred to in subsection (1) of this section occurred on or after the commencement of the Workmen's Compensation Act Amendment Act, 1973, the preceding provisions of this section as amended by that Act shall apply and have effect whether or not the injury as a result of which he died occurred before, on or after that commencement.

The purpose of the main amendment is to clear up the question of retrospectivity and to eliminate the confusion that has been evident.

Mr. CHAPMAN: Will a lump sum paid to a deceased worker's widow be subject to income taxation?

The Hon. D. H. McKEE: No.

Amendments carried, clause as amended passed.

Clause 17 passed.

Clause 18—"Compensation for incapacity."

Mr. COUMBE moved:

To strike out paragraphs (*a*), (*b*) and (*c*) and insert the following new paragraph:

(*a*) by striking out subsection (1) and inserting in lieu thereof the following subsection:

(1) Where total or partial incapacity for work results from the injury, the amount of compensation shall, subject to subsection (5) of this section, be a weekly payment during the incapacity of an amount equal to the full pay that the workman would but for the incapacity have earned in his employment.

The Hon. D. H. McKEE: I oppose the amendment and, with one exception, I do not agree to the other amendments to be moved to this clause. The first of the amendments would limit the amount of compensation payable to an injured workman. The Bill provides for payment to be of average weekly earnings, whereas the combined effect of this and subsequent amendments would reduce the amount payable to exclude regular overtime payments a workman had received.

Amendment negatived.

Mr. COUMBE moved:

In paragraph (*f*), in new paragraph (*b*), to strike out "or such greater amount as is fixed by the court having regard to the circumstances of the case".

The Hon. D. H. McKEE: For reasons that I have already given, I oppose the amendment.

Amendment negatived.

Mr. COUMBE moved:

In paragraph (*h*) to strike out "subsection" and insert "subsections"; and to insert the following new subsection:

(7) In this section "full pay" means any payment, allowance or benefit received by the workman in his employment other than any payment by way of overtime.

The Hon. D. H. McKEE: Because these amendments are consequential on amendments that have already been negatived, I oppose them.

Amendments negatived.

Mr. COUMBE: I move:

In new subsection (7) to strike out "subsection (4) of this section" and insert "this Act".

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

Amendment carried.

Mr. CHAPMAN: Does this provision mean that, if an employee works two days in the week, he will be paid two-fifths of that week's average earnings? If this is so, why is it not set out clearly in the Bill, or is there some reason why it is cluttered up in the form in which it is?

The Hon. D. H. McKEE: It defines a fraction of the average weekly earnings; there is no secret about it.

Mr. CHAPMAN: In new subsection (5), what is meant by "immediately" in the phrase "average weekly earnings of that workman immediately before that incapacity occurred"? Does it mean the average weekly earnings of the week during which the workman was incapacitated or the average weekly earnings of the other 51 weeks of the full year?

The Hon. D. H. McKEE: It means that particular day.

Clause as amended passed.

Clause 19 passed.

Clause 20—"Weekly payments."

Mr. COUMBE: I move:

In new subsection (1) after "qualified medical practitioner" to insert "together with an assertion in the prescribed form that the workman believes himself entitled to compensation in respect of that incapacity".

There have been problems in the past about choosing between the various types of prescribed document, whether it be a sickness benefit form or a workmen's compensation application form. If my amendment is accepted, it will clarify the position.

The Hon. D. H. McKEE: As the amendment is a reasonable one, I accept it.

Amendment carried.

Mr. COUMBE: I move to insert the following new paragraphs:

(*aa*) by striking out from subsection (2) the passage "two weeks" and inserting in lieu thereof the passage "fourteen days";

(*ab*) by inserting in subsection (2) after the passage "application of that subsection" the passage "and of subsection (3a) of this section";

(*ac*) by striking out from paragraph (*a*) of subsection (3) the passage "subsection (1) of" twice occurring;

(*ad*) by inserting in paragraph (*a*) of subsection (3) after the passage "effect accordingly" the passage "but no modification of the application of this section shall have effect so as to render a penalty amount under this section payable in respect of any period during which the operation of subsection (1) of this section was, pursuant to subsection (2) of this section, suspended";

(*ae*) by striking out from paragraph (*b*) of subsection (3) the passage "subsection (1) of";

(*af*) by striking out from paragraph (*b*) of subsection (3) the passage "that subsection" and inserting in lieu thereof the passage "this section,".

This amendment improves the Bill and the drafting of it. It will also improve the administration of the Act in the courts, insurance offices, and lawyers' offices. Further, the amendment will protect both parties.

The Hon. D. H. McKEE: This is a consequential amendment and the Government accepts it.

Amendment carried; clause as amended passed.

Clause 21—"Holidays, long service leave and annual leave."

Mr. COUMBE: As I have said, under this clause a man could receive double pay, and that is completely wrong in principle and application. These entitlements, especially annual leave and long service leave, are taken at present when the workman returns to work. Under the clause, if a man was absent on workmen's compensation on a public holiday, he would receive payment for that day (as he should do) but would also be paid for the public holiday. The practice that I have adopted is to add the payment on when the man returns to work. It is wrong in principle that a man absent on workmen's compensation should receive more than his mates who are working, and I oppose the clause on principle.

The Hon. D. H. McKEE: We support the clause on principle. This is the Government's policy. We do not consider that annual leave or sick leave entitlement should be ordered by an employer to be taken while a person is suffering from incapacity for work.

The Committee divided on the clause:

Ayes (22)—Messrs. Broomhill and Max Brown, Mrs. Byrne, Messrs. Corcoran, Crimes Duncan, Groth, Harrison, Hopgood, Jennings, Keneally, King, Langley, McKee (teller), McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Noes (19)—Messrs. Arnold, Becker, Blacker, Dean Brown, Chapman, Coumbe (teller), Eastick, Evans,

Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse, Nankivell, Russack, Tonkin, Venning, and Wardle.

Pairs—Ayes—Messrs. Dunstan and Hudson. Noes—Messrs. Allen and Rodda.

Majority of 3 for the Ayes.

Clause thus passed.

Clause 22 passed.

Clause 23—"Partial incapacity to be treated as total."

The Hon. D. H. McKEE moved:

To strike out all words after "is" first occurring, and insert "repealed and the following section is enacted and inserted in its place:

67. For the purposes of determining the amount of weekly payments provided for by section 51 of this Act, partial incapacity for work shall be treated as total incapacity for work except—

(*a*) during any period in respect of which the employer proves that work for which the workman was fit was made available to the workman by the employer; or

(*b*) during any period in respect of which the employer proves—

(i) that it was not reasonably practicable for the employer to make available to the workman work for which the workman was fit;

and

(ii) that such work was available to the workman elsewhere."

Mr. COUMBE: By moving this amendment, the Minister is apparently taking heed of some of the comments made during the second reading debate, when reference was made to the heavy onus placed on employers in relation to a workman who returns to work after sustaining an injury. This is a reasonable amendment. It is certainly better than the clause as drafted, to which I objected very strongly, as the Minister will recall. The Bill altered the wording very radically from what was in the Act. The effect of this amendment is, while still retaining the onus on the employer, which is fair and reasonable, at the same time to place some onus or responsibility on the workman so as to stop the frivolous claims. I believe this is certainly an improvement on the original Bill, and it is acceptable.

Amendment carried; clause as amended passed.

Clause 24 passed.

Clause 25—"Fixed rates of compensation."

Mr. COUMBE: I move:

In new subsection (9a) to strike out "referred to in" and insert "in respect of which compensation is payable pursuant to".

I believe this is consequential on other amendments and certainly an improvement in the draftsmanship, having a beneficial effect on the Bill.

The Hon. D. H. McKEE: The amendment is accepted by the Government.

Amendment carried; clause as amended passed.

Clause 26 passed.

New clause 26a—"Lump sum in redemption of weekly payments."

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

26a. Section 72 of the principal Act is amended by striking out subsection (2).

New clause inserted.

Clause 27 negatived.

Clause 28—"Liability independently of this Act."

Mr. COUMBE: I move:

After "striking out" to insert "paragraph (*a*) from"; and after "subsection (4)" to insert "and inserting in lieu thereof the following paragraph:

(*a*) after the workman has expressly agreed not to bring any proceedings against the employer in respect of such injury independently of this Act and that agreement has been incorporated in a judgment of the Court;"

I gave notice in the second reading debate of my intention to move these amendments. The acceptance of the amendments will solve the problem which has shown up in the Bill whereby agreements reached between the parties concerned (that is, consent arrangements) could not be effectively consummated. The present provision would inhibit the working of consent arrangements and would not benefit both parties. My amendments would be an advantage.

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

Amendments carried: clause as amended passed.

Remaining clauses (29 and 30) and title passed.

Bill read a third time and passed.

SNOWY MOUNTAINS ENGINEERING CORPORATION (SOUTH AUSTRALIA) ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 5.54 p.m. the House adjourned until Wednesday, November 21, at 2 p.m.